When a Truck Accident Leaves Someone Unable to Work Again

Permanent Career Loss Can Change a Family's Financial Future

A serious truck accident can end a career even after surgery and rehabilitation are over. When recovery leaves lasting physical or cognitive limitations, the question changes from when the injured person will return to work to whether returning is possible at all.

For a construction worker, that may mean losing the ability to climb, lift, or operate equipment safely. For a nurse, it may mean being unable to assist patients through a full shift. For an accountant or manager, a brain injury may interfere with concentration, memory, and decisions that once came easily. The financial consequences can extend through the rest of a career.

A truck accident lawyer can pursue compensation for lost earning capacity when the evidence shows who caused the crash and that the injuries permanently limit the person's work. Proving that loss takes more than totaling missed paychecks. The claim must connect the injuries to the work the person can realistically perform and to the income and benefits they likely would have earned.

Our trial lawyers at Fried Goldberg, LLC work through these questions in catastrophic injury cases across the country, often as co-counsel. The medical, vocational, and economic evidence has to fit together, or the defense will find the gaps.

Key Findings

- **Lost Earning Power** – A worker who returns to lower-paid work can still have a substantial claim for the earning capacity the crash took away.
- **Sustainable Employment** – Doing occasional tasks at home doesn't prove someone can hold a job with a regular schedule, pace, and attendance.
- **Coordinated Evidence** – Medical restrictions, vocational analysis, and economic calculations work together to establish the loss and its value.
- **Beyond Salary** – Lost benefits, regular overtime, and supported career advancement can add significantly to a permanent career-loss claim.

When Returning to the Same Job Is No Longer Possible

A serious injury doesn't have to leave someone bedridden to end a career. A worker may regain enough mobility to drive short distances or manage personal care while remaining unable to meet the demands of a physically strenuous occupation. Another may appear physically recovered but struggle with headaches, slowed thinking, or unpredictable fatigue.

The relevant question is how the truck accident injuries affect the actual job. A lifting restriction may prevent a warehouse employee from handling inventory. Reduced hand strength may

interfere with a mechanic's tools. Difficulty concentrating may make safety-sensitive work inappropriate even when the person can perform individual tasks.

Temporary restrictions during recovery must also be separated from lasting limitations. Treatment records, the course of rehabilitation, and a supported prognosis help establish whether the worker's employment prospects have changed permanently. Neither an early optimistic prediction nor an initial inability to work should automatically decide the long-term assessment.

Lost Wages and Lost Earning Capacity Are Different Losses

Lost wages generally cover earnings missed because of an injury. Pay records, employer statements, and attendance information can establish what the worker would have received during an absence. That calculation usually starts with identifiable workdays, hours, and pay.

Lost earning capacity covers the injury's effect on the ability to earn money in the future. It can involve someone who can't work again, but it can also involve a person who returns to lower-paid work or can no longer pursue an established career path. The precise legal requirements depend on the state whose law applies.

Employment Situation After the Crash	Potential Economic Loss	Evidence That Can Help
The worker misses several months but returns to the same duties and pay	Past lost earnings during recovery	Payroll records, attendance records, and medical restrictions
The worker returns with permanently reduced hours	Continuing loss of earnings and possibly benefits	Work schedules, pay comparisons, and medical evidence
The worker moves from a skilled trade to lower-paid employment	Reduced future earning capacity	Vocational assessment, earnings history, and labor-market evidence
The worker returns at the same salary but can no longer earn regular overtime or advance	A possible reduction in total future pay	Overtime history, promotion criteria, and employer testimony
The worker can't sustain suitable employment	Loss of future earning capacity, including supported benefits	Medical prognosis, vocational analysis, and economic calculations

These categories aren’t automatic awards or separate amounts to add together. The evidence must establish each loss, and overlapping calculations must be reconciled so nothing is counted twice.

Being Able to Do Some Work Doesn’t Mean a Career Has Been Restored

Employment requires more than doing an activity once. Workers ordinarily must arrive consistently, keep an acceptable pace, complete tasks accurately, and keep performing through a scheduled shift. Pain, fatigue, cognitive limitations, or frequent treatment can interfere with each of those requirements.

A person who can sit through a brief appointment may be unable to stay at a workstation for hours. Someone who answers a few emails at home may need long breaks afterward. Activities performed at a self-selected pace don’t establish that the person can meet an employer’s expectations.

