

When your paycheck disappears after a crash, the bills do not wait. The rent still hits on the first, the car note pulls from your account like clockwork, and there is that creeping worry about groceries, childcare, and copays. I have sat across from clients who brought a stack of pay stubs, a doctor's note with a return-to-work date, and eyes that said, "How am I supposed to make it until then?" Lost wages are not abstract. They are the difference between stability and a slow slide into late fees and stress. The law recognizes that, and done properly, lost wage claims can restore more than just an hourly rate. They capture overtime, missed bonuses, the value of sick days and vacation time you had to burn, and even the reduced earning capacity when injuries leave permanent marks.

What follows is the way a seasoned personal injury lawyer approaches lost wages. I am writing from years of sitting with payroll records and tax returns, negotiating with adjusters, and presenting numbers to juries. It is not theory. It is the path I use to get my clients made whole.

What "lost wages" really means

People think of lost wages as their hourly pay times the days they missed. That is a start. In practice, lost wages covers the income you would have earned if the crash had not happened. For an hourly employee, that means base hours plus overtime you normally would have worked. For salaried workers, it is the pro rata salary for the days missed. If you are self-employed, it is net profits you can tie to the missed work period.

Two categories broaden the picture. First, lost earnings include the value of paid time off when you had to use it to recover. If you burned 80 hours of PTO in May, that bank did not vanish as a gift. It has a dollar value. Second, lost earning capacity compensates for future loss when injuries permanently limit what you can do or how much you can earn. That might be a union carpenter who can no longer climb scaffolds, or a CNA who cannot lift patients and has to move into lower paying clerical work.

There is also "loss of opportunities," which includes missed bonuses, commissions, and contract work. I once represented a rideshare driver who lost a \$1,200 weekly promotion because the accident took him off the road for three weeks. The promotion had a straightforward requirement on the app dashboard and he had screenshots. That income counted.

The baselines that matter

Every lost wage claim starts with two baselines: what you were earning before the collision and what work you missed because of the injury. Establishing those baselines is not glamorous, but it is where cases are won.

Your pre-injury income can be shown with pay stubs, W-2s, 1099s, tax returns, and sometimes employer letters. For hourly workers, several months of pay stubs reveal patterns. Maybe you always clock overtime at the end of the quarter, or your schedule spikes in summers. For salaried professionals with performance bonuses, past bonus history sets expectations. For gig workers, ride logs, delivery histories, and platform dashboards help fill the gaps, but they are not enough on their own. You want bank deposits and tax filings to show the real net.



Proving time missed hinges on medical documentation and job records. You need a doctor to write you out of work, not just your own decision to stay home. If the orthopedist says you can return on light duty after four weeks, the claim should match that. Employers often give attendance logs and HR printouts that verify dates and whether you used PTO. The more your records align with medical instructions, the cleaner the argument.

Straightforward math for hourly and salaried employees

In a simple case, the math looks like this. An hourly warehouse worker makes \$24 per hour and normally works 40 hours per week. He misses three full weeks by doctor's order. Base lost wages are \$24 times 40 times 3, which equals \$2,880. If he usually gets six hours of weekend overtime every other week, and timesheets show he rarely misses it, we include that overtime. Six hours every other week is nine hours over three weeks. At time-and-a-half, that is 9 hours times \$36, or \$324. That brings the total to \$3,204.

A salaried employee's calculation starts with an annual salary divided into a daily or weekly rate. Let us say a project manager earns \$78,000 per year and misses 18 workdays. The daily rate is \$78,000 divided by 260 workdays, roughly \$300 per day. That puts the lost base wages at \$5,400. If she also lost a quarterly bonus tied to time billed on a project that shut down while she was out, bonus history and employer policy determine what portion we can claim.

Where it gets sticky is when people can work some days, or some hours, or do light duty at a reduced rate. In partial disability periods, we measure the delta between what you would have made and what you actually made. Suppose a restaurant line cook normally brings home \$1,000 per week including overtime. After surgery, he returns at 25 hours per week and cannot handle the dinner rush. He nets \$550 per week for four weeks. The weekly loss is \$450, and over four weeks that is \$1,800. It is still a wage loss claim, just not an all-or-nothing period.

