



# VULPES

## MEDICO – LEGAL REPORT

VULPES CONSULTANTS (PTY) LTD

### MR DEMO SAMPLE

REPORT DATE:

03 February 2017

Industrial Psychologist

Barend P.G. Maritz

PS 012 9828

Reference Number: EA001

Attorney

Example Attorneys

Reference Number: EA/SAM01/0001

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**BAREND P.G. MARITZ**

INDUSTRIAL PSYCHOLOGIST  
PS 0129828  
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## Biographical Information

<b>Surname</b>	:	Sample
<b>Full name(s)</b>	:	Demo
<b>ID / Passport number</b>	:	781025 0000 00 0
<b>Gender</b>	:	Male
<b>Date of birth</b>	:	1978/10/25
<b>Current age</b>	:	38 Years
<b>Age at accident</b>	:	33 Years
<b>Dependents</b>	:	Mother (Provides partial financial assistance)
<b>Marital status</b>	:	Single
<b>Place of birth</b>	:	Demoville
<b>Home language</b>	:	Afrikaans
<b>Physical address</b>	:	1 Sample Avenue
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<b>Contact number</b>	:	+27 01 234 5678 (Own)
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<b>Email</b>	:	DemoS@email.co.za
<b>Date of accident</b>	:	2012/07/12
<b>Pre-morbid employment</b>	:	Unemployed
<b>Post-morbid employment</b>	:	Automotive Company 1
<b>Current employment</b>	:	Automotive Company 2
<b>Date of evaluation</b>	:	2016/09/19
<b>Highest qualification</b>	:	Grade 12
<b>Attended by</b>	:	Barend Petrus Gerhardus Maritz
	:	Industrial Psychologist (PS 012 9828)

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## **1. INTRODUCTION**

### **1.1. Purpose of report**

The purpose of this report is to provide a specialist opinion regarding the plaintiff's previous and current occupational status, future employment possibilities, and vocational potential. This will be determined by utilising collateral information provided regarding the accident details, injuries sustained, and current complaints, as a result of the client's accident. To conclude, the report will also provide a basis regarding the client's past loss of income, as well as their likely future earnings, by taking the above-mentioned information into consideration.

### **1.2. Method of assessment**

The information provided within this report, was gathered as follows:

- The completion of a biographical questionnaire;
- A collateral interview held;
- Behavioural observation during the consultation;
- Psychometric assessments conducted; and
- The integration of other relevant expert opinions.

The purpose of the consultation was thoroughly explained to the plaintiff. It was requested that the client sign informed consent, understanding, and agreeing to the consultation session before commencement. In addition, it was stated to the client that it is important to provide the report writer with relevant and true information, as this will allow for compiling a comprehensive report.

## **2. SUPPORTING INFORMATION**

The following supporting documentation was received:

- Assignment Letter from Example Attorneys, dated 02 September 2016;
- Copy of Client's Identification Document;
- Copy of Hospital Records and Doctor's Notes;
- Copy of RAF 1 & 4 Forms;
- Copy of Client's Bank Statements, dated 25 July 2016 to 29 September 2016;
- Copy of HPCSA RAF Tribunal Letter, dated 30 January 2015;

- Copy of Specialist Report: Ms CP (Clinical Psychologist), dated 10 December 2016;
- Copy of Specialist Report: Dr OS (Orthopaedic Surgeon), dated 10 August 2016; and
- Copy of Specialist Report: Ms OT (Occupational Therapist), dated 30 September 2016.

The following individuals were contacted with regards to additional collateral information:

- Colleague at Automotive Company 1: Ms Colleague (Bookkeeper), 19 January 2017 at 12H15; and
- Direct Manager at Automotive Company 2: Mr Manager (Dealer Principal), 20 January at 12H25.

### **3. INFORMATION RELATING TO THE ACCIDENT**

#### **3.1. Accident details**

The details of the accident reported below, is as described by the client during the collateral interview held.

On the 12<sup>th</sup> of July 2012, at approximately 13H30 in the afternoon, Mr Sample reported that he was involved in a motor vehicle accident (MVA), approximately 500 meters from the Mall @ Reds Shopping Centre on Hendrik Verwoerd Drive, in Centurion. Mr Sample indicated that he was the driver of a Honda motorcycle. According to the plaintiff, while driving along Hendrik Verwoerd Drive, a truck made a U-turn causing Mr Sample to swerve out to the left-hand side of the road where he collided into a stationary Volkswagen Polo. Mr Sample's motorcycle swerved off the road, onto the sidewalk and his right foot got caught in the brake pedal of his motorcycle, that was consequently written off.

Mr Sample reported to have lost consciousness at the moment of impact for approximately ten minutes. He was transported to Kalafong Hospital in Atteridgeville by ambulance from the accident scene, and was hospitalised for approximately twelve days. Thereafter, he was transferred to Steve Biko Academic Hospital in Pretoria, and remained there for a total of three days. During his time in hospital, Mr Sample received surgery, treatment, and daily check-ups for injuries sustained, as a result of the accident.

### 3.2. Injuries sustained

According to Mr Sample, he sustained the following injuries:

- Lacerations on his left arm;
- Shoulder, hip and, back pain;
- Foot injury; and
- Amputation of his right hallux (big toe).

According to the RAF 1 & 4 Forms, the following injuries were mentioned:

- Amputation of his right big toe;
- Wound sensitive to touch;
- Tender lower lumbar region;
- Moderate range of movement deficit of the lumbar spine; and
- Spasms.

Dr OS (Orthopaedic Surgeon) lists the following injuries:

- Right foot, first toe injury;
- Traumatic amputation of his right big toe; and
- Pain and swelling in his left ankle joint resulting in loss of balance and a compromised gait pattern.

Ms OT (Occupational Therapist) lists the following injuries:

- Traumatic amputation of the right big toe; and
- Soft tissue injury to his lower back.

Ms CP (Clinical Psychologist) lists the following emotional effects:

- Significant self-esteem issues and feelings of hopelessness;
- Sense of shame at his disfigurement;
- Negative emotions, such as fear, anger, guilt, and shame;
- Chronic depressed mood;
- Symptoms of Post-Traumatic Stress Disorder (PTSD);

- Intense and prolonged psychological distress at exposure to internal and external cues that resemble aspects of the traumatic event;
- Persistent and exaggerated negative thoughts and expectations about himself; and
- Distress and impairment in social, psycho-social, occupational, and recreational functioning.

### **3.3. Current difficulties and complaints**

Mr Sample stated in the interview that:

- He struggles to walk properly and cannot jog anymore;
- He must walk a lot at work which causes swelling in the left foot due to pressure he places on his left side to support the weaker right foot;
- He struggles to walk long distances; and
- He experiences lower back pain which becomes worsened by cold weather.

According to the RAF 4 Form, the following current complains and symptoms were mentioned:

- Severe pain in the lower back;
- Interference with activities of daily living;
- Sensitive at wound site; and
- Self-conscious about the amputated toe.

