



MEMORANDUM

Council Agenda
Item No. IX. BG.
5/23/2023

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities Authority directing the Risk Manager and the Trust's legal counsel not to appeal the Order of the Workers' Compensation Commission Claim No. CM3-2022-07735N styled: *James Boyer, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, authorizing payment to the Claimant of permanent partial disability benefits, attorney fees, less an assessment for the Multiple Injury Trust Fund; and authorizing payment of costs and fees for the Respondent.

Background:

The Claimant, James Boyer is a 50-year-old and is a 20-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Fire Department as Major and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on March 8, 2022 to his right shoulder and upper right arm. Claimant required surgery on his right shoulder and upper right arm, May 11, 2022.

Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: right shoulder 25%, upper right arm 30%. Claimant was also evaluated by Dr. William D. Jones M.D. on behalf of the City and found to have the following permanent partial impairment: right shoulder 7%, upper right arm 3%.

On May 5, 2023, Judge Michael Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: right shoulder 18%, upper right arm 10% entitling Claimant to 92.3 weeks of compensation at \$360 per week, totaling \$33,228, of which 27 weeks have accrued and shall be paid in a lump sum of \$9,720.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$996.84 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$32,231.16. The Commission further ordered \$6,645.60 or 20% of the PPD award be deducted from the 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 Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$249.21 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$664.56.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Krah, Vitali, 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	\$ 33,228.00
Special Occupational Health and Safety Fund Tax	\$ 249.21
Workers' Compensation Administration Fund	\$ 664.56
Workers' Compensation Court Costs	\$ 140.00
City's Cost of Award	\$ 34,281.77

Source of Funds:

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

Review:

Risk Management

Recommendation: Joint Resolution be adopted.