The same scrutiny applies to proposed alternative jobs. Calling a position “desk work” doesn’t establish that it fits the worker’s restrictions, qualifications, or ability to sustain attendance. The analysis should identify what the job requires and whether the person can reliably meet those demands.

How Medical Evidence Establishes Work Restrictions

A diagnosis identifies a condition, but it may not explain what that condition means for a job. A lost earning capacity claim benefits from medical evidence describing specific limitations, such as how long the person can sit or stand, whether lifting is restricted, how symptoms affect concentration, and whether the limitations are expected to continue.

Treating physicians and appropriate specialists can address the medical foundation for those restrictions. Depending on the injuries, evaluations may involve physical rehabilitation, neurological assessment, or other testing. A functional capacity evaluation can provide useful information, but its findings must be weighed against the broader medical record and the demands of the proposed work.

Medication effects, symptom flare-ups, and future treatment also deserve attention. An evaluation performed on a relatively good day may not capture recurring episodes that disrupt attendance. At the same time, an opinion supporting permanent work loss must account for credible evidence of improvement and explain the basis for its prognosis.

What a Vocational Expert Adds to a Truck Accident Case

A vocational expert evaluates how a person’s background and medically supported limitations affect employment opportunities. That work connects the medical evidence to practical questions about jobs, qualifications, wages, and the ability to stay employed.

Depending on the case, the evaluation may examine:

- **Preinjury Career Path** – Work history, credentials, responsibilities, and evidence of likely advancement.
- **Transferable Skills** – Whether existing experience translates into occupations the person can still perform.
- **Actual Job Demands** – The physical, cognitive, and attendance requirements of proposed employment.
- **Labor Market Conditions** – Realistic job availability and pay for someone with the worker's qualifications and restrictions.
- **Retraining Feasibility** – The cost, length, prerequisites, and practical likelihood of completing a new training program.
- **Sustainable Employment** – Whether the person can keep up with the necessary schedule, pace, and reliability.

The expert's conclusions should explain the reasoning behind the proposed options or the lack of options. A list of job titles provides little help unless those positions are tied to the individual's abilities and circumstances.

For attorneys developing the claim, the vocational analysis should identify the medical restrictions it relies on and address conflicting evidence. An opinion that overlooks a successful work attempt or assumes restrictions no physician has imposed can undermine an otherwise strong claim.

How Future Earnings and Employment Benefits Are Evaluated

An economist may use the medical and vocational evidence to estimate the financial consequences over time. The analysis can compare likely earnings without the injury against the person's remaining earning capacity. It should reflect the individual's employment history rather than assume every worker follows the same career pattern.

Relevant pay may extend beyond base salary. Consistent overtime, commissions, employer retirement contributions, and pension benefits can materially affect the loss when the evidence supports them and the governing law allows recovery. Promotions and wage growth need a reasonable foundation, such as performance history, an established progression, or relevant labor-market information.

Future-loss calculations also require attention to timing. Where the governing law requires discounting to present value, the calculation estimates the amount needed now to replace losses as they would occur in the future. It isn't simply current salary multiplied by the years left until retirement.

The assumptions should be transparent. Expected work-life, future growth, remaining earnings, and the treatment of benefits can significantly change the result. Economic losses must also be

coordinated with the other losses the injuries caused, so the presentation captures the full harm without duplication.

Proving Career Loss Without a Regular Paycheck

Self-employed workers and business owners can face added challenges because tax returns and business revenue don't necessarily reveal the value of their personal labor. A contractor's gross receipts, for example, may include materials, employee wages, and other expenses.

Useful evidence can include contracts, invoices, historical profits, canceled projects, and the cost of hiring someone to perform the injured owner's duties. The evaluation should separate losses caused by the injury from unrelated changes in business conditions. It should also separate the worker's services from investment returns or revenue that continues without those services.

Younger workers present a different issue. An apprentice, recent graduate, or person entering a skilled profession may not yet have earnings that reflect the career ahead. Education, training progress, credentials, and established job opportunities can support an individualized assessment without assuming an unproven future salary.

How Insurers May Try to Minimize Permanent Work Loss

A substantial earning-capacity claim can stay contested even when responsibility for the collision is clear. An insurer may agree that an injury occurred while challenging how much it affects future employment.