Dr OS (Orthopaedic Surgeon) lists the following complaints:

- He struggles with intermittent pain and/or sensitivity over the amputation site;
- He experiences pain/sensitivity during cold/wet weather and after a long day being on his feet;
- He walks with a severely altered movement pattern which has led to his shoes wearing off; and
- He experiences recurrent pain and swelling in his left ankle.

Ms OT (Occupational Therapist) lists the following complaints:

- He experiences discomfort and pain while walking and/or standing for prolonged periods;

- His lower back is painful, especially while bending forward and kneeling; and
- Antalgic gait due to altered placement of the right foot when bearing weight such as walking or standing.

Ms CP (Clinical Psychologist) lists the following additional complaints:

- The injured area to his right foot is very sensitive to pain and he is cautious not to bump the area;
- His appetite is normal but he avoids eating in the evenings as he fears weight gain due to lack of exercise;
- He feels depressed since the accident;
- He is unable to enjoy life as before and feels saddened by his restrictions;
- He feels emotionally vulnerable since the accident and is easily reduced to tears;
- He feels trapped and frustrated by his physical restrictions when on holiday which causes emotional distress;
- He feels heart sore when he cannot go out and explore his world;
- He avoided riding a motorcycle for two and a half years' post-accident and has lost confidence on the bike;
- He experiences hypervigilance and exaggerated startle response when travelling on the road;
- He has become a nervous driver on the road;
- He continues to experience flashbacks of the accident when travelling on the road;
- He experiences nightmares of the accident which have become less frequent over time;
- He is preoccupied by thoughts of the accident which is worse when traveling on the road;
- He feels self-conscious of the disfigurement and always wears a closed shoe to hide his right foot;
- He refuses to show people his injury, including friends and family well known to him;
- He feels self-conscious and ashamed of the injury to his right foot;
- He avoids walking on the beach on holiday as he feels exposed without his shoes and now prefers isolated holiday areas where he is undisturbed by people; and
- He experiences a sense of disbelief when he looks at his right toe and struggles to accept the injury.

All aforementioned were observations and information as stated by Mr Sample, and were duly verified by the specialist's reports received.

## 4. BEHAVIOUR OBSERVATION

The following behavioural observations were noted during the consultation session:

- Mr Sample arrived on time for the consultation session;
- He was well mannered and groomed;
- He was comfortable to conduct the consultation session in Afrikaans; and
- At first, he seemed shy, however he was co-operative during the consultation session, and tried to provide as much information as possible.

## 5. PSYCHOMETRIC EVALUATION

The purpose of the psychometric evaluation is to make use of an evidence-based approach, in order to determine the client's potential cognitive ability, personality traits and possible vocational interests. This contributes when suggesting alternative employment, specifically for the client. The Psychometric Assessment Battery consists of the following instruments:

Instrument Name	Purpose
General Reasoning Test Battery (GRT2)	This assessment measures cognitive ability.
Occupational Personality Profile (OPPro)	This assessment measures personality traits.
Occupational Interest Profile (OIP)	This assessment measures vocational interest.

The results regarding the Psychometric Assessments were as follows:

### 5.1. Reasoning abilities

#### 5.1.1. Verbal General Reasoning

The Verbal General Reasoning Test assesses a person's ability to use words in a logical way, consisting of items which involve an understanding of vocabulary, class membership and the relationships between words. This test measures the ability to perceive and understand concepts and ideas expressed verbally. While this test is a measure of reasoning ability rather than educational achievement, it is nonetheless generally recognised that verbal reasoning test scores are sensitive to educational factors.

**Assessment Result:** Mr Sample's performance on the **verbal component** of the test indicates that he has a **slightly below average level** of verbal reasoning ability. This suggests that his verbal reasoning ability is unlikely to be as strong as that of most staff in general level employment. While his command of the English language would not be expected to be unduly poor, he is nonetheless likely to experience a little difficulty fully comprehending complex logic and subtle shades of meaning.

Mr Sample is likely to have a slightly weaker ability to formulate logical verbal arguments than many staff. While he should be able to explain ideas he is familiar with, he is likely to experience some difficulty when he is required to explain new material that he is not familiar with to others. While he should be able to learn routine verbal material without great difficulty, he is likely to have some difficulty grasping the logic of particularly subtle arguments and explanations. As a result, he is likely to benefit from training and development programs that require a reasonable level of verbal ability, especially if the material is presented in a structured and skills-focussed manner.

#### **5.1.2. Numerical General Reasoning**

The Numerical General Reasoning Test assesses a person's ability to use numbers in a logical and rational way. The test consists of items assessing a candidate's understanding of a number series, numerical transformations, the relationships between numbers and the ability to perform numerical computations.

**Assessment Result:** Mr Sample's performance on the **numerical component** of this test indicates that he has a **slightly below average level** of numerical ability when compared to the chosen reference group. This suggests that he is likely to experience somewhat more difficulty than most people in general level employment, to perceive the logical patterns and relationships between numbers to understand the rules that govern these patterns and to deduce their logical consequences. Furthermore, he is likely to experience some difficulty fully appreciating complex numerical/mathematical concepts and ideas.

While Mr Sample should be able to carry out routine numerical operations with relative ease and accuracy, he is likely to experience difficulty to fully comprehend the logic that underpins more complicated mathematical problems. Nonetheless, he should be able to cope with routine numerical work with undue difficulty and is likely to benefit from further training and development.

### 5.1.3. *Abstract General Reasoning*

The Abstract General Reasoning Test assesses the ability to understand complex concepts, and assimilate new information outside of previous experience. The test consists of items which require the recognition of patterns, and similarities between shapes and figures. As a measure of reasoning, it is independent of educational attainment and can be used to provide an indication of intellectual potential. Assessing the ability to quickly understand and assimilate new information, it is likely to predict how responsive to training a person will be.

**Assessment Result:** Mr Sample's score on the **abstract component** of this test indicates that, with respect to the chosen reference group, he has a **below average level** of natural reasoning ability. This suggests that he is likely to experience rather more difficulty than most people in general level employment in correctly identifying logical patterns and relationships between novel material. He is similarly likely to experience more difficulty than the majority of staff in being able to use pure logic (i.e., without calling upon other knowledge/information such as his vocabulary, knowledge of mathematical operations, etc.) to deduce the consequences of such patterns.

While Mr Sample should be able to benefit from training that is routinely undertaken by staff in general level occupations, he is likely to learn new material more slowly than most staff. Moreover, as he is likely to have some difficulty grasping any abstract concepts or theoretical ideas that may underpin the skills he is being taught, he would be expected to gain most benefit from training programmes where the information is presented in a skills-based, non-theoretical way.

## 5.2. **Personality traits**

The Occupational Personality Profile is a general personality profile designed to assess a broad range of personality traits. These traits assess the client's characteristic ways of behaving across a wide range of situations. Identifying behaviour preferences across nine major personality constructs as well as the big five personality traits (McCrae and Costa, 1987). These provide insight into how people typically think, feel and interact in ways that may be productive or counter-productive in a work setting.

