



MEMORANDUM

OCMFA Agenda
Item No. MFA. E
8/15/2023

The City of OKLAHOMA CITY

TO: Chairman and Trustees of the Oklahoma City Municipal Facilities Authority

FROM: Craig Freeman, City Manager/General Manager, OCMFA

Resolution authorizing the Risk Manager and the Trust's legal counsel not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM3-2023-00271Q, styled: *Shirley Neal, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier.

Background:

The Claimant Shirley Neal is a 67-year-old and is an eight-year employee of the Central Oklahoma Transportation and Parking Authority (COTPA). At the time of the injury she was assigned to Embark as a Service Person and continues to be employed by the COTPA.

Claimant sustained an undisputed accidental injury on January 12, 2022 to her low back.

Claimant was evaluated by Dr. Lonnie Litchfield on behalf of her attorney and found to have the following permanent partial impairment: Low Back 27%. Claimant was also evaluated by Dr. Kyle States on behalf of the City and found to have the following permanent partial impairment: Low Back 7%.

On July 31, 2023, Judge P. Blair McMillin, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: Low Back 12%, entitling Claimant to 43.20 weeks of compensation at \$360 per week, totaling \$15,552.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$466.56 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$15,085.44. The settlement further calls for \$3,110.40 to be deducted from the PPD award and paid in a lump sum to 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 \$116.64 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$311.04.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Braun, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118 and Claimant's attorney, Kevin Locke, law office located at 1132 North Broadway Drive, Oklahoma City, Oklahoma 73103.

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| Permanent Partial Disability Payment ¹ | \$15,552.00 |
| Special Occupational Health and Safety Fund Tax ² | \$116.64 |
| Workers' Compensation Administration Fund ² | \$311.04 |
| Workers' Compensation Court Costs ² | \$140.00 |
| City's Total Cost of Award | \$16,119.68 |

Source of Funds:

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

Review:

Risk Management

Recommendation: Resolution be adopted.