



MEMORANDUM

Council Agenda
Item No. IX. BT
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 authorizing the Risk Manager and the Trust's legal counsel not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM-2021-03500F styled: *Derrell Wallace, 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, Derrell Wallace is a 41-year-old male and is a three-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Public Works Department as a Crew Worker I. Claimant continues to be employed by the City.

Claimant sustained an undisputed accidental injury to his left knee and left wrist on April 22, 2021.

Claimant was evaluated by Dr. Lonnie Litchfield, M.D. on behalf of his attorney and found to have the following permanent partial impairment: 33% to the left leg/knee and 35% to the left hand/wrist.

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: 3% to the left leg/knee and 3% to the left hand/wrist.

On July 29, 2022, Judge Michael T. Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: 8% to the left hand(wrist) and 8% to the left leg/knee. This Order entitles the Claimant to 39.60 weeks of compensation at \$350 per week, totaling \$13,860. As of July 29, 2022, the amount of said award was fully accrued at \$13,860.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$415.80 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$13,444.20. The Court further ordered \$2,772 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 of \$140, a Special Occupational Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$103.95 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of

\$277.20.

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, James G. Devinney, law office located at P.O. Box 890420 Oklahoma City, Oklahoma 73189.

Permanent Partial Disability Payment ¹	\$13,444.20
Special Occupational Health and Safety Fund Tax ²	\$103.95
Workers' Compensation Administration Fund ²	\$277.20
Multiple Injury Trust Fund Tax ²	\$415.80
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
Total Cost of Award	\$14,542.15

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)

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

Review:

Risk Management

Recommendation: Joint Resolution be adopted.