

STORY 3

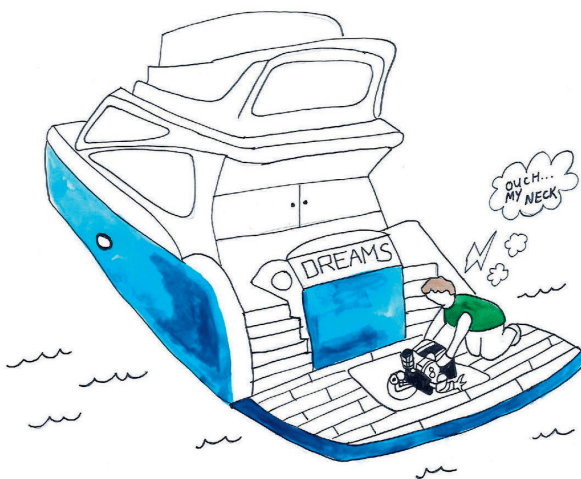
Back Injury caused by Heavy Engineering Load Lowering Task

Compensation: £160,980

Mr. Goddard, a 38 year old Engineer had been employed by *Fine Ships Ltd* for 3 years. He was previously a Self-Employed Car Mechanic but wanted a more secure income as he was experiencing increasing 'back problems' causing him significant lost income during his last 2 years working as a Mechanic. His role at *Fine Ships Ltd* involved maintenance of Clients' yachts at Marinas across the south coast of England. This part of his role involved long periods of driving each week; up to 3 hours each day. His role also included around 15 hours each week at their factory in the manufacture of the Company's yachts.

The Task

The task that initiated the Back Injury involved lowering a 30kg engine part into the engine compartment. It involved kneeling on both knees and forward bending to lower the engine part below the level of the yacht's rear platform floor. This was performed each week in his role, generally 2 times.



Background

There was growing resentment amongst Engineers that they hadn't been supplied with a hoist to lower the 30kg engine part. A few colleagues had gone off work due to '*back strains*' that they felt this task had caused. Mr. Goddard had been suffering from what he described as '*on-off*' sciatica for a few months. He had consulted his GP who diagnosed '*lumbago*', prescribing Co-codamol and Aspirin.

The Injury

One morning at a Marina, after a 90 minute journey in the work van, Mr. Goddard had the same task with what he called '*an important Client's*' yacht. He had to carry the 30kg part from his van a distance of 50 metres, up and down steps. Onboard the yacht he felt a shooting pain down this left leg. He took some painkillers and got on with the job. He installed the engine part but had problems fitting it. He came up straight whilst on his knees and felt what he described as '*an explosion in my back*'. An ambulance was called as he could not walk. He was taken to the A&E department where he was immediately sent for a MRI scan. The scan revealed he had prolapsed his L5/S1 disc which was severely compressing his spinal cord. The Neurologist examining him ordered immediate decompression surgery. The Orthopaedic Consultant removed the L5/S1 disc and performed a multilevel spinal fusion, fusing Mr. Goddard's L4, L5 (lumbar vertebrae) and sacrum with metal rods.

Making a Claim

Within a week from returning home after the surgery, Mr. Goddard had already received 3 letters from Solicitors offering their Injury at Work Claim services. They had heard of his accident from the local community where he lived. With the support of *South Coast Solicitors Ltd* Mr Goddard sued *Fine Ships Ltd* for damages for his Back Injury. In Court, *Fine Ships Ltd* acknowledged there had been an Injury at Work but pushed for a small payout as they argued Mr. Goddard already had a Back Injury through his medical records, as well as the fact they had provided task specific Manual Handling Training. *South Coast Solicitors* presented evidence in Court that this Training was not 'task specific' but had actually been performed in the warehouse. Not the manual jobs that Mr. Goddard performed in his Engineer role.

