



Request for reimbursement from a third party

A letter concerning the amount of indemnity paid by the insurer to the insured may be required when, after finalizing the claim settlement, the claims adjuster notifies the third party deemed liable for having caused damages to the insured.

However, claims adjusters cannot ask a third party for both the reimbursement of the indemnity paid and the insured's deductible. Furthermore, their mandate does not go beyond sending this letter. It is up to the insurer to use its own established recovery procedure.

EXAMPLES OF LETTERS FOR CLAIMS ADJUSTERS

Two examples of the "request for reimbursement from a third party" form letters are available: one for **claims adjusters employed by an insurer** and the other for **independent claims adjusters** mandated by an insurer.

It is strongly recommended that claims adjusters use these letters since they comply with both their legal and ethical obligations.

Depending on the cause of the damages, the decision whether or not to identify the type of loss is left to the discretion of the claims adjuster and the insurer.

CAUTIONARY NOTES

Since a claims adjuster cannot be both the insurer's and the insured's mandatary, when a written request for reimbursement is made to a third party deemed liable for damages, the adjuster cannot request reimbursement of indemnity paid by the insurer to the insured and the insured's deductible.

In addition, he cannot imply that he is acting in the same capacity as a lawyer.

After sending the "request for reimbursement from a third party":

- The claims adjuster informs the insured of the applicable limitation period and explains the steps that should be taken if the third party, or their insurer, fails to voluntarily and speedily reimburse the deductible.
- The claims adjuster informs the insured that he will have to seek reimbursement himself for the deductible and for any other damages for which the insurer did not provide indemnity. The claims adjuster can send him the contact information of the third party who is deemed liable for the damages as well as the "**request for reimbursement of the deductible from a third party liable for damages**" form letter.



PROCEDURE

- The adjuster must avoid giving any legal opinion or any opinion that could influence the recourse. Instead, he should refer the insured to the appropriate professional resources or resources that the insurer makes available to insureds, for example, a help desk or a legal insurance service.
- The claims adjuster's mandate with respect to the subrogation process ends at this point.