### **5.2.1. Response Style**

The OPPro contains a measure that examines the way in which the respondent has approached the questionnaire. The questionnaire contains a measure of the extent to which the respondent is attempting to present themselves in a socially desirable or favourable way.

Mr Sample appears to have answered the questions realistically and has attempted to present an accurate picture of himself. His social desirability score is average.

### **5.2.2. Interpersonal Style**

Mr Sample is very concerned not to upset people and does not usually complain about anything. He may find it difficult to confront other people and his friends will probably say he gives in to others' demands too easily and do not stand his ground even when he is right. He is a very good listener and will usually prefer to help others sort out their problems rather than making sure they are doing what they are supposed to. Mr Sample does not usually enjoy taking the lead and feels uncomfortable if he must tell others what to do.

Many people might consider Mr Sample to be a fairly quiet and shy person. He may feel uncomfortable when meeting new people and as a result, does not usually make the first move when getting to know new people. Consequently, he may not like working in busy or crowded environments and may try to avoid jobs where he has to work closely with other people, and might dislike jobs where he has to talk to lots of people, particularly if he does not know them well. He may tend to slip into the background at parties and he might also tend to "take a back seat" in group discussions as he does not like being the centre of attention. Quite independent, Mr Sample tends to go his own way.

### **5.2.3. Thinking Style**

Mr Sample often prefers to react to situations as they happen, rather than plan ahead and carefully consider all the options before he makes a decision. While he will sometimes act on the spur of the moment, he recognises the importance of planning ahead. He is not particularly set in his ways and he will generally be fairly open to new ideas. Mr Sample may have less sense of duty than some people and at times he may be a little careless of fine detail. He may not enjoy attending to detail, but he acknowledges the importance of doing things correctly. He may also at times have some difficulty seeing particularly boring, repetitive tasks through to the end.

Mr Sample is likely to avoid taking risks and will usually choose the safe option if given the choice. He is a very cautious person and some may see him as lacking a sense of adventure and excitement. On the other hand, he simply thinks that it is not sensible to take chances. This tendency to be cautious is likely to extend to his career where he might want a stable and secure job. As a result, being self-employed, working for a small company or working in a job where he does not have regular work to do will probably not interest him.

#### **5.2.4. Coping Style**

Mr Sample is slightly less calm and able to control his feelings than most people. As a result, he may tend to be a little moody and touchy at times. He is a little more temperamental and emotional than some people and may sometimes be easily upset by other people's thoughtless comments. He is relatively sensitive to other people's opinions of him and he may be a little more easily hurt than most people. As a result, he may have some difficulty accepting criticism, even if it is well meant.

Mr Sample may be inclined to worry and at times, may feel anxious or tense about things which would not worry other people. As a result, he may at times doubt his own abilities and worry a little about possible failure.

### **5.3. Personal work profile**

The personal work profile assesses the client's vocational interests. This is purely to determine in which occupational domain the client shows most interest in. This allows for narrowing the various career paths down to the top three domains, as reported in the assessment results. Please note that this assessment does not take the client's competencies and abilities into consideration, only interest.

#### **5.3.1. Administrative/Clerical**

##### **Activities involving administration and well established procedures:**

Mr Sample seems interested in clerical and administrative work and should enjoy working in an office. He is likely to feel that systems are the backbone of any organisation and will try very hard to make them work. Careers of interest will be found in practically every type of organisation for example banks, insurance companies and head offices of companies. Because almost all job areas require administration support, he has the opportunity of matching this interest in a field closely related to other interests.

### 5.3.2. Practical/Mechanical

#### Activities involving the use of machinery and other practical occupations:

Mr Sample shows a moderate level of interest in practical and mechanical types of work, and probably enjoys working with his hands. He may show some interest in how things work, but he is unlikely to enjoy mending household appliances, bicycles etc. This implies that he is not likely to be interested in crafts, trades in the building industry, or engineering. He may wish to consider whether his moderate level of interest is more associated with construction/engineering, or whether this level of interest would apply to other less manual or physically demanding jobs which may require working with his hands. Mr Sample has expressed some interest in working with his hands, otherwise his interest score would possibly have been lower.

### 5.3.3. Artistic/Creative

#### Activities involving creative/artistic skills:

Mr Sample shows a moderate level of interest in careers which involve creative and artistic activities such as art, drama, and other cultural pursuits. He may be motivated to use this interest in a career, but should bear in mind that ability, in conjunction with interest is critical for success in this area of work. It may be possible that he has not considered the more practical applications of potential creative talent within occupations outside of art and design.

## 5.4. Potential career paths

The possible career paths provided below serves as a guideline only, and not necessarily the actual capacity to perform such work. It is important that the plaintiff's current situation is also taken into consideration when recommending an alternative career path.

Skill Requirement	Possible Career Paths		
High	NHS Administrator		
Moderate-High	Administrative Officer (Civil Service)	Engineering Technician	
Moderate-Low	Insurance Claims Official	Auto Mechanic	Admin Clerk
Low	Clerical Officer	Production Line Worker	Warehouse Operative Post Man

*NOTE: The possible career paths mentioned above only takes the psychometric evaluation into consideration.*

Taking into consideration Mr Sample's current level of education, work experience, age, background, and assessment results above, he would fall into the category for Moderate-Low skilled employees. Therefore, as indicated in the table above, recommended career paths include an Insurance Claims Officer or Auto Mechanic. However, this does not seem to correlate with his current occupation, being employed as a Sales Executive at Automotive Company 2.

## **5.5. Discussion**

Regarding the results of the aforementioned assessments, Mr Sample seems to find it difficult to confront other people, and his friends will probably say he gives in to others' demands too easily and do not stand his ground even when he is right. He is a very good listener, a fairly quiet and shy person who is very cautious and tends to avoid taking risks. His tendency to be cautious is likely to extend to his career where he will want a stable and secure job.

Mr Sample's performance on the verbal, numerical and abstract reasoning components of the assessments indicate that he has a slightly below average level of verbal and numerical reasoning, and below average level abstract reasoning abilities when compared to the chosen reference group. This suggests that he is likely to experience more difficulty than most people in general employment in explaining new materials, perceiving logical patterns and relations between numbers, and correctly identifying logical patterns and relationships between novel materials.

When combining the general reasoning, occupational personality profile and occupational interest assessment results, and keeping in mind his current situation, it seems that Mr Sample would be most suited for occupations such as an Insurance Claims Official or Auto Mechanic. Taking into consideration his level of education and specific skillset, a weak correlation was found between his preference and his current position, namely a Sales Executive at Automotive Company 2.

## **6. MEDICAL HISTORY**

It seems that Mr Sample has progressed successfully through the various developmental stages of life (birth, baby, toddler, teenager, and adulthood). Mr Sample did not mention any other serious illnesses, medical conditions, or operations prior to the accident.