The Settlement (the Business Financial Loss)

The Judge awarded maximum compensation of £160,980 to Mr. Goddard. He concluded there was systematic failure from *Fine Ships Ltd's* Management in looking after the Health, Safety and Wellbeing of their employee. It was estimated by *South Coast Solicitors* that *Fine Ships Ltd's* legal fees would have been cost them circa £35,000.

The Human Loss

After meeting Mr. Goddard face to face, the human loss was extreme. For 3 years he has not been able to work. He is unable to take an active part in his little boy's sports. Golf was one of his favourite sports, and he is now consigned to watching it on TV. He used to play every Sunday. He feels he has a moderate alcohol addiction as drinking, he describes, '*numbs the pain*'. He feels ashamed that he can't provide for his family, as his Wife has to do extra shifts. In the first year from the payout, he took his family on their '*dream holiday*' to *Universal Studios* in California, although he couldn't enjoy it as he was in a mobility scooter throughout the two weeks. He is now under the same Orthopaedic Consultant as his lumbar disc above the fusion is now herniated. He says that further surgery is inevitable. He wishes he had never worked for *Fine Ships Ltd*.

My Conclusion

This is a classic case of what can happen when Manual Handling is not taken seriously. Yes, Mr. Goddard received a considerable payout. But as he has not worked for 3 years he said during my interview '*there is not a huge amount of it left*'. He has been left with a Back Injury that will **never** get better, only worse.

If *Fine Ships Ltd* had supplied a hoist at their Factory and at the Marinas they supplied Engineering Services to then the £160,980 they paid out (not including their Legal Fees) could have been used towards positive Business investments. In 2012, *Fine Ships Ltd* went into administration before being saved at the last minute by a Foreign Investment Group saving 150 jobs.

Injury at Work Claim Payouts

This chart can be viewed on the Legal Shark's website *LegalExpert.co.uk*. The URLs are:

www.legalexpert.co.uk/accident-at-work-claims/manual-handling-accident-claims

www.legalexpert.co.uk/how-to-claim/back-injury-claims

Tetraplegia/quadruplegia	(a) A typical injury of this nature may attract an award from somewhere around the middle of this bracket - the claimant will be fully aware of their condition	£324,600 to £403,990
General psychiatric damage	(a) Severe - Poor prognosis, and issues with relationships, capacity for work, and vulnerability in the future	£54,830 to £115,730
Back	(a) Severe - (i) When nerve roots and spinal cord are damaged, leading to consequences of an unusually serious nature	£91,090 to £160,980
Back	(a) Severe - (ii) Loss of sensation, mobility impaired, difficulties of a sexual nature etc.	£74,160 to £88,430
Back	(b) Moderate - (i) For example, the lumbar vertebrae being involved in a crush fracture	£27,760 to £38,780
Back	(b) Moderate - (ii) Damage to soft tissue or ligaments that causes or exacerbates an injury	£12,510 to £27,760
Back	(c) Minor - (i) When only 2-5 years are required for you to make a complete or almost complete recovery	£7,890 to £12,510
Back	(c) Minor (iv) - You will have recovered fully within a period of 3 months	£2,450 to £4,350
Ankle Injury	Very severe. Comes with severe pains and could only be corrected through surgery.	£50,060 to £69,700
Ankle Injury	Severe. Loss of function of the ankle with pain.	£31,310 to £50,060
Ankle Injury	Moderate. Enough to cause a lot of pain. May cause loss of function of the ankle temporarily.	£13,740 to £26,590
Ankle Injury	Minor. Small injury but enough to cause discomfort.	to £13,740
Knee Injury	Severe (i). Accident causes a shift in the knee bones. (Higher end of compensation is for most severe.)	£69,730 to £96,210
Knee Injury	Moderate (i). Dislocation that leads to waste to the joint	£14,840 to £26,190
Shoulder Injury	Severe. Dislocated shoulder as a result of the accident.	£19,200 to £48,030
Shoulder Injury	Serious. Temporary loss of function of the shoulder due to injury.	£12,770 to £19,200
Shoulder Injury	Moderate. Temporary loss of function of the shoulder but pain is limited.	£7,890 to £12,770