



# MEMORANDUM

OCMFA Agenda  
Item No. MFA. B  
1/2/2024

## The City of OKLAHOMA CITY

TO: Chairman and Trustees of the Oklahoma City Municipal Facilities Authority

FROM: Craig Freeman, City Manager/General Manager, OCMFA

Joint Resolution with The City of Oklahoma City authorizing the Risk Manager and the Trust's legal counsel to enter into a Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM3-2021-07544F, styled: *Smithy Morris, 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, Smithy Morris is 54 years old and is a 9-year employee of The City of Oklahoma City. At the time of the injury, he was assigned to the Utilities Department as a Plant Operator II and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on November 10, 2021 to his right elbow. Claimant required surgery to the right elbow on April 7, 2022 and March 21, 2023.

The negotiated Joint Petition Settlement calls for a lump sum of \$21,780 for the following permanent partial disability: right elbow 22%. The settlement includes an additional payment of \$720, for a full, final, and complete settlement, for a total award of \$22,500.

The settlement further calls for a 3% assessment of the PPD award, less the payment of the additional payment amount, in the sum of \$653.40 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award, including the payment, \$21,846.60. The settlement further calls for \$4,500 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 of \$140; a Special Occupational and Safety Fund tax representing .75% of the permanent partial disability award, including the additional payment, shall be paid in the sum of \$168.75; and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, less the additional payment, shall be paid in the sum of \$435.60.

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, Will Emig, law office located at 7 South Mickey Mantle, Floor 2, Oklahoma City, Oklahoma 73104.

Permanent Partial Disability Payment <sup>1</sup>	\$21,780.00
Additional Payment <sup>1</sup>	\$720.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$168.75
Workers' Compensation Administration Fund <sup>2</sup>	\$435.60
Workers' Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
City's Total Cost of Award	\$23,405.35

**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