The role of taxes and net versus gross pay

Adjusters like to argue that lost wages should be net, not gross. In many jurisdictions, courts compensate wage loss at gross, then taxes are handled according to local rules. Some states, by statute or case law, focus on after-tax earnings. Others allow gross wages in the claim, with the idea that tax consequences even out. This is one of those places where jurisdiction matters. A personal injury lawyer or a car accident attorney who practices in your

state will know how judges instruct juries. When I present lost wages, I show both gross and estimated net using typical withholding for that income level, so the numbers feel anchored in reality and there is less room for the other side to muddy the water.

Overtime, shift differentials, and seasonal patterns

Overtime falls into two buckets. The first is steady overtime you have historically worked. If payroll shows 8 to 12 overtime hours almost every week, that is a reliable baseline. The second is variable overtime tied to seasonal rushes or special projects. For this, I pull payroll from the same season last year or the last two years, then average it and apply it to the lost period. A night shift differential is also compensable. If you get an extra \$2 per hour for nights and you missed three weeks of nights, include it.

Seasonal workers have unique rhythms. A landscaper who earns the bulk of his income April through September needs last year's invoices, a calendar of booked jobs, and testimony from regular clients. The lost wages from missing six weeks in May and June will not match six weeks in November and December. When we present seasonal loss, we show exactly why missing those weeks hits harder.

Commissions, bonuses, and sales pipelines

Salespeople live in the land of commission structures and quotas. If you rely on commissions, the claim focuses on what you should have earned had you been able to work your pipeline. Two pieces carry weight. First, historical commission percentages and payout statements show your normal pattern. Second, pipeline documentation proves you were in position to close deals. I have used CRM screenshots showing deal stages, emails scheduling demos, and calendar entries. If you missed the quarter and the company docks your bonus because you fell short of quota, and if you can prove that, you can claim the lost bonus. The trick is separating speculation from probable earnings. One or two whale deals that never materialized do not carry the same weight as a dozen mid-sized deals you usually close with 70 percent success.

Union rules, collective bargaining agreements, and fringe benefits

Union contracts often include set pay rates, guaranteed minimum hours, and rules about seniority calls. When a union electrician cannot take jobs off the list while he is recovering, the contract tells you exactly what he lost, including health and welfare contributions. Fringe benefits like pension credits can be compensable if the injury period interrupts contributions. An experienced personal injury lawyer will ask for the collective bargaining agreement and a letter from the union steward detailing the lost hours and contributions during the downtime.

Gig workers and the self-employed

Self-employed clients create both opportunities and challenges. If you are a photographer, a plumber, a rideshare driver, or own a small HVAC company, we look at net profits, not gross receipts. That means we measure the revenue you missed and subtract the expenses you would have incurred to earn it. A wedding photographer who loses two weddings with signed contracts has strong proof, especially with deposit records and cancellation emails. A rideshare driver has app data and bank deposits that show average daily revenue and gas expenses.

The adjuster will scrutinize your tax returns. If your reported income is lower than what you claim in a demand letter, the return wins. I counsel clients to be consistent. If you took aggressive deductions that depressed your net income, those numbers become the baseline. On the flip side, good records pay off. I once represented a freelance copywriter who tracked retainers, revisions, and delivery deadlines. When her concussion kept her off

screens for a month, we had invoices and emails to show exactly what work shifted and what fees she had to refund. Her net lost income claim was accepted after the carrier's accountant reviewed the file.

Using PTO and sick leave does not erase the loss

People worry that if they used PTO or sick days, they cannot claim lost wages because the paycheck still arrived. That is not how the law views it. Those benefits are part of your compensation. If you spent 60 hours of PTO on doctor-ordered rest, those hours have a value and you lost the ability to use them later for vacation or family needs. A clean employer letter can be decisive. HR can confirm that you applied 60 hours of PTO due to injury from the car crash, reducing your accrued balance. That is a recoverable wage loss, and it is one of the most common mistakes I see when folks try to handle the claim alone.

Recovering when you could have worked light duty

Insurers **Workers Compensation** often argue that you could have returned earlier if your employer offered light duty. The law expects reasonable efforts, not miracles. If your employer has no light duty positions, or if your restrictions were too tight to fit, you are not penalized. Still, you strengthen your case by documenting the conversation. An email to HR asking about light duty, a reply that none is available, or a note from your supervisor about the lack of suitable tasks shuts down the argument.

If light duty existed but carried fewer hours or a lower rate, we claim the difference. A nurse barred from lifting may work triage phones at \$24 per hour instead of [file workers comp Florida](#) \$34 at the bedside. If that arrangement lasts eight weeks, the \$10 per hour delta across the actual hours worked becomes a measurable loss.

