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Medico-legal Experts

Loss of Support
Claims &
Remuneration within
the legal framework

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Agenda

Session 1

- 01. Loss of support claims

Session 2

- 02. Remuneration in claims
- 03. Comparing sources
- 04. Preparing for earnings analysis
- 05. Tax certificates
- 06. Payslips
- 07. Q & A

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“We strive to provide our clients with precise, relevant and actionable solutions of the same quality and in the same manner as we demand to receive from others when we are the client.”

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01

Loss of Support

And IP reports for loss of support claims

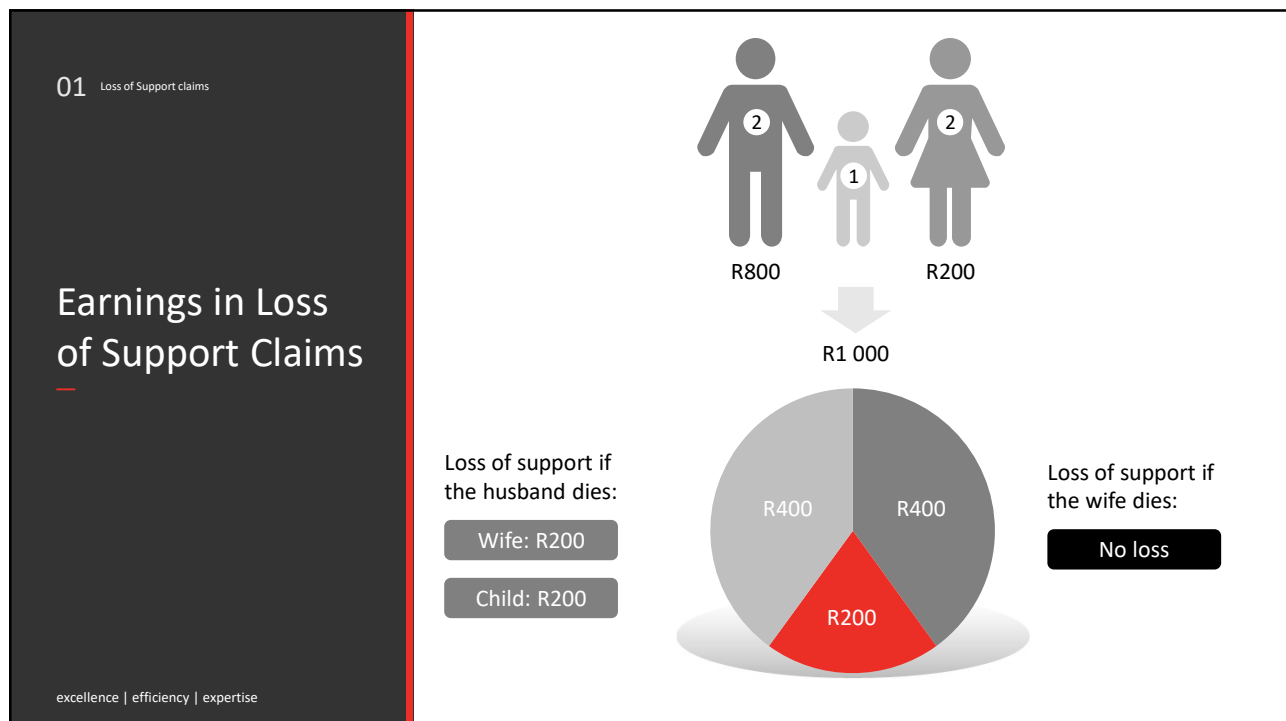
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01 Loss of Support claims

IP Reports in Loss of Support Claims

Loss of support =
Individuals' decreased share
of family income

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Information needed:

- 1 Deceased's name, gender, date of birth, and date of death
- 2 Adult dependant's name, gender, date of birth,
- 3 Names and birthdates of all minor dependants
- 4 Period of dependency for minors

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01 Loss of Support claims

IP Reports in Loss of Support Claims

Loss of support =
Individuals' decreased share
of family income

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Information needed

- 5 Deceased's career & earnings 'had the accident not occurred'
- 6 Plaintiff's career & earnings 'had the accident not occurred'

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01 Loss of Support claims

IP Reports in Loss of Support Claims

Loss of support =
Individuals' decreased share
of family income

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Information needed:

- 7 Date of remarriage
- 8 New spouse's birthdate
- 9 New spouse's career and earnings
- 10 Children of the new spouse' birthdates

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02

Remuneration In Claims

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02 Remuneration in claims

Remuneration in Claims

Guidelines

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02 Remuneration in claims

Remuneration in claims

Salary structure

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Salary breakdown

Examples

Basic salary

+ Allowances	Housing, travel
+ co. contributions	Funeral fund, group life, disability cover, ER pension/ provident contribution
+ Benefits	ER medical aid
+ Bonuses	13 th cheque, long service bonus

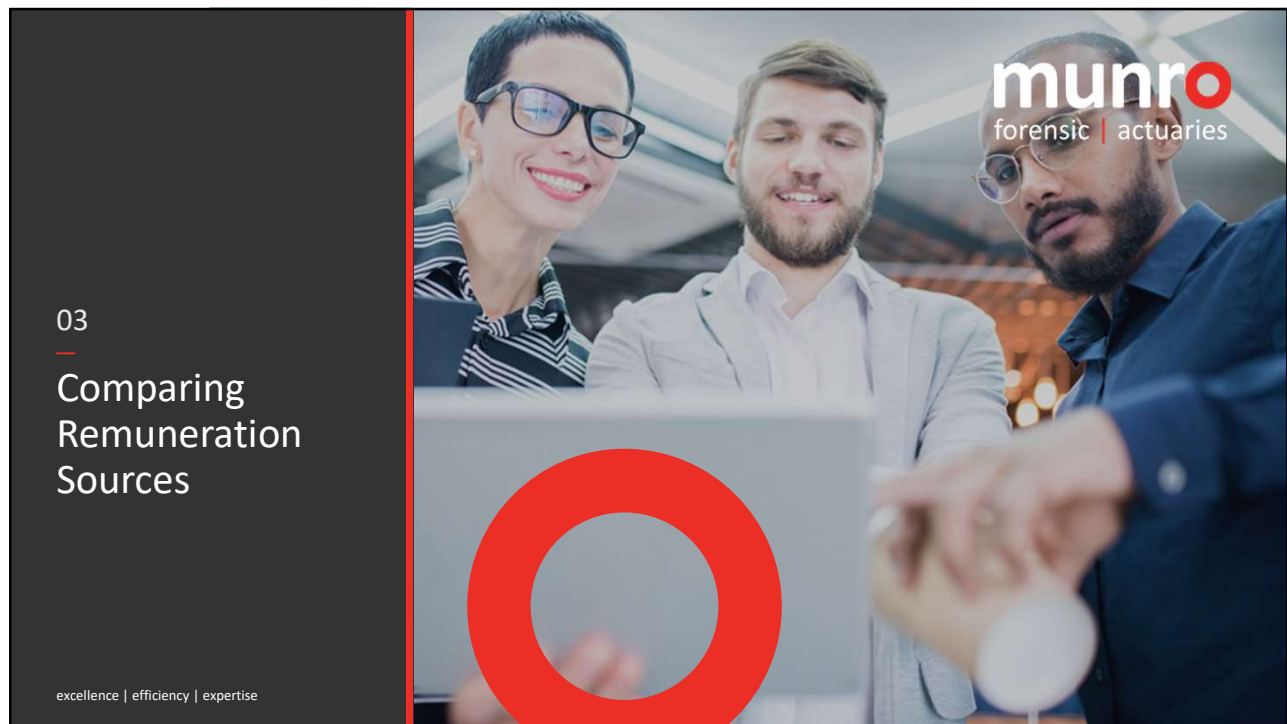
Total package

+ Overtime	Commission*, Sunday time, public holiday pay
+ Bonuses	Performance bonuses

