



# MEMORANDUM

Council Agenda  
Item No. IX. AN  
12/31/2024

## 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 Director of Risk Management and the Trust's legal counsel not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM3-2024-03230Q, styled: *James Fraysur, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing the Municipal Counselor to assist said counsel in the rendition of the Order 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, James Fraysur is 52 years old and an 18-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Fire Department as a Major and continues to be employed by the City.

The Claimant sustained an undisputed accidental injury on April 17, 2023 to his low back. The Claimant required surgery to his low back on August 10, 2023.

The Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: low back 29%. The Claimant was also evaluated by Dr. William D. Jones on behalf of the City and found to have the following permanent partial impairment: low back 10%. On December 10, 2024, Judge T. Shane Curtin, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: low back 15%, entitling Claimant to 54 weeks of compensation at \$360 per week, totaling \$19,440. As of December 10, 2024, the amount of said award was fully accrued at \$19,440.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$583.20 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$18,856.80. The Court further ordered \$3,888 or 20% of the PPD award be deducted from the 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 Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$145.80 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$388.80.

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, Jeffrey Cooper, law office located at 415 Northwest 11th Street, Oklahoma City, Oklahoma 73103.

Permanent Partial Disability Payment <sup>1</sup>	\$19,440.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$145.80
Workers’ Compensation Administration Fund <sup>2</sup>	\$388.80
Workers’ Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
City's Total Cost of Award	\$20,275.60

**Source of Funds:**

<sup>1</sup> DEBT SERVICE-RSTR> OCITY > REDEMPTION OF JUDGEMENTS> DS - JUDGEMENT PRI (1601-9804600-55040007)

<sup>2</sup> RISK/WORKERS COMPENSATION > OCMFA > RISK MANAGEMENT MFA> WORKER'S COMP CLAIMS (3042-2800750-52190061)

<sup>3</sup> GENERAL OPERATIONS-UASN > OCITY >MUN COUN EXEC LEADERSHIP >PROFESSIONAL SVC-LEGAL (1001-1700101-52040001)

**Review:**

Risk Management

**Recommendations:** Joint Resolution be adopted.