## 7. FAMILY HISTORY

Name & Surname	Relation	Date of Birth	Occupation	Education
Fernand Martins Sample	Father	1951	Retired in December 2016 (Worked as a Welder)	Grade 10
Jacoba Willemiena Sample	Mother	1956	Manager at Company 1, Menlyn Park	Grade 10
Martin Sample	Older Brother	1975	IT Programmer	Grade 12
Jaco Sample	Younger Brother	1983	Self-employed (Deliveries and Moving)	Not Specified

NOTE: The information provided above is as described by the plaintiff during the collateral interview held.

## 8. EDUCATIONAL HISTORY

Institution	Grade/Qualification	Comments
Secondary School	Grade 12	1998
The Company 3 - Outsourced training company	Sales Diploma	2001
HRST in Bedfordview	Sales-related training	2013

NOTE: Certificates of the abovementioned qualifications could not be provided by the plaintiff, as the client reported that the original documentation was lost. Specifically, both his Grade 12 Certificate and Sales Diploma were lost when he moved from Sampleville (Mpumalanga) to Demoville (Gauteng), approximately twenty years ago.

## 9. EMPLOYMENT HISTORY

### 9.1. Employment pre-morbid

#### 9.1.1. Company 1

<b>Company</b>	Company 1
<b>Position</b>	Underground Miner
<b>Paterson level</b>	A1/A2
<b>Duration of employment</b>	Three Months

<b>Duties</b>	Not Specified	
<b>Basic Salary</b>	R 2,500.00 (per month)	Not Specified
<b>Benefits</b>	Not Specified	
<b>Reason for leaving</b>	Not Specified	

*NOTE: No financial documentation was made available in order to verify the above stated information.*

#### 9.1.2. Company 2

<b>Company</b>	Company 2	
<b>Position</b>	Manager	
<b>Paterson level</b>	A2/A3	
<b>Duration of employment</b>	2003 - 2005	
<b>Duties</b>	Not Specified	
<b>Basic Salary</b>	R 3,500.00 (per month)	R 42,000.00 (per annum)
<b>Benefits</b>	Not Specified	
<b>Reason for leaving</b>	Not Specified	

*NOTE: No financial documentation was made available in order to verify the above stated information.*

#### 9.1.3. Company 3

<b>Company</b>	Company 3	
<b>Position</b>	Sales Executive	
<b>Paterson level</b>	B1/B2	
<b>Duration of employment</b>	2005 - 2008	
<b>Duties</b>	Not Specified	
<b>Basic Salary</b>	R 4,000.00 - R 7,000.00 (per month)	R 48,000.00 - R 84,000.00 (per annum)
<b>Benefits</b>	Commission	
<b>Reason for leaving</b>	Not Specified	

*NOTE: No financial documentation was made available in order to verify the above stated information.*

#### 9.1.4. Company 4

<b>Company</b>	Company 4
<b>Position</b>	Manager
<b>Paterson level</b>	B2/B3
<b>Duration of employment</b>	2008 - 01 June 2011
<b>Duties</b>	Not Specified
<b>Basic Salary</b>	R 10,000.00 - R 15,000.00 (per month)   R 120,000.00 - R 180,000.00 (per annum)
<b>Benefits</b>	Commission
<b>Reason for leaving</b>	Not Specified

*NOTE: No financial documentation was made available in order to verify the above stated information.*

#### 9.1.5. Company 5

<b>Company</b>	Company 5
<b>Position</b>	Sales Executive
<b>Paterson level</b>	B2/B3
<b>Duration of employment</b>	01 June 2011 - 30 June 2012
<b>Duties</b>	Not Specified
<b>Basic Salary</b>	R 2,000.00 (per month)   R 24,000.00 (per annum)
<b>Benefits</b>	Commission of approximately R 15,000.00 - R 16,000.00 (per month)
<b>Reason for leaving</b>	Personal reasons

*NOTE: No financial documentation was made available in order to verify the above stated information.*

## 9.2. Employment at time of accident

Mr Sample was successively employed for approximately eleven years at several organisations prior to the MVA. Mr Sample resigned at Company 5 on the 30<sup>th</sup> of June 2012, and was unemployed for twelve days when the accident occurred. He was therefore unemployed at the time of the accident and for the duration of his five-month recuperation period.

### 9.3. Employment post-morbid

Mr Sample was involved in an MVA on the 12<sup>th</sup> of July 2012, soon after resigning from Company 5. Therefore, he reported that he was unemployed at time of the accident and remained unemployed for seven consecutive months. During his unemployment, he recuperated for approximately five months. Mr Sample started working as a Sales Executive at Automotive Company 1, in Garsfontein in February 2013 for approximately one year. Currently, he is employed at Automotive Company 2 in Hatfield, in the same capacity as within the previous company.

#### 9.3.1. Company 6

<b>Company</b>	Automotive Company 1, Garsfontein	
<b>Position</b>	Sales Executive	
<b>Paterson level</b>	B3/B4	
<b>Duration of employment</b>	01 February 2013 - 01 March 2014	
<b>Duties</b>	Not Specified	
<b>Basic Salary</b>	R 5,000.00 (per month)	R 60,000.00 (per annum)
<b>Benefits</b>	Commission of approximately R 2,000.00 - R 3,000.00 (per month), company vehicle, medial aid and pension	
<b>Reason for leaving</b>	Better opportunity	

*NOTE: No financial documentation was made available in order to verify the above stated information.*

#### 9.3.2. Company 7

<b>Company</b>	Automotive Company 2, Hatfield	
<b>Position</b>	Sales Executive	
<b>Paterson level</b>	B5/C1	
<b>Duration of employment</b>	March 2014 - Current	
<b>Duties</b>	Not Specified	
<b>Basic Salary</b>	R 7,500.00 (per month)	R 90,000.00 (per annum)
<b>Benefits</b>	Commission of approximately R 7,000.00 - R 8,000.00 (per month), vehicle allowance of R 3,000.00 (per month), medial aid and pension	
<b>Reason for leaving</b>	Not Applicable	

*NOTE: Personal bank statements was made available in order to verify the above stated information in terms of his monthly earnings. Specifically, the documentation illustrates three months' salary, in conjunction with commission received. Mr Sample earned an average of approximately R 13,635.27 salary per month over a period of three months.*

## **10. CAREER PROBABILITIES**

This section would be utilised to establish the plaintiff's pre-and post-morbid career probabilities, taking into consideration information related to the accident, behavioural observation, psychometric evaluation, medical history, family history, educational background, and employment history.

### **10.1. Career summary**

Mr Sample holds a Grade 12 qualification, completed a Sales Diploma, and an in-house sales-related training course. Mr Sample started earning on a Paterson A1/A2 level, which is the basic entry level of an unskilled and defined decision-making individual, as an underground Miner at Company 1 for three months. Mr Sample increased his skillset and progressed to hold a Managerial position at the Company 2 in 2003, working on a Paterson A2/A3 level. After two years in the latter position, Mr Sample pursued a career in Sales as a Sales Executive at Company 3 in 2005, earning on a Paterson B1/B2 level. In 2008, Mr Sample undertook a position of a Manager at Company 4 for approximately three years, working on a Paterson B2/B3 level.