Proof that persuades

Numbers matter, but credibility wins cases. I advise clients to build a short, organized packet with key items:

- Medical documentation that ties time off to injury, including notes with specific dates and restrictions.
- Employer or HR letters confirming dates missed, pay rate, PTO usage, and any bonus or commission policy impacts.

Those two items cover most disputes. In more complex situations, add tax returns, payroll summaries, and for self-employed folks, profit-and-loss statements. When you file a claim after a crash, a car accident lawyer will often send a concise demand with these records in the exact order an adjuster reviews them. That small courtesy shortens negotiations.

Temporary disability benefits, PIP, and coordination of payments

In many states, auto policies include personal injury protection or medical payments coverage. PIP often pays a percentage of lost wages up to a cap, such as 60 to 80 percent, with weekly maximums. Short-term disability policies through work may also pay, but they usually require you to repay benefits if you recover wage loss from the at-fault driver. This is subrogation, and ignoring it invites headaches later. We coordinate these benefits so you are not double paid and not left holding a surprise bill. A car accident attorney familiar with your state's no-fault rules can advise when to apply for PIP wage loss and how that affects the settlement demand to the liability insurer.

When injuries change careers: lost earning capacity

Lost earning capacity looks forward. It is not about the exact hours you missed, but about a permanent reduction in your ability to earn. The analysis works best when it combines medical opinions, vocational assessments, and economic modeling. Imagine a 37-year-old roofer who sustains a shoulder injury that leaves a 15 percent permanent impairment and restrictions against overhead lifting. He cannot return to roofing at \$34 per hour, but he can perform warehouse inventory at \$23 per hour. The annual difference is \$11 per hour times roughly 2,000 hours per year, or \$22,000. An economist then applies reasonable worklife expectancy and a discount rate to bring future losses to present value. The result might be a six-figure number that reflects the built-in loss stretching over decades.

Earning capacity claims are nuanced. If you are college educated and can retrain quickly, the period of diminished earnings may be shorter. If you are near retirement, the timeline is briefer. If you loved your career and had a clear ladder ahead, we show promotions you likely would have received. Strong cases use concrete data: performance reviews, union wage scales, Bureau of Labor Statistics wage surveys, and medical restrictions that will not ease.

What adjusters push back on

I have read enough denial letters to predict the patterns. Adjusters challenge overtime and commissions as speculative, dispute whether medical notes truly required time off, and argue that you failed to mitigate by not taking light duty. They will comb social media for anything that hints you were working while claiming you could not, or traveling when you said you were bedridden. They also point to inconsistent income on tax returns to undercut higher claimed earnings. None of this is personal. It is their playbook.

You answer by tightening the record. Get the doctor to clarify why work was unsafe. Show actual overtime history rather than a guess. Provide the light duty email. If you did freelance work during recovery, declare it and deduct it from your claim. Credibility is not about perfection, it is about honesty and documentation.

Small business owners and the value of your time

Owners often pay themselves irregularly. The company's revenue is not the same as the owner's earnings. In these cases, economists and accountants can help separate the value of your labor from your business's capital and brand. Suppose you run a two-truck plumbing company and you stop working for six weeks. Your crews still run jobs, but revenue dips 30 percent and you hire a temp dispatcher for the office. The lost wages claim focuses on the cost to replace your labor and the profit drop that ties to your absence. Profit-and-loss statements from the same period last year and the months before the crash build the comparison.

The role of a lawyer versus DIY

Can you submit a lost wage claim on your own? For short, straightforward absences, yes. Send pay stubs, a doctor's note, and an employer letter. But when claims involve overtime, commissions, PIP coordination, or self-employment, a misstep can leave thousands on the table. A personal injury lawyer who sees these patterns daily can anticipate the adjuster's questions and gather the proof before the carrier asks. If the crash involved serious injuries or long recovery, counsel is not a luxury. It is an investment that often pays for itself.

If you decide to call a car accident lawyer, ask how they handle wage claims in your state, whether they will collect records directly from HR, and how they calculate lost earning capacity if your injuries are lasting. The answers will tell you whether they understand the nuts and bolts or just speak in generalities.

