



# MEMORANDUM

Council Agenda  
Item No. IX. AN  
2/13/2024

## 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 Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM3-2022-05466X styled: *Gilbert Chapa, 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 Joint Petition 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.

The Claimant, Gilbert Chapa is 51 years old and a 23-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Police Department as a Lieutenant and retired from the City as of May 31, 2023.

Claimant sustained an undisputed accidental injury on August 13, 2022 to his right knee. The Claimant required surgery to his right knee on March 1, 2023.

Claimant was evaluated by Dr. Lance Rosson on behalf of his attorney and found to have the following permanent partial impairment: right knee 55%. The Claimant was also evaluated by Dr. William Jones on behalf of the City and found to have the following permanent partial impairment: right knee 15%. The negotiated Joint Petition Settlement calls for a PPD award of \$34,650 for the following permanent partial disability: right knee 35%

The settlement further calls for a 3% assessment of the PPD award in the sum of \$1,039.50 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$33,610.50. The settlement further calls for \$6,930 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 \$259.88 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$693.

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, Joseph C. Biscione, law office located at 105 North Hudson Avenue, Suite 100, Oklahoma City, Oklahoma 73102.

Permanent Partial Disability Payment <sup>1</sup>	\$34,650.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$259.88
Workers' Compensation Administration Fund <sup>2</sup>	\$693.00
Workers' Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
City's Total Cost of Award	\$35,903.88

**Source of Funds:**

<sup>1</sup>Debt Service-Debt Service-Redemption of Judgments-Debt Service-Judgment (021-0250-9804600-55040007)

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

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

**Review:**

Risk Management

**Recommendation:** Joint Resolution be adopted.