In 2011, the plaintiff was employed in a position of a Sales Executive at Company 5, where he continued to work on a Paterson B2/B3 level, taking his earnings into account. However, Mr Sample resigned from Company 5 due to personal reasons, which was approximately twelve days prior to the accident. He remained unemployed for seven months, during which he also recuperated from the accident. Mr Sample only commenced with employment in February 2013 at Automotive Company 1, as a Sales Executive where he worked on a Paterson B3/B4 level, taking his earnings into account. In order to verify this information, Ms Colleague (Bookkeeper) was contacted, since Mr Sample's supervisor at the time has resigned from Automotive Company 1. However, Ms Colleague (Bookkeeper) was unable to provide comprehensive information pertaining to Mr Sample's employment at Automotive Company 1.

At present, Mr Sample receives a basic salary and commission, and is therefore earning on a Paterson B5/C1 level as a Sales Executive at Automotive Company 2 in Hatfield, Pretoria, since March 2014. Therefore, he has approximately eleven years' work experience, obtained a sales diploma and successfully completed an in-house sales-related training course at HRST in Bedfordview. According to Ms Colleague (Bookkeeper), Mr Sample attended compulsory in-house training sessions on a monthly basis to remain up-to-date with new car specifications. In addition, Mr Sample's current employer, Mr Manager (Dealer Principal) confirmed that he attends regular in-house training programmes ranging from general to specific product knowledge courses and receives training on basic telephonic skills. Given Mr Sample's level of education, age and specific skillset, the possibility of him progressing beyond a Paterson B5/C1 level in the future is good. However, it is not foreseen that he will progress further than a Paterson C4/C5 level before reaching career glass ceiling.

## 10.2. Probable scenarios

Scenario	Outcome	Potential Loss
<b>Scenario 1</b>	1.1 Pre-morbid: Remained employed as a Sales Executive	A potential loss of ± R 163,623.24 (current salary) annually + yearly CPI increase.
	1.2 Post-morbid: Remains employed as a Sales Executive	
<b>Scenario 2</b>	2.1 Pre-morbid: Promotion to Senior Sales Executive	A potential loss of ± R 166,376.76 per annum (R 330,000.00 Senior Sales Executive position – R 163,623.24 current salary) + yearly CPI increase.
	2.2 Post-morbid: Promotion to Senior Sales Executive	

*NOTE: The calculation of losses stated above is based on the normal retirement age of 60. These amounts do not include any future treatment, surgery or follow-up appointments as mentioned by other specialists.*

## 10.3. Scenario probability

This section is utilised to describe the various scenarios highlighted above, and to report on the probability of each scenario becoming a reality for the plaintiff.

### **10.3.1. Scenario 1.1: Pre-morbid: Remained employed as a Sales Executive**

Mr Sample is currently employed as a Sales Executive and has extensive experience in his line of work. Based on the plaintiff's medical, educational and employment history as reflected in Sections 6, 8 and 9 of this report, it is inferred that Mr Sample could have continued to successfully function in the capacity of Sales Executive, had the accident not occurred.

Mr Sample would have sustained the required levels of confidence and physical capability to walk/stand for prolonged periods, communicate with potential customers, meet monthly sales goals and, maintain a satisfactory productivity level. All things considered, the plaintiff's prospects of progressing in his career, in terms of basic salary and/or commission, would have been very good. According to Ms CP (Clinical Psychologist), *"due to his level of education, work experience and skill set he may have limited employment opportunities compared to his pre-accident scenario due to his physical injuries and physical impairment"* and that *"this opinion is deferred to the relevant specialists"*. Dr OS (Orthopaedic Surgeon) also states that *"the patient was a very active man prior to the accident, spending long periods of time on his feet, as well as driving"*.

Taking the abovementioned information into consideration, the writer reached the following verdict with regards to the plaintiff remaining employed as a Sales Executive, had the accident not occurred:

**Verdict: This scenario has a probability of 90% (Highly Probable).**

### **10.3.2. Scenario 1.2: Post-morbid: Remains employed as a Sales Executive**

Mr Sample was unemployed at the time of the accident and, therefore no recuperation period loss should be calculated for the time he spent away from work. Mr Sample's current salary details as a Sales Executive is as follows:

<b>Sales Executive</b> Information Obtained from Client	<b>Salary Per Month</b> (2016)	<b>Total Package Per Annum</b> (2016)
<b>Basic Salary</b>	R 7,500.00	R 90,000.00
<b>Commission</b>	R 7,000.00 - R 8,000.00	R 84,000.00 - R 96,000.00
<b>Total Average Salary</b>	R 13,635.27	R 163,623.24

*NOTE: The calculation of losses stated above is based on the normal retirement age of 60. These amounts do not include any future treatment, surgery or follow-up appointments as mentioned by other specialists.*

Mr Sample is currently employed as a Sales Executive and has extensive experience in his line of work. According to Ms OT (Occupational Therapist), *“Mr Sample will be able to cope with the physical demands of his current work or any work that falls within the light to medium category, until retirement age”*. However, Dr OS (Orthopaedic Surgeon) claims that *“I believe that the injury had a moderate impact on the patient’s productivity and working ability and will continue to do so in future”*. In addition, his productivity and confidence levels as a Sales person are likely to be impacted due to his depressed emotional state and symptoms of PTSD which resulted from the accident. We defer to Ms C CP (Clinical Psychologist) to determine the extent to which Mr Sample’s emotional functioning will affect his work ability in this regard. Ms OT (Occupational Therapist) also stated that *“his biggest physical limitation currently is his antalgic gait pattern and altered standing posture, due to altered placement of the right foot (e.g. bears weight on lateral aspect of right foot when bearing walking and standing)”*.

Furthermore, Mr Sample may receive less commission per month since he may experience difficulty meeting his sales goals. Mr Manager (Dealer Principal) noted that *“Mr Sample struggles to meet his monthly targets which is five to ten cars per month”*, however he is not sure if this may be related to the injuries sustained because of the accident. Ultimately, Mr Sample could be confronted with the probability of being demoted or dismissed, as he may not be able to function at the expected productivity level in this capacity. However, Dr OS (Orthopaedic Surgeon) concluded that *“with successful treatment, it is likely that the patient’s productivity will increase”* which requires Mr Sample to have the financial means to pay for such treatment. Therefore, it could be accepted that the accident had an impact on Mr Sample, and the progress in his career in terms of basic salary and/or commission.

Should Mr Sample become unemployed due to accident related injuries and not remain in his current level of employment as a Sales Executive, he would sustain a loss calculated as follows: Loss of approximately R 163,623.24 (current salary) annually plus a yearly CPI increase.

