



MEMORANDUM

Council Agenda
Item No. IX. BS
4/9/2024

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 not to appeal the Order of the Workers' Compensation Commission Claim No. CM3-2023-03304Y styled: *Kimberly Holmes, 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; and authorizing payment of costs and fees for the Respondent.

Background:

The Claimant, Kimberly Holmes is 59 years old and is a 14-year employee of The City of Oklahoma City. At the time of the injury she was assigned to the Police Department as a Sergeant and retired as of January 31, 2024.

Claimant sustained an undisputed accidental injury on October 11, 2021 to her left forearm, middle back, low back, and right foot. The Claimant required surgery to the low back on June 20, 2022.

Claimant was evaluated by Dr. Lance E. Rosson on behalf of her attorney and found to have the following permanent partial impairment: middle back 3%, low back 29%, right foot 26%. The Claimant was also evaluated by Dr. William D. Jones on behalf of the City and found to have the following permanent partial impairment: left forearm 0%, middle back 0%, low back 17%, right foot 5%.

On March 15, 2024, Judge P. Blair McMillin, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: middle back 0%, low back 24%, right foot 10%, entitling Claimant to 108.40 weeks of compensation at \$360 per week, totaling \$39,024, of which 34 weeks have accrued and shall be paid in a lump sum of \$12,240. The award also includes an additional payment of \$2,000 for disfigurement, for a total award amount of \$41,024.

The settlement further calls for a 3% assessment of the PPD award, less the additional payment amount, in the sum of \$1,170.72 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award, including the additional payment, \$39,853.28. The settlement further calls for \$8,204.80 or 20% of the PPD award to be deducted from the 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 \$307.68; 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 \$780.48.

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. Biscone, law office located at 105 North Hudson, Suite 100, Oklahoma City, Oklahoma 73102.

Permanent