

How Insurance Companies Dispute Herniated Disc Injuries From Car Accidents

Our Houston car accident lawyers can shift the balance of power

You've been in a rear-end collision. The pain in your neck and lower back hasn't gone away in weeks. Your MRI shows a herniated disc, a concrete, documented injury visible on imaging. You expect the insurance company to review the evidence and pay what's owed.

Instead, they come back with a lowball offer, a letter full of skepticism, or nothing at all. For many Texas [car accident](#) victims, this is exactly what happens, and the reason isn't that their injury isn't real. It's that herniated disc injuries sit squarely in the crosshairs of every dispute tactic in an insurance adjuster's playbook.

[Smith & Hassler](#) has seen these tactics deployed case after case. Understanding them doesn't just help you know what's coming; it helps you build the kind of evidence that makes them fail.

Why herniated discs draw so much pushback

The intervertebral discs of the spine (the gel-filled cushions that sit between each vertebra) are vulnerable to the violent deceleration forces of a car crash. When the outer layer of a disc tears and the inner material pushes through and presses on surrounding nerves, the result can be radiating pain, numbness, tingling, and in serious cases, partial paralysis or loss of bladder and bowel function. These injuries are most common in the cervical and lumbar spine and often occur in rear-end collisions, where the neck and back snap into sudden hyperextension.

The reason insurance carriers dispute these claims so aggressively comes down to money and medical ambiguity. Herniated disc treatment is expensive; it can involve months of physical therapy, epidural steroid injections, chiropractic care, and surgery. Settlements for these injuries in Texas routinely range from tens of thousands of dollars into the hundreds of thousands, and severe cases can climb higher still. At the same time, disc abnormalities are common in adults who have never been in a car accident, giving adjusters a medical opening they've learned to exploit.

The pre-existing condition argument

One of the most common tactics used against herniated disc claims is the argument that the injury was already there before the crash. Insurance carriers pull your complete medical history, searching for any prior mention of back pain, neck stiffness, chiropractic visits, or physical therapy. They'll use a single note from years ago to argue the herniation was pre-existing and not caused by the collision.

What they don't always acknowledge is that Texas law doesn't require your spine to be perfectly healthy before a car accident for you to recover compensation. Under the [eggshell plaintiff principle](#), the at-fault driver takes you as they find you. If the crash aggravated, accelerated, or activated a [pre-existing condition](#) that had never caused you symptoms, they're still responsible for the harm their negligence caused.

Countering this argument requires documented medical records showing you had no back or neck symptoms prior to the crash, combined with clear testimony from your treating doctor establishing the causal link between the collision and your injury.

Degenerative disc disease as a defense

A closely related tactic involves blaming the injury on natural aging rather than trauma. Insurance carriers routinely retain orthopedic surgeons or radiologists who review your MRI and conclude that the herniation reflects degenerative disc disease (a normal age-related process) rather than the violent forces of a car crash.

The problem with this argument, and the reason it can be successfully challenged, is that degenerative changes and traumatic herniation aren't mutually exclusive. A disc that had some pre-existing degeneration can still be acutely herniated by a collision. A biomechanical engineer and a treating doctor working together can explain to a jury exactly how the crash produced the specific herniation shown on imaging, separate from whatever background degeneration existed.

Gaps in treatment and what they're used for

If a significant period of time passed between your car accident and your first medical appointment, or between appointments during your recovery, an insurance adjuster will use that gap as a weapon. Their narrative is that if your injury were truly as serious as you claim, you wouldn't have gone weeks without seeing a doctor.

Herniated disc symptoms don't always follow that script. Pain can be manageable initially and worsen significantly as inflammation develops or as nerve compression progresses. Financial barriers, transportation challenges, and the demands of daily life can delay care even for people with genuine, serious injuries. None of that matters to an [adjuster working toward a denial](#) or a reduction.

The independent medical examination problem

At some point in a disputed herniated disc claim, an insurance carrier may demand that you submit to an independent medical examination (IME) conducted by a doctor of their choosing. The name sounds neutral. It isn't. IME doctors are paid by insurance companies and, by the nature of that relationship, have a financial incentive to produce findings that downplay your injury.

IME opinions can skew sharply in favor of the insurance carrier that retained the examiner. A one-time examination (lasting as little as 15 to 30 minutes) is used to contradict the opinion of the doctor who has treated you for months and reviewed your complete imaging history.

The low-impact crash defense

When vehicle damage in a car accident appears minor, insurance carriers often argue that the collision force was simply insufficient to herniate a spinal disc. This is one of the most misleading tactics in their repertoire.

Biomechanical research has shown that disc herniations can result from low-speed [rear-end collisions](#), particularly when the occupant is unbraced or positioned in a way that concentrates force on the cervical or lumbar spine. The repair cost of a bumper does not necessarily reflect the forces experienced by the human body during the impact. A biomechanical engineer can testify about the actual forces your body absorbed, independent of what the vehicle damage looks like.

The early settlement trap

Within days of a serious accident, it's not unusual for an insurance adjuster to call and offer a settlement. The amount might sound meaningful in the moment, but it's almost certainly a fraction of what your case is actually worth. [Accepting it](#) means signing a release that permanently bars you from seeking additional compensation, no matter how your condition progresses.

Herniated disc injuries can evolve significantly. What appears manageable with conservative treatment in the first few weeks may require surgery months later. Once you've signed a release, you can't go back and ask for more money to cover that surgery.

What evidence strengthens a herniated disc claim

The most effective herniated disc claims are built around a consistent, well-documented medical record that leaves little room for the arguments above to gain traction. These are the elements that matter most:

- Emergency or urgent care records from the day of the crash documenting neck or back pain. This creates a contemporaneous link between the collision and your injury before any gap can be constructed.
- MRI imaging that clearly shows the herniation, ideally obtained within days or weeks of the accident rather than months later.
- Treating doctor's written opinion on causation, documented in the medical record during treatment rather than created after a lawsuit is filed.

- Pre-accident medical records showing no prior back or neck complaints. Your own prior health history can be among your most powerful evidence.
- [Documentation of lost income](#), including pay stubs and employer records, to support economic damages.
- A personal journal or log of daily limitations, activities you can no longer perform, and the ongoing impact of pain on your quality of life.

What you're entitled to recover in Texas

When a herniated disc is caused or made worse by a Texas car accident, the law allows you to pursue several different categories of compensation, including:

- **Economic damages:** These include all past and future medical expenses, the cost of ongoing care and rehabilitation, and any lost wages or lost earning capacity when your injury affects your ability to work.
- **Non-economic damages:** These address the human impact of the injury, including physical pain, mental anguish, loss of enjoyment of life, and the strain it places on your closest relationships.

Don't handle the insurance companies alone

The insurance carrier disputing your herniated disc claim has experienced adjusters, defense attorneys, and hired medical reviewers working to reduce your recovery from the moment the claim was filed. Having a skilled Houston car accident lawyer who understands exactly how those tactics work and how to counter them changes the dynamic entirely.

If your herniated disc claim is being disputed, delayed, or devalued after a Texas car accident, you don't have to accept what they're offering. [Contact us](#) online or call to book a free consultation. We handle these cases on a contingency fee basis, which means there's nothing to pay upfront and we only get paid if we win.