



MEMORANDUM

Council Agenda
Item No. IX. BU
8/16/2022

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. CM-2021-06065T, styled: *Larry Haswell, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing payment to the Claimant of permanent partial disability benefits, attorney fees, less an assessment for the Multiple Injury Trust Fund authorizing payment of costs and fees for the Respondent and further authorizing the Municipal Counselor to assist said counsel in the rendition of said 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, Larry Haswell is a 52-year-old male and is a 26-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Fire Department as a Major. Mr. Haswell retired on July 1, 2021.

Claimant sustained an undisputed accidental injury on December 16, 2020 to his neck, right shoulder and upper right arm.

Claimant's right shoulder required surgery on April 15, 2021.

Claimant was evaluated by Dr. Lance E. Rosson D.O. on behalf of his attorney and found to have the following permanent partial impairment: neck 27%, right shoulder 29%, 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: neck 2%, right shoulder 11%, upper right arm 0%.

On July 26, 2022, Judge T. Shane Curtin, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: neck 8%, right shoulder 15%, upper right arm 0% entitling Claimant to 82.80 weeks of compensation at \$350 per week, totaling \$28,980, of which 34 weeks have accrued and shall be paid in a lump sum of \$11,900. The settlement further calls for a 3% assessment of the PPD award in the sum of \$869.40 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$28,110.60. The Commission further ordered \$5,796.00 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 \$217.35 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$579.60.

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

Permanent Partial Disability Payment ¹	\$28,110.60
Special Occupational Health and Safety Fund Tax ²	\$ 217.35
Multiple Injury Trust Fund Tax ²	\$ 869.40
Workers' Compensation Administration Fund ²	\$ 579.60
Workers' Compensation Court Costs ²	\$ 140.00
Total Cost of Award	\$29,916.95

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)

Review:

Risk Management

Recommendation: Joint Resolution be adopted.