



MEMORANDUM

Council Agenda
Item No. IX. BC
3/12/2024

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities Authority authorizing the Risk Manager and the Trust's legal counsel to enter into a Compromise A Settlement of the Workers' Compensation Court of Existing Claims, Claim No. 2011-09748Q styled: *Jennifer Aleman, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and further authorizing the Municipal Counselor to assist said counsel in the rendition of said Compromise A Settlement to Judgment as authorized by 85 O.S. §346, 62 O.S. §§365.1 *et seq.* and Article 10, Section 28 of the Oklahoma Constitution.

Background:

The Claimant, Jennifer Aleman is 50 years old and a 13-year employee of The City of Oklahoma City. At the time of the injury she was assigned to the Police Department as a Police Officer and retired on January 20, 2022.

Claimant sustained an undisputed accidental injury to her neck and low back on July 21, 2011. Claimant's neck required surgery on November 11, 2017 and additional treatment in the form of multiple injections to both the neck and low back, the last injection being May 5, 2022.

Claimant was evaluated by Dr. Lonnie Litchfield on behalf of her attorney and found to have the following permanent partial impairment: neck 52.5% and low back 36%. The Claimant was also evaluated by Dr. Jeffrey P. Pardee on behalf of the City and found to have the following permanent partial impairment: neck 4% and low back 5%.

The negotiated Compromise A Settlement calls for a lump sum of \$38,760 for the following permanent partial disability: neck 12% and low back 12%. The settlement includes an additional payment of \$1,240, for a full and final settlement, for a total award of \$40,000.

The settlement further calls for \$8,000 to be deducted from the PPD award and paid in a lump sum to the Claimant's attorney as a fair and reasonable fee. In addition, the City will pay Court costs \$140, a Special Occupational and Safety Fund tax representing .75% of the permanent partial disability award, shall be paid in the sum of \$300 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$775.20.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Vitali & Braun, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118 and Claimant's attorney, D. Eliot Yaffe, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

Permanent Partial Disability Payment ¹	\$38,760.00
Additional Payment ¹	\$ 1,240.00
Special Occupational Health and Safety Fund Tax ²	\$ 300.00
Workers' Compensation Administration Fund ²	\$ 775.20
Workers' Compensation Court Costs ²	\$ 140.00
District Court Costs ³	\$ 161.00
City's Total Cost of Award	\$41,376.20

Source of Funds:

¹Debt Service-Debt Service-Redemption of Judgments-Debt Service-Judgment (021-0250-9804600-55040007)

²OCMFA Services-Risk/Workers' Compensation-Risk Management MFA-Workers' Comp Claims (682-1451-2800750-52190061)

³General Fund-General Operations-Municipal Counselor-Professional Services Legal (001-0001-0700101-52040001)

Review:

Risk Management

Recommendation: Joint Resolution be adopted.