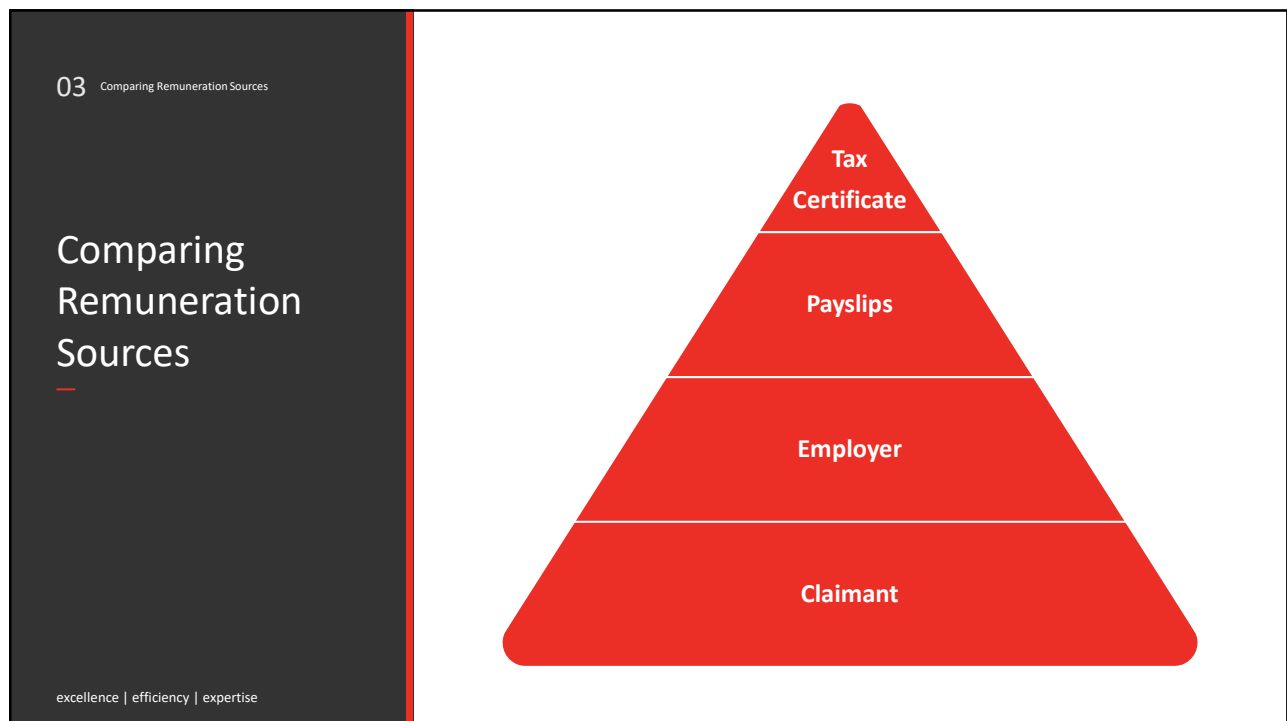
Gross remuneration

Non earnings	Subsistence allowance*, reimbursements, backpay & EE pension / provident contributions
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03 Comparing Remuneration Sources

Tax Certificates

Benefits

verified / accurate
real earnings - self employed *
gross earnings
easy to use

Limitations

normal earnings lumped together
not readily available

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03 Comparing Remuneration Sources

Payslips

Benefits

collateral better than hearsay
indicates all normal earnings
indicates average overtime

Limitations

formats vary
can exclude irregular earnings
can exclude fringe benefits
can mislead nature of the loss

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03 Comparing Remuneration Sources

Employer Certificates

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Benefits

can identify irregular earnings &
fringe benefits not on a payslip
can specify the nature of a loss

Limitations

often incomplete (incorrect
questions – avoid yes/no
questions)
variable earnings inaccurate

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03 Comparing Remuneration Sources

Reported by Claimant

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Benefits

explain variable earnings
explain loss

Limitations

unverified and biased
(un)intentionally inaccurate

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03 Comparing Remuneration Sources