**Verdict: This scenario has a probability of 60% (Probable).**

### **10.3.3. Scenario 2.1: Pre-morbid: Promotion to Senior Sales Executive**

Ms OT (Occupational Therapist) noted that because of Mr Sample’s *“antalgic gait pattern his walking speed is reduced”* and that *“due to lower back discomfort he has some limitations with kneeling and forward bending tasks”*. In addition, she stated that he described several physical complaints, including *“sensitivity on right big toe amputation stump”*, *“discomfort in right big*

*toe when wearing shoes”, “off balance at times”, “discomfort in ‘healthy’ left ankle, due to altered gait pattern”, and “occasional lower back pain”. Had the plaintiff not been involved in the MVA, the previously stated physical limitations would not have been factors which are likely to prevent promotion opportunities. Dr OS (Orthopaedic Surgeon) believes that “the injury had a moderate impact on the patient’s productivity and working ability and will continue to do so in the future”.*

Taking into consideration Mr Sample’s level of education, age, experience, psychometric assessment results and skillset, there was a probability that he may have been promoted. A probable career path and promotion opportunity for Mr Sample entails becoming a Senior Sales Executive.

Should he have been promoted to a Senior Sales Executive position, he would have progressed towards but not beyond a Paterson C2/C3 level. However, the writer is of the opinion that Mr Sample would have reached a career glass ceiling on a Paterson C4/C5 level by the time he turned 60. In order to establish the likely earnings that Mr Sample could have received, one needs to be familiar with the remuneration of such a position. This will then give an indication of the remuneration likelihood that he may earn. Such an analysis was conducted and the results are indicated in Section 10.3.4.

Taking the abovementioned information into consideration, the writer reached the following verdict with regards to promotion opportunities prior to the accident:

**Verdict: This scenario has a probability of 80% (Highly Probable).**

#### **10.3.4. Scenario 2.2: Post-morbid: Promotion to Senior Sales Executive**

Dr OS (Orthopaedic Surgeon) believes that *“the injury had a moderate impact on the patient’s productivity and working ability and will continue to do so in the future”*. Correspondingly, Ms OT (Occupational Therapist) maintains that, due to Mr Sample’s *“antalgic gait pattern his walking speed is reduced”* and *“due to lower back discomfort he has some limitations with kneeling and forward bending tasks”*. Consequently, these physical limitations may hinder Mr Sample’s opportunity for promotion to a more senior sales position as it will, amongst other duties, demand him to reach higher sales targets for him to receive adequate commission.

Ms C CP (Clinical Psychologist) notes that *“unless Mr Sample’ emotional dysfunction can to some extent be remediated, he may fall further behind in social, psycho-social, occupational*

*and recreational functioning, which would add to his emotional vulnerability". In addition, Ms Colleague (Bookkeeper) maintains that Mr Sample "is not a chance taker" and that he "rarely ever took leave since he was not the type of person that would purposefully stay away from work". However, Ms Colleague (Bookkeeper) also stated that "the only promotion opportunity for Mr Sample would be to become a Manager but this unlikely". In addition, Mr Manager (Dealer Principal) stated that "there are not many promotion opportunities at Automotive Company 2 but should one arise, Mr Sample would be my first choice" and that "he is a good candidate for promotion".*

Additionally, Mr Sample is likely to have some difficulty in formulating logical verbal arguments than the majority of staff. This means that while he should be able to explain certain concepts and ideas to potential customers and colleagues, he is likely to experience a fair degree of difficulty when grasping the logic of subtle arguments and explanations which may be expected at senior level.

Taking into consideration Mr Sample's level of education, age, experience and skillset, there is a probability that he may be promoted in the future. A possible career path and promotion opportunity for Mr Sample entails becoming a Senior Sales Executive. Should he be promoted to a Senior Sales Executive position, he would progress towards but not beyond a Paterson C2/C3 level in future. Therefore, the writer is of the opinion that Mr Sample would have reached a career glass ceiling on a Paterson C4/C5 level by the time he turns 60. In order to establish the likely earnings that Mr Sample could receive, should he be promoted to a Senior Sales Executive position, one needs to be familiar the remuneration of such a position. This will then give an indication of the remuneration likelihood and subsequent losses that he might sustain. Such an analysis was conducted and the results were as follow:

<b>Paterson Level</b>	<b>LQ Basic Salary Per Month</b>	<b>LQ Annual Package</b>	<b>MQ Basic Salary Per Month</b>	<b>MQ Annual Package</b>	<b>UQ Basic Salary Per Month</b>	<b>UQ Annual Package</b>
<b>A1</b>	R 5 443	R 82 889	R 6 361	R 95 041	R 7 566	R 112 174
<b>A2</b>	R 6 359	R 93 305	R 7 333	R 110 548	R 8 784	R 129 980
<b>A3</b>	R 7 439	R 112 753	R 8 453	R 128 585	R 9 919	R 150 957
<b>B1</b>	R 8 658	R 131 614	R 9 744	R 149 564	R 11 218	R 181 173
<b>B2</b>	R 9 734	R 146 652	R 11 232	R 173 967	R 12 994	R 208 248
<b>B3</b>	R 11 093	R 168 556	R 12 948	R 202 351	R 15 302	R 228 323
<b>B4</b>	R 13 110	R 206 209	R 14 926	R 235 365	R 17 278	R 274 863

<b>B5</b>	R 15 142	R 238 419	<b>R 17 206</b>	<b>R 273 767</b>	R 19 962	R 321 401
<b>C1</b>	R 17 020	R 269 079	<b>R 19 664</b>	<b>R 317 254</b>	R 23 143	R 368 023
<b>C2</b>	R 19 214	R 301 415	R 22 474	R 367 649	R 26 656	R 432 385
<b>C3</b>	R 22 161	R 361 118	R 25 685	R 426 049	R 29 707	R 493 086
<b>C4</b>	R 25 164	R 406 902	<b>R 29 354</b>	<b>R 493 726</b>	R 34 282	R 585 798
<b>C5</b>	R 27 638	R 500 102	<b>R 33 548</b>	<b>R 572 153</b>	R 40 021	R 683 918
<b>D1</b>	R 32 572	R 589 324	R 38 342	R 663 038	R 45 195	R 814 465

*NOTE: Earnings pertaining to specific Paterson Grade job levels, according to PE Corporate Research, all industries and all locations (April, 2015):*

Mr Sample would most probably fall within the Middle Quartile for market related salaries, because of his general work and sales experience to date. The possible promotion position to Senior Sales Executive is on a Paterson C2/C3 level. Should Mr Sample not be promoted due accident related injuries in future to the latter position, he would sustain a loss calculated as follows: Loss of approximately R 166,376.76 per annum (R 330,000.00 Senior Sales Executive position minus R 163,623.24 current position) plus a yearly CPI increase.

