



Mesothelioma claims FAQs



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“Could not fault your service in any shape or form. Highly professional and proficient.”

Mr Routledge, Client

What is mesothelioma?

Mesothelioma is a fatal cancer caused by the inhalation of asbestos fibres. It can be caused by exposure to quite small amounts of asbestos fibres, although the higher the exposure the greater the chance of contracting it. Some people seem to have a particular susceptibility to developing mesothelioma, but it is not yet known why. The cancer does not usually cause symptoms until 10 to 50 years or more after the inhalation of the asbestos fibres that caused it.

In the UK up to 2500 people a year are diagnosed with mesothelioma, mostly men, but with an increasing number of women recently. Mesothelioma affects the thin membranes that line the inside of the chest wall, called the mesothelium. This causes the build up of fluid in the lungs, leading to increasing breathlessness, coughing/wheezing, fatigue and weight loss. Tragically, there is currently no cure for mesothelioma. Death within one year of first mesothelioma symptoms is common and survival beyond three years is unusual.

How much compensation can be obtained for mesothelioma?

General damages for the mesothelioma condition itself are generally £60,000 or more and the usual range is now £53,200 to £95,700 (as of July 2015). The amount of the claim depends on the duration and intensity of the suffering, the treatment received and the claimant's age/previous health. All financial losses resulting from the disease can be compensated, including claims

for loss of earnings/pension, future “lost years” loss of earnings/pension, medical expenses, travel, aids and adaptations.

Significant claims can also be recovered for the value of care provided to the mesothelioma sufferer, even where this was unpaid for. Where the mesothelioma victim has died, bereavement damages of £12,980 can be awarded to the widow/widower/civil partner of the mesothelioma victims and reasonable funeral expenses.

A claim can also be made for a significant contribution to the costs of any hospice that looked after the mesothelioma sufferer. Where the mesothelioma sufferer has died, claims for the dependency of their family can be made. This can include not just a claim for financial dependency on the mesothelioma victim but also a claim for the value of the mesothelioma victim's non-financial services, such as DIY and gardening.

What if the employer has gone?

Compensation through a mesothelioma claim may still be obtained by claiming against insurers if they can be traced, for example through the Employer Liability Tracing Office.

What if there are no insurers?

Usually this would mean that you are unable to claim compensation. However the Mesothelioma Act 2013 allows a claim for the equivalent of 100% of normal compensation for mesothelioma sufferers/their family where neither the employer nor their insurers can be traced or have the means to pay. This is

Continued >



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provided the claim is otherwise good. The scheme only applies where the disease was diagnosed after 25 July 2012. The award is a fixed amount simply based on the victim's age at diagnosis.

This scheme is set up by the government and funded by liability insurers and administered by loss adjusters, Gallagher Bassett. It is similar to the MIB "Untraced Driver" scheme. There are no court proceedings and it is dealt with on paper. A fixed contribution of £7,000 is made towards legal costs.

Even where ordinary compensation cannot be obtained for mesothelioma, you may be able to claim a lump sum for mesothelioma from the DWP under the Pneumoconiosis (Workers Compensation) Act 1979 or the Diffuse Mesothelioma Scheme 2008. Note: if mesothelioma claim compensation is later recovered any DWP payment must be deducted.

[How quickly can mesothelioma compensation be obtained?](#)

We prioritize the claims of any living mesothelioma claimants, aiming to settle these claims within less than 12 months. This can be assisted by the High Court Fast Track procedure for mesothelioma claims. If it is not possible to quickly settle the whole claim, then we would seek an interim payment of £50,000.

Sadly it is not always possible to settle living

mesothelioma claims quickly; eg if there is a delay in tracing insurers or insurers delay or dispute the claim.

In some cases by the time solicitors are instructed the mesothelioma is quite advanced and the sufferer sadly passes away before compensation through a claim can be obtained.

Where the mesothelioma sufferer has died, whilst there is less urgency to obtain compensation quickly, we will still aim to obtain compensation for the mesothelioma as promptly as possible. However, this is often subject to factors beyond our control.