



# MEMORANDUM

Council Agenda  
Item No. IX. BK  
6/4/2024

## 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 to enter into a Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM3-2022-01106L styled: *Thedford Alsup, 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.

### **Background:**

The Claimant, Thedford Alsup is 44 years old and a 6-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Utilities Department as a Collection and Distribution Technician and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on March 8, 2021 to his low back.

The negotiated Joint Petition Settlement calls for a PPD award of \$17,640 for the following permanent partial disability: low back 14%.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$529.20 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$17,110.80. The settlement further calls for \$3,528 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 \$132.30 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$352.80.

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, Marcus A. Gowens, law office located at 14624 Bogert Parkway, Oklahoma City, Oklahoma 73134.

Permanent Partial Disability Payment <sup>1</sup>	\$17,640.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$132.30
Workers' Compensation Administration Fund <sup>2</sup>	\$352.80
Workers' Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
City's Total Cost of Award	\$18,426.10

**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.