Taking the above-mentioned information into consideration, the writer reached the following verdict with regards to promotion opportunities being limited for Mr Sample due to accident related injuries after the accident occurred:

**Verdict: This scenario has a probability of 60% (Probable).**

#### **PLEASE NOTE:**

The aforementioned calculations should be seen as a guideline on the change that took place in the life of the client as a result of the accident that occurred. It should be taken into consideration that there are other deductions that should be considered as well, such as VAT. It is therefore recommended that the above calculations should be reviewed by an Actuary to ensure that an accurate figure is provided to report on the actual loss that the client sustained/will sustain in future. Furthermore, one must take into consideration all future treatment, medical equipment and all other losses as suggested by the various specialists, related to the accident in question.

In the case of the formal sector, the prediction of entrance into the labour market and career progress is usually based on the following guidelines:

Qualification Level	Entry Level	Ultimate Level
Grade 10 (NQF level 02)	A1	B1
Grade 11 (NQF level 03)	A2	B3
Grade 12 (NQF level 04)	A3	B3/B4
Certificate (NQF level 05)	B3	C1/C2
Diploma (NQF level 06)	B4	C3/C4
B Degree (NQF level 07)	B4/B5/C1	D1+

*NOTE: Apart from qualifications, the achievement of the ultimate levels depends on several factors, inter alia, supply of and demand for specific categories of labour, the availability of promotional opportunities, job performance of an incumbent, Affirmative Action policies, geographical location, etc. The complexity and duration of a qualification also influence the remuneration package (e.g., a 6-month certificate versus a two-year certificate, a BA Degree versus a BCom Accounting Degree, a BTech versus a BSc Engineering, etc.). It is crucial that the NQF level of a qualification be established as recognised by SAQA.*

The objective is to project realistic, appropriate estimations of likely earnings, sourced from available data, *inter alia*:

- Deloitte & Touche Remuneration Guide;
- Wage Determinations published by the Department of Labour;
- PE Corporate Services National Salary Survey for all Incumbents;
- Wages negotiated by Bargaining Councils;
- Earning Guidelines published in The Quantum Yearbook 2017 (Dr Robert Koch); and
- Salaries advertised with vacant positions in current media (PayScale, LinkedIn etc.).

## 11. RETIREMENT

The following is stated in legislation: “*Retirement age means from the age of 55 years (early retirement), through 60 years (normal retirement), to 65 years (compulsory retirement)*”. Also, one must take into consideration the fact that normal retirement age in the formal sector could be considered as 65 years, and that very few people can afford to retire before that time. Just because a person has been retired by their employer, does not necessarily mean that they stop working. The less an individual earns, the greater the need to continue to work until the age of 65 years and, in some cases, even beyond that age.

With regards to early retirement prior to the accident, Mr Sample would have been able to manage and deal with, both emotional physical demands of his occupation. Dr OS

(Orthopaedic Surgeon) states that *“the accident and accompanying injuries did not have a detrimental effect on the patient’s life expectancy”*. Furthermore, Ms OT’s (Occupational Therapist) report highlights that Mr Sample’s *“difficulties are anticipated to improve following the recommended interventions”*. She further notes that *“Mr Sample will be able to cope with the physical demands of his current work or any work that falls within the light to medium demand, until retirement age”*.

Therefore, taking all information into consideration, no early retirement is foreseen at the time of this report. However, should Mr Sample retire early due to accident related injuries, a loss should be calculated as follows: Loss of approximately R 166,376.76 per annum (R 330,000.00 Senior Sales Executive position minus R 163,623.24 current position) plus a yearly CPI increase.

## **12. THE SOUTH AFRICAN LABOUR LEGISLATION IMPACT**

It is important to understand the impact and role of the current Labour Legislation within South Africa, and therefore it will be discussed briefly and applied to the client. It will assist with understanding the different scenarios as discussed. The source that was used: Code of Good Practice: Key Aspects on the Employment of People with Disabilities (Government Gazette no. 23702 as published on 19 August 2002).

Government Gazette states that *“People are considered as persons with disabilities when they satisfy all the criteria as included in the definition: Having a physical or mental impairment (physical impairment means partial or total loss of a bodily function or part of body), and which is long term or recurring, and substantially limits their prospects of entry into, or advancement in employment”*.

When taking the South African Labour legislation into consideration, and the injuries sustained by **Mr Sample**, **it seems that he should not be seen as an individual with impairment, and will therefore most likely not be protected by legislation** for employment of persons with disabilities.

Additionally, Dr RAF (RAF 4 Medical Practitioner) indicates that Mr Sample has a Whole Person Impairment (WPI) of 14%. However, according to the narrative test (as outlined on page 3, with referral to paragraph 5.1 of the RAF 4 Form) the patient has serious long-term

impairment which could cause loss of body function, along with permanent serious disfigurement.

**PLEASE NOTE:**

Reasonable accommodation for the disabled: All employers should attempt to accommodate the needs of people with disabilities to a reasonable extent. The aim of the accommodation is accordingly to reduce the impact of the impairment on the person's capacity to fulfil the essential functions of his/her job. Employers should also adopt the most cost-effective means of removing barriers for the persons with disabilities so that they will be able to perform their jobs and to enjoy equal access to the benefits and opportunities the employment has to offer. This implies that candidates who are suitably qualified for a particular job/position will be sufficiently accommodated during the recruitment and selection process, in the working environment, in the manner in which the work has to be conducted, evaluated, and rewarded, as well as in terms of benefits and privileges.

Employers' modus operandi: Employers are also protected by the legislation in terms of reasonable accommodation. The employer may select and recruit any person who qualifies for the job (appropriate qualification, skills, experience etc.), but should not discriminate against an applicant who is disabled. The employer is however under no obligation to change facilities should the cost of altering these facilities be in excess of what the employer can afford. All facility accommodations and alterations should thus be within the financial capacity of the employer. If the requirements of a specific job are of such a nature that candidates should be without disabilities in order to perform optimally (needs to be proven) the employer may be justified in turning a disabled person down for the position.

## **13. CONCLUSION**

It is important to take note that the opinions and recommendations provided in this document is based on the information provided at the time of compiling this report. The report is therefore subject to change, should any new information be provided, over the progression of time, changes in the client's situation, and changes in the larger environment impacting the client.

### **13.1. Summary**

Mr Sample was involved in a MVA on the 12<sup>th</sup> of July 2012 at approximately 13H30 in the afternoon, approximately 500 meters from the Mall @ Reds Shopping Centre on Hendrik Verwoerd Drive, Centurion. Mr Sample reported that he lost consciousness at the moment of

impact for approximately ten minutes, and sustained a traumatic amputation of the right big toe and soft tissue injury to his lower back. In addition, pain and swelling in his left ankle joint were identified after the accident and he currently complains that he struggles to walk properly and cannot jog anymore. Correspondingly, Mr Sample experiences intensified lower back pain during cold weather and discomfort when walking long distances which causes swelling in the left foot.

