

How Georgia Personal Injury Claims Change When The Victim Has A Disability

What Changes In A Georgia Injury Claim When The Victim Has A Disability?

A serious accident doesn't hit a reset button on someone's life. When the injured person already lives with a disability, the impact of a [crash](#) or other negligent act can feel more like a setback layered on top of an already complex reality. What once took effort may now feel impossible. What was manageable may no longer be.

At the Law Offices of Gary Martin Hays & Associates, P.C., our [Georgia personal injury lawyers](#) represent injured people whose lives were already shaped by physical, cognitive, or medical conditions. When negligence [makes that condition worse](#), the case isn't about comparing the victim to a "perfectly healthy" baseline. It's about proving how much more difficult life has become because of the incident.

That distinction drives how these claims are investigated, valued, and fought.

Does Having A Disability Affect Your Right To File A Personal Injury Claim?

No. A pre-existing disability does not prevent someone from filing a personal injury claim in Georgia.

The law recognizes that every person, regardless of their health condition, has the right to be safe from negligence. A driver, [property owner](#), or other responsible party cannot avoid liability simply because the person they injured already had limitations.

Instead, the focus is on what changed after the accident.

This is often referred to as the "[eggshell plaintiff](#)" principle. In simple terms, it means the at-fault party is responsible for the harm they caused, even if the victim was more vulnerable to injury than someone else might have been.

How Do You Prove That An Existing Disability Got Worse After An Accident?

One of the most important parts of these cases is showing how the person's condition changed.

Insurance companies often try to argue that the victim's symptoms existed before the accident. That's why the timeline and medical evidence matter so much.

Key ways this is proven include:

- **Medical Records Before And After The Accident:** These help show the baseline condition and how it changed over time.
- **Treating Physician Testimony:** Doctors can explain whether the accident aggravated or accelerated an existing condition.

- **Functional Limitations:** Evidence showing new restrictions in mobility, cognition, or daily activities.
- **Care Needs:** Changes in the level of assistance required for everyday living.

For example, someone who was able to work part-time despite a prior back injury may no longer be able to work at all after a crash worsens that condition. That shift is central to the claim.

The case isn't about the *existence* of a disability. It's about the *difference* the accident made.

Why Insurance Companies Push Back Harder In These Cases

When a disability is part of the picture, insurance companies often look for ways to blur the line between past and present.

They may argue:

- The injury was [pre-existing](#) and not caused by the accident
- The current symptoms are unrelated to the incident
- The victim would have experienced the same limitations over time anyway

This strategy is designed to reduce the value of the claim by minimizing what the accident actually changed.

At Gary Martin Hays & Associates, our personal injury lawyers focus on building a clear cause-and-effect narrative that connects the incident to the worsening condition. That means combining medical evidence, expert input, and real-world impact to show how the person's life has been altered.

What Types Of Damages May Increase When A Disability Is Involved?

When an existing condition is made worse, the damages in a personal injury claim can reflect that added impact.

Common areas where compensation may increase include:

- **Medical Expenses:** Additional treatment, therapy, or long-term care needs.
- [Loss Of Earning Capacity](#): Reduced ability to work or maintain the same level of income.
- [Pain And Suffering](#): Increased physical discomfort and emotional strain.
- **Loss Of Independence:** Greater reliance on others for daily activities.
- **Future Care Costs:** Ongoing support, assistive devices, or home modifications.

These damages are not hypothetical. They are tied to real changes in how a person lives day to day.

How Daily Life Changes Often Tell The Strongest Story

Medical records are important, but they don't always capture the full impact of an injury.

What often carries the most weight is how the person's life actually changed.

For example, someone who previously managed their condition well enough to live independently may now need help with basic tasks like getting dressed, preparing meals, or attending appointments. That shift speaks volumes about the true impact of the injury.

These real-world changes help bridge the gap between clinical findings and lived experience.

Why These Cases Require A More Detailed Legal Approach

Cases involving pre-existing disabilities are rarely straightforward. They require a deeper level of analysis and preparation.

At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), our personal injury attorneys look beyond surface-level assumptions and focus on the full picture. That includes:

- Identifying how the accident interacted with the existing condition
- Working with medical professionals to explain the progression of symptoms
- Presenting evidence that shows the before-and-after reality of the victim's life

Because when a disability is involved, the case isn't just about what happened. It's about what changed.

What Happens If The Victim Had Multiple Pre-Existing Conditions?

It's not uncommon for someone to have more than one underlying condition at the time of an accident.

In these situations, the legal analysis becomes more layered, but the principle remains the same. The at-fault party is responsible for any worsening of those conditions caused by their actions.

This may involve separating out:

- What symptoms existed before the accident
- What symptoms became worse after the accident
- What new limitations developed as a result

The goal is to clearly define how the incident affected the person's overall health and function.

How Do These Claims Impact Wrongful Death Cases In Georgia?

When a person with a disability is killed in an accident, the legal issues extend beyond the immediate loss.

In [Georgia wrongful death claims](#), the value of the case is based on the full value of the life of the person who passed away. A pre-existing disability does not reduce the worth of that life under the law.

However, the defense may still attempt to argue otherwise by focusing on the individual's prior condition.

That's why these cases require careful presentation of the person's life, relationships, and contributions, not just their medical history.

Frequently Asked Questions About Disability And Personal Injury Claims In Georgia

Does Having A Disability Reduce The Value Of A Personal Injury Claim?

No. A disability does not automatically reduce the value of a claim. What matters is how the accident changed the person's condition and quality of life.

Can You File A Claim If You Already Had A Similar Injury?

Yes. If the accident made an existing injury worse, you may still have a valid claim for the additional harm caused.

How Do Doctors Help Prove These Cases?

Doctors can explain how the condition changed, whether the accident caused new symptoms, and how the injury affects daily function moving forward.

What If The Insurance Company Says The Injury Was Already There?

This is a common defense. Medical records, expert testimony, and evidence of changes in daily life are used to show what the accident actually caused.

Do These Cases Take Longer To Resolve?

They can. Because the issues are more detailed, it often takes more time to gather evidence and fully document the impact of the injury.

Get Answers About Your Rights After An Injury Made Worse By A Disability

When a case involves a pre-existing disability, the real issue isn't what someone was dealing with before. It's what changed after the accident and how much harder everyday life became because of it. That's where these cases are often won or lost.

At the Law Offices of Gary Martin Hays & Associates, P.C., our attorneys focus on telling that full story. That means showing how a condition that was once manageable became limiting, or how independence was taken away in ways that don't always show up on a scan or report. Insurance companies tend to focus on what existed before. We focus on what was taken.

If you're trying to make sense of how a prior condition affects your injury claim in Georgia, give us a call or [contact us online for a free consultation](#). We can walk through what matters, what doesn't, and what your case may actually be worth based on what changed.