A short case study from the trenches

A delivery driver in his mid-40s came to me with a torn meniscus and back strain after a rear-end collision. He had been with his company nine years, worked a standard 45-hour week with frequent overtime, and averaged \$1,250 in gross weekly pay. He missed five weeks completely, then returned part time for three weeks at about \$700 per week while on restrictions. HR confirmed he used 80 hours of PTO and 40 hours of unpaid leave.

We built his claim in layers. First, base lost wages for five full weeks: \$1,250 times 5, equaling \$6,250. Then partial loss for three weeks: \$1,250 minus \$700 equals \$550 per week, or \$1,650. We added the value of 80 PTO hours at his effective hourly rate, which was \$1,250 divided by 45, roughly \$27.78 per hour. That put PTO at \$2,222. We showed steady overtime with a six-month payroll summary and included it in the weekly average. His state's PIP paid 60 percent of wage loss up to \$250 per week, and had already paid \$1,500. We accounted for that credit to avoid double recovery. The carrier initially balked at the PTO value, but after the HR letter and a citation to state law recognizing lost leave as compensable, they folded. The final wage loss component in his settlement was \$9,622, plus the rest of his damages for medical bills and pain and suffering.

Common pitfalls that shrink a valid claim

- Waiting too long to get a doctor's note excusing you from work, then trying to backfill dates.
- Overstating commissions or overtime without records, which invites a global credibility fight.

Two more pitfalls are equally harmful, just quieter. One is ignoring employer policies that impact bonuses and PTO accrual. If your company docks bonuses for time off beyond a threshold, prove the policy and the impact. The other is failing to document job searches if you were laid off while injured. Showing reasonable efforts to find work blunts the argument that you sat idly by.

Timing and settlement strategy

You do not need to wait until you are fully healed to present a partial wage claim, but you should avoid settling the entire case before you understand your medical trajectory. If there is a chance of surgery, or if the doctor has not declared maximum medical improvement, future wage loss could be larger than you think. I often send an interim claim for wages to a PIP carrier to get money flowing, then hold the liability settlement until the medical picture solidifies. In some cases, we negotiate a wage loss stipulation early, which can break a logjam without forcing a full settlement.

How courts view proof differently than insurers

At trial, jurors want fairness grounded in real life. They respond to straightforward numbers, and they punish games. If your testimony about your hours matches the payroll summary, if your doctor is clear about restrictions, and if your employer backs up the dates, jurors have little trouble awarding lost wages. Insurers know this. Their skepticism tends to fade when they see you have what a jury would need. That is why well organized claims settle better.

What to do right now if you expect a wage claim

If you are reading this while you are still in the recovery window, take two steps that will save you headaches later. First, follow your medical plan and keep copies of every work status note. Ask your provider to put return-to-work dates and restrictions in writing. Second, ask HR for a written confirmation of your pay rate, your PTO and sick time usage, any bonus impacts, and the dates you were out. Do not rely on verbal assurances. You want a clean

paper trail. If you are self-employed, export platform earnings reports, invoices, and bank statements covering at least six months before and after the crash.

A thoughtful car accident attorney will take it from there, but those simple pieces put your claim on solid ground.

A few edge cases worth noting

Teachers and school staff often spread pay over 12 months even though they work a 10-month calendar. We align wage loss with the actual days they were required to work, not just the pay distribution. Bartenders and servers with tip income should gather POS reports and bank deposits. Cash tips are harder to claim if they were never reported, and tax returns will drive the baseline. Undocumented workers have wage claims too in many jurisdictions, even if immigration status complicates the conversation. Courts focus on the loss, not the label, though specific states vary.

People holding second jobs can claim both income streams if injuries sidelined them from both. I handled a case where a teacher also worked events on weekends. Her knee injury prevented the weekend work long after she returned to the classroom. We separated the two roles and documented each loss.

Bringing it all together

Lost wages are not a single number pulled from thin air. They are the sum of careful, real-world pieces: the hours you missed because a doctor told you to rest, the overtime and commissions you historically earned, the vacation days you had to sacrifice, and the lasting hit to your earning power if your body does not return to its old capacity. The principles are simple, but the proof takes care. You will not get a second chance to present the cleanest version of your story. If you feel overwhelmed, reach out to a personal injury lawyer who is comfortable with numbers, not just negotiations. A good one will build the record the way a patient builds strength after an injury, incrementally and with purpose.

When the dust settles, you deserve a result that keeps your household stable while you heal. That is the point of these claims, and it is achievable with the right approach.