Regarding the results of the psychometric assessments, Mr Sample seems to find it difficult to confront other people and his friends will probably say he gives in to others' demands too easily and do not stand his ground even when he is right. He is a very good listener and a fairly quiet and shy person who is very cautious and tends to avoid taking risks. This tendency to be cautious is likely to extend to his career where he will want a stable and secure job. Mr Sample's performance on the verbal, numerical and abstract reasoning components of the assessments indicate that he has a slightly below average level of verbal, numerical and abstract reasoning ability when compared to the chosen reference group. This suggests that he is likely to experience more difficulty than most people in general employment in explaining new materials, perceiving logical patterns and relations between numbers, and correctly identifying logical patterns and relationships between novel materials.

When combining the general reasoning, occupational personality profile and occupational interest assessment results, and keeping in mind his current situation, it seems that Mr Sample would be most suited for occupations such as an Insurance Claims Official or Auto Mechanic. However, by taking into consideration his level of education and specific skillset, a weak correlation was found between his preference and his current position, namely a Sales Executive at Automotive Company 2.

## **13.2. Specialists' Opinions:**

### **13.2.1. Ms OT (Occupational Therapist):**

Ms OT (Occupational Therapist) stated that *"his biggest physical limitation currently is his antalgic gait pattern and altered standing posture, due to altered placement of the right foot (e.g. bears weight on lateral aspect of right foot when bearing walking and standing)"*. She described in her report that Mr Sample's *"antalgic gait pattern his walking speed is reduced"* and that *"due to lower back discomfort he has some limitations with kneeling and forward bending tasks"*. In addition, she stated that he described several physical complaints, including *"sensitivity on right big toe amputation stump"*, *"discomfort in right big toe when wearing*

shoes”, “off balance at times”, “discomfort in ‘healthy’ left ankle, due to altered gait pattern”, and “occasional lower back pain”. All things considered, Ms OT (Occupational Therapist) argues that “Mr Sample will be able to cope with the physical demands of his current work or any work that falls within the light to medium demand, until retirement age”.

#### **13.2.2. Dr OS (Orthopaedic Surgeon):**

Dr OS (Orthopaedic Surgeon) states that “I believe that the injury had a moderate impact on the patient’s productivity and working ability and will continue to do so in future”. He elaborates by mentioning that “the patient was a very active man prior to the accident, spending long periods of time on his feet, as well as driving”. Additionally, he mentions that “with successful treatment, it is likely that the patient’s productivity will increase” and that “the accident and accompanying injuries did not have a detrimental effect on the patient’s life expectancy”.

#### **13.2.3. Ms CP (Clinical Psychologist):**

Ms CP (Clinical Psychologist) mentions that “unless Mr Sample’s emotional dysfunction can to some extent be remediated, he may fall further behind in social, psycho-social, occupational and recreational functioning, which would add to his emotional vulnerability” and that “due to his level of education, work experience and skill set he may have limited employment opportunities compared to his pre-accident scenario due to his physical injuries and physical impairment”, however, “this opinion is deferred to the relevant specialists”.

#### **13.2.4. Dr RAF (RAF 4 Medical Practitioner):**

Dr RAF (RAF 4 Medical Practitioner) mentions that Mr Sample has a Whole Person Impairment (WPI) of 14%. However, according to the narrative test (as outlined on page 3, with referral to paragraph 5.1 of the RAF 4 Form) the patient has serious long-term impairment which could cause loss of body function, along with permanent serious disfigurement.

### **13.3. Employers’ Opinions:**

#### **13.3.1. Ms Colleague (Bookkeeper):**

Ms Colleague (Bookkeeper) maintains that Mr Sample “is not a chance taker” and that he “rarely ever took leave since he was not the type of person that would purposefully stay away from work”. However, Ms Colleague (Bookkeeper) also mentioned that “the only promotion opportunity for Mr Sample would be to become a Manager but this unlikely”.

### 13.3.2. Mr Manager (Dealer Principal):

Mr Manager (Dealer Principal) stated that “Mr Sample struggles to meet his monthly targets which is five to ten cars per month”. He further mentioned that, even though “there are not many promotion opportunities at Automotive Company 2 but should one arise, Mr Sample would be my first choice” and that “he is a good candidate for promotion”.

### 13.4. Industrial Psychologist’s Opinion:

Based on our investigation of Mr Sample’s accident and surrounding circumstances, we have summarised our opinion as follows:

Scenarios		Probability	Outcome
<b>Scenario 1</b>	1.1 Pre-morbid: Remained employed as a Sales Executive	90%	Highly Probable
	1.2 Post-morbid: Remains employed as a Sales Executive	60%	Probable
<b>Scenario 2</b>	2.1 Pre-morbid: Promotion to Senior Sales Executive	80%	Highly Probable
	2.2 Post-morbid: Promotion to Senior Sales Executive	60%	Probable

NOTE: The scenarios are explained in more detail in section 10.

It is thus the opinion of the writer of this report that the client sustained/may sustain the following losses in past/future as a direct result of the accident in question:

- Mr Sample should be compensated for all medical costs, consultations to various professionals as well as all transport costs occurred, related to the accident;
- With regards to his past loss of income, no recuperation period loss was sustained as Mr Sample was unemployed at the time of the accident;
- Should Mr Sample become unemployed due to accident related injuries, a loss should be calculated. This scenario has been discussed and quantified within the body of this report. However, at the time of this report, this scenario is not foreseen;

- d. Should promotion opportunities become limited due to accident related injuries, taking into consideration Mr Sample not becoming a Senior Sales Executive, a likely future loss is suggested. This scenario has been discussed and quantified within the body of this report. However, at the time of this report, this scenario is not foreseen;
- e. The issue of post-accident retirement age remains the province of the medical experts involved. Details pertaining to early retirement in the plaintiff's case, has been discussed and quantified in the body of this report. However, should he retire early as a result of accident related injuries sustained, the necessary loss should be calculated in this regard; and
- f. To conclude, it is recommended that perhaps the most reasonable way of approaching this case, would be by means of an appropriately increased post-accident contingency deduction, the quantification of which goes beyond the scope of this report and would best be left to the legal teams involved.

## 14. DISCLAIMER

This report consists of information obtained from the plaintiff, through a collateral interview, behavioural observation, psychometric assessments conducted, together with a thorough evaluation of specialist reports that was provided at the time of compiling this report. The writer of this report, therefore takes no responsibility of any inconsistencies, omissions, or conflicting information that the client provided to the various specialists.

It is important to understand that the calculations provided in this report are not necessarily of an accurate nature, as it is used to provide guidance in determining the change in income that the client sustained as a result of the accident in question. It is recommended that an actuarial report is utilised to report on the actual income and loss calculations.

The results of the psychometric evaluation are only valid for a period of 18 months from the date of assessment. In the case of requiring amendments after the 18 months have expired, the client will need to be re-assessed.

Yours faithfully,



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**BAREND PETRUS GERHARDUS MARITZ**

Industrial Psychologist

PS 012 9828

## **15. ADDENDUM A**

### **15.1. Bank Statements**