

Case Study

Disability & Employment Report #212

BRACHIAL PLEXIS BIRTH INJURY IMPAIRS FUTURE EARNING CAPACITY

NATURE OF CASE: Medical malpractice arising from Erb's palsy birth injury.

OUTCOME: "The child's parents were extremely pleased with outcome of the case, which included consideration for future lost earnings for their child."

ATTORNEY: Adam Vallejo, of Whittier, represented the child and her parents. Mr. Vallejo retained Richard Andersen as a vocational expert to render an opinion regarding the child's future loss of earning capacity.

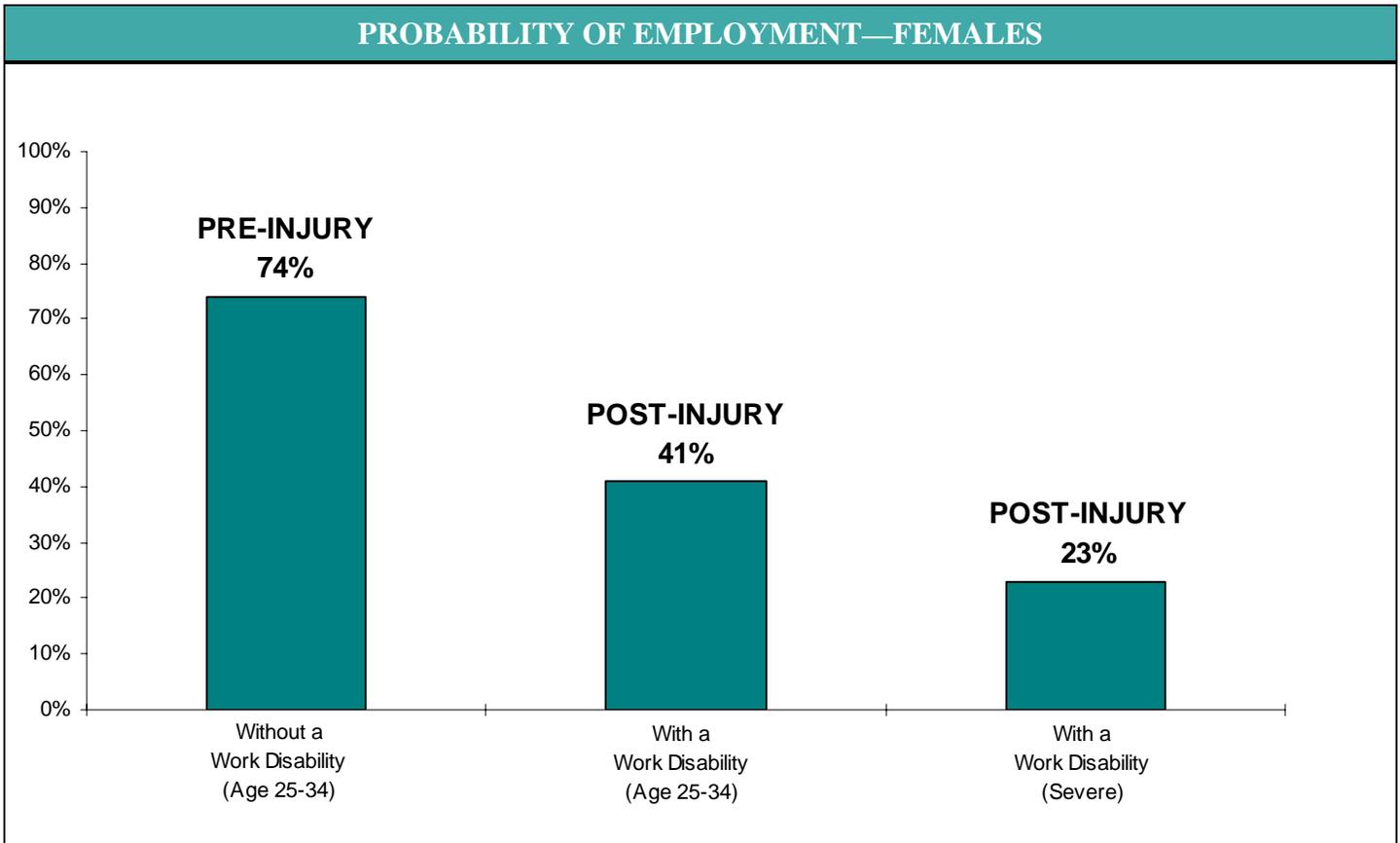
VOCATIONAL EXPERT: Richard H. Andersen, M.S., C.V.E., C.R.C., C.D.M.S., of VECTOR, Inc.

ATTORNEY COMMENT: "This is my second occasion to call upon Richard Andersen's expertise. On both occasions, I found him exceptionally capable. He is especially good in presenting and defending his findings. Of equal importance to me, is that I have never encountered any difficulties in contacting him. I have always found him eager to educate me on the bases for his findings and other factors - - information which facilitated my job of explaining the nature of my client's disabilities to opposing counsel and the fact finder."

SITUATION: The female child sustained birth injuries resulting in Erb's palsy, affecting the right arm. Medical opinion concluded: "there will not be any improvements" and she "will not be able to perform bimanual tasks". Andersen's opinion considered that the child's inability to perform bimanual tasks restricted her to sedentary work in the future. Sedentary work comprises only 10% of the jobs in the U.S. economy, severely limiting the child's access to the labor market. Further, since 80% of the jobs require bimanual coordination, she is even more severely limited in her ability to locate appropriate work.

At the time Richard Andersen interviewed the child and her parents, she was three years old. The parents reported behavior problems along with extreme limitations in activities of daily living, including difficulty with age-appropriate dressing and eating functions.

Andersen opined that she would have had the average pre-injury earnings of either a high school graduate or a female with vocational training. He also determined she would require vocational rehabilitation services costing between \$27,000 and \$35,000 throughout her lifetime. Finally, he determined she would have a 23% to 60% probability of employment, based on education, poor access to appropriate jobs and the severity of her disability.



Source: U.S. Department of Commerce and NIDRR

ABOUT RICHARD ANDERSEN: Richard Andersen holds national certifications as a Rehabilitation Counselor, Vocational Evaluator and Disability Management Specialist, with 37 years experience in vocational rehabilitation. He has also testified in Superior Court in 10 California counties. VECTOR, Inc. specializes in vocational rehabilitation counseling, disability research and forensic rehabilitation services, including vocational expert testimony on **personal injury, medical malpractice, wrongful death, and harassment matters**. The firm, founded in 1975, serves both plaintiff and defense attorneys, providing the link between the physician and the economist to precisely determine damages.

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