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Injured Trucker Gets New Lease on Life from \$140K Settlement

A tractor trailer owner/operator under a lease agreement with a trucking company was injured while making a delivery. The employer unilaterally determined that only one-third of the lease payment represented wages to the driver, and used this arbitrary percentage to calculate the driver's average weekly income, which in turn establishes the amount of compensation benefits to which an injured worker is entitled. Through litigation on behalf of the driver, the law firm of Liever, Hyman and Potter was able to establish that the lease agreement did not make such an apportionment. The judge agreed with the lawyers' calculation, which reduced the lease payment only by the amount of the driver's costs incurred so as to arrive at a more accurate calculation of average weekly wage. As a result of being able to increase the value of the average weekly wage, the claim was resolved for \$140,000.

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