Disputes that come up when dealing with trucking insurance companies may include:

- **Proposed Desk Work** – Suggesting sedentary employment without fully addressing sitting tolerance, concentration, or attendance.
- **Variable Earnings** – Challenging whether overtime, commissions, or bonuses would have continued.
- **Preexisting Conditions** – Arguing that earlier health problems would have limited the career regardless of the crash.
- **Selective Activity Evidence** – Using social media or surveillance to question restrictions without examining duration or context.
- **Retraining Assumptions** – Proposing another occupation without establishing whether training and employment are realistic.
- **Retirement Expectations** – Disputing how long the person likely would have stayed in the workforce.

These arguments call for factual responses. Prior medical records may show that a worker held demanding employment despite an earlier condition. Employer records may establish years of consistent overtime. A vocational assessment may explain why a proposed alternative occupation doesn't fit.

Accuracy remains essential. An injured person should describe activities and limitations honestly, including improvements. A credible claim can acknowledge what the person can do while explaining why those abilities don't restore the lost career.

What If a Worker Tries to Return and Can't Keep Going?

An attempted return to work doesn't automatically establish that the person has recovered their earning capacity. The attempt may reveal limitations that were less obvious during treatment or evaluation.

Relevant evidence can include reduced schedules, accommodations, unscheduled breaks, absences, and difficulty completing essential duties. Employer communications and medical follow-up may explain why the attempt ended. Leaving because of injury-related limitations is a different factual question from losing a position for unrelated reasons.

Injured people should follow medical restrictions and get advice about reasonable employment efforts. The duty to limit losses, called mitigation, varies by state and circumstances. Documenting appropriate efforts can help answer an argument that avoidable choices, rather than the crash injuries, caused the continuing income loss.

How Disability Benefits Fit Into the Financial Picture

Household bills keep coming while a truck accident claim is being investigated. Depending on eligibility, an injured worker may have access to employer disability coverage, Social Security disability benefits, or workers' compensation when the crash happened on the job. Each program has its own requirements.

The Social Security Administration (SSA) evaluates remaining work capacity and vocational factors under its own disability rules. Its assessment of residual functional capacity looks at the ability to sustain work activities on a regular and continuing basis. Those rules are separate from the standards that decide compensation in a personal injury lawsuit.

A disability approval or denial therefore doesn't automatically determine the outcome or value of the civil claim. Benefit payments may also raise reimbursement, offset, or coordination questions. Those issues should be reviewed before settlement, and statements about work capacity should stay accurate across benefit applications and litigation.

What Evidence Workers and Families Should Preserve

A strong claim documents both the career before the crash and the limitations afterward. Financial and employment records should be preserved alongside the evidence needed for investigating the truck accident and establishing responsibility.

Useful materials include:

- **Earnings Records** – Pay stubs, tax returns, overtime history, and commission or bonus statements.
- **Benefit Information** – Retirement contributions, pension documents, and employer benefit summaries.
- **Career Records** – Certifications, training, performance reviews, promotions, and job descriptions.
- **Medical Restrictions** – Written limitations, treatment schedules, and provider recommendations.
- **Return-to-Work Records** – Accommodation requests, reduced schedules, attendance information, and employer communications.
- **Functional Observations** – Specific examples of changes in endurance, concentration, pain, and the need for help.

Workers don't need a complete financial file before seeking help. An attorney can identify missing information and pursue the right records.

Family observations add context, too. Describing how a former mechanic needs help opening containers, or how a once-organized manager loses track of ordinary tasks, is more informative than a general statement that the person is "not the same."

Building the Case for a Career the Crash Took Away

A permanent career-loss claim requires a coordinated explanation of what changed, why it changed, and what the consequences will likely cost. Medical providers establish restrictions, vocational professionals evaluate employment prospects, and economists assess the financial losses. Trial counsel must connect that evidence to the injured person's life and the governing legal standards.

More than 95% of our practice is devoted to people hurt in truck and commercial vehicle crashes, and our attorneys have litigated these cases in more than 43 states. Our verdicts and settlements include a $52 million result for a teenager who suffered a severe brain injury when a tractor-trailer ran a stop sign in Atlanta.

Many of these cases come to us through other lawyers, and we work with referring attorneys under co-counsel agreements from the first records request through trial. If you're handling a truck crash case with a lost earning capacity claim, we're glad to talk through the medical, vocational, and economic proof it will need.

If a truck accident ended your career or permanently cut your ability to earn a living, contact us for a free consultation. There's no upfront cost, and we're paid only if we recover compensation for you.