Bank Statements

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Benefits

proves regular salary
available for low income earners

Limitations

cannot be used for self-employed
claimants
mostly net earnings

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04

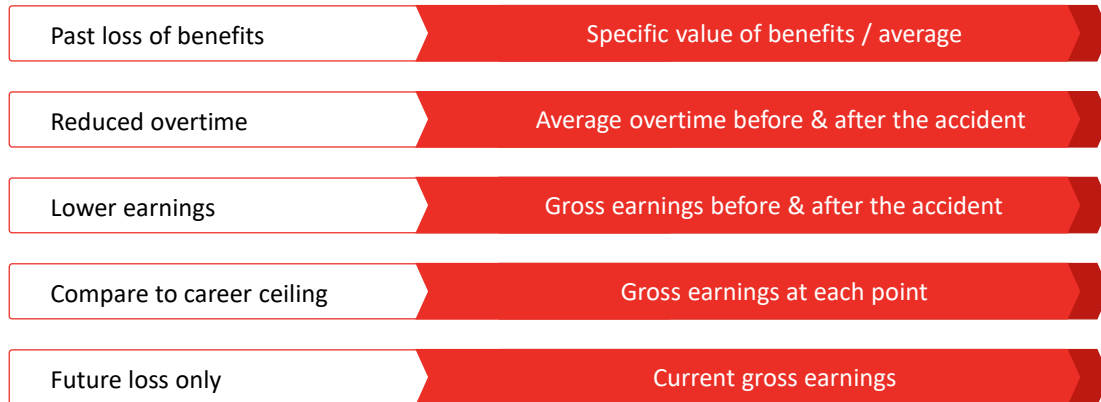
Preparing for the Earnings analysis

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Preparing for the Earnings Analysis



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04 Preparing for the Earnings Analysis

Preparing for the Earnings Analysis

Questions IP should answer about remuneration sources

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Where do the sources fit in the career history ?

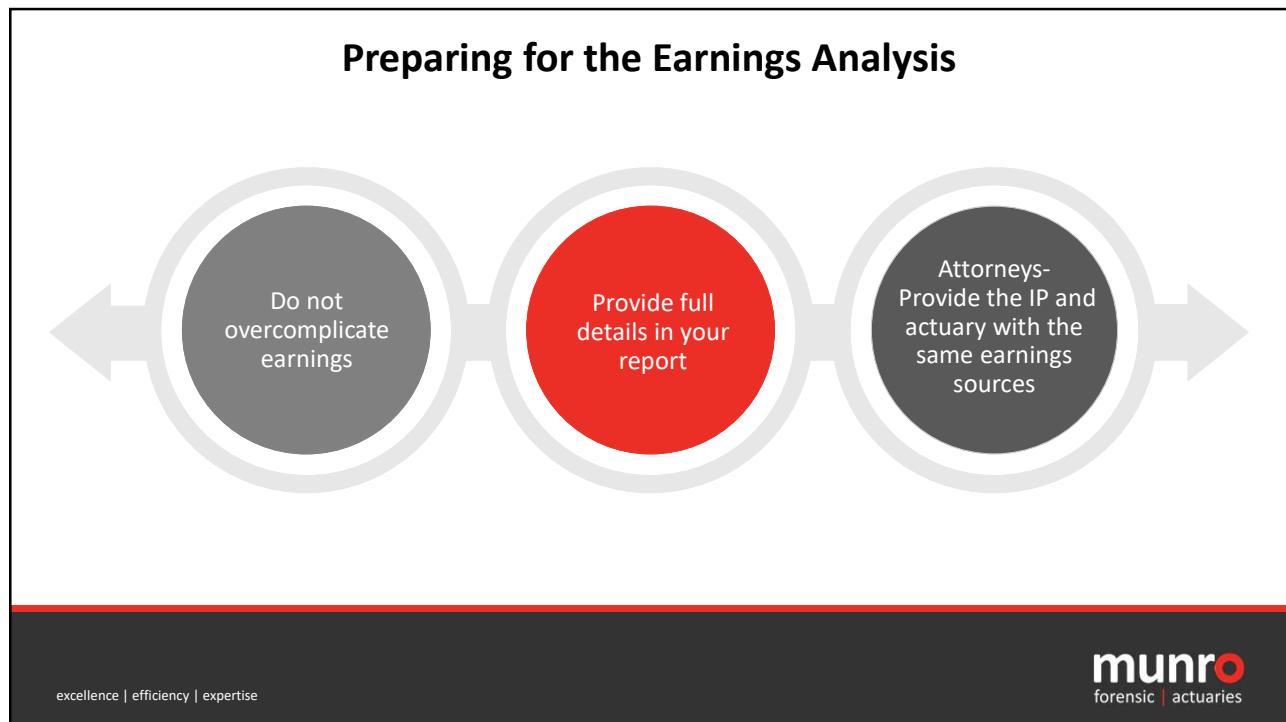
How long did they work at each employer ?

Is all information in this source ?

Is there a loss from the items in this source ?

Do overlapping sources corroborate / contradict ?

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05 Tax Certificates

Tax Certificates

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Transaction Year (CCYY) **2 0 1 6** Year of Assessment (CCYY) **2 0 1 6** Period of Reconciliation (CCYYMM) **2 0 1 6 0 2**

Pay Periods

Periods in Year of Assessment **1 2**, **0 0 0 0**

No. of Periods Worked **1 2**, **0 0 0 0**

Period Employed From (CCYYMMDD) **2 0 1 5 0 3 0 1**

Period Employed To (CCYYMMDD) **2 0 1 6 0 2 2 9**

Tax Certificate Information

Income Received

	Amount	Source Code
R	5 8 8 8 8 5	3 6 0 1
R	8 3 0 3 1	3 6 0 5
R	1 4 8	3 7 0 3
R	4 5 5 8	3 8 0 1
R		
R		
R		
R		

Income Received (continued)

	Amount	Source Code
Non-Taxable Income		
R	1 4 8	3 6 9 6
Gross Retirement Funding Income		
R	6 7 6 4 7 4	3 6 9 7
Gross Non-Retirement Funding Income		
R		3 6 9 8
Deductions / Contributions		
	Amount	Source Code
R	2 9 2 0 4	4 0 0 5
R	1 4 6 3 6	4 0 0 6

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Payslips

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06 Payslips

Payslips

General format

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Start date	01 Jan 2017
Pay date	25 Feb 2020
Earnings	22 000
Basic salary	10 000
Allowance	1 000
Overtime	1 000
Bonus	10 000
Deductions	6 370
PAYE	4 400
EE pension 7.5%	750
UIF	220
Medical aid	500
Net Pay	15 630

*Mar to Feb = 12 months**Basic salary R10 000**Allowances R1 000**Overtime R 1 000**Bonus 13th cheque**EE pension 7.5%*

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06 Payslips

Payslips

General format

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Pay date	25 Feb 2020
Earnings	22 000
Basic salary	10 000
Allowance	1 000
Overtime	1 000
Bonus	10 000
EE pension 7.5%	750
Co Contribution	1 470
UIF	220
ER pens 7.5%	750
Medical Aid	500
Taxable Perks	500
Medical Aid	500

*Basic salary R10 000**Allowances R1 000**Overtime R 1 000**Bonus 13th cheque**Medical aid R 500**EE pension 7.5%**ER pension 7.5%*

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06 Payslips

Payslips

General format

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Pay date	Feb	Jan
Earnings	22 000	11 000
Basic salary	10 000	10 000
Allowance	1 000	1 000
Overtime	1 000	
Bonus	10 000	
EE pension 7.5%	750	750
Co Contribution		
ER pens 7.5%	750	750
Medical Aid	500	500

*Basic salary R10 000**Allowances R1 000**Overtime R 500**Bonus 13th cheque**Medical aid R 500**EE pension 7.5%**ER pension 7.5%*

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06 Payslips

Payslips

General format

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Pay date	Feb	Jan
Earnings	22 000	11 000
Basic salary	10 000	10 000
Allowance	1 000	1 000
Overtime	1 000	
Bonus	10 000	
EE pension 7.5%	750	750
Co Contribution		
ER pens 7.5%	750	750
Medical Aid	500	500
Year-to-Date		
Gross remuneration	157 600	135 100
Annual payment	10 000	

*Basic salary R10 000**Allowances R1 000**Overtime R 800**Bonus 13th cheque**Medical aid R 500**EE pension 7.5%**ER pension 7.5%*

$$\begin{aligned}
 & (157\,600 - 10\,000)/12 \\
 & - 10\,000 - 1\,000 - 500 \\
 & = 800
 \end{aligned}$$

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06 Payslips

Payslips

Year-to-Date

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Pay date	Feb	Jan
Earnings	12 000	11 000
Basic salary	10 000	10 000
Allowance	1 000	1 000
Overtime	1 000	
Year-to-Date		
Income taxable	115 300	110 300

Feb - Jan
5 000

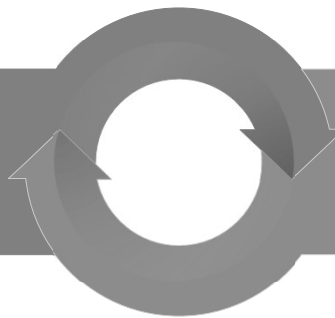
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Payslips

Payslips should be used in conjunction with employer information

Payslips

1. Average overtime
2. Accurate figures



Employer

1. Specify loss
2. Total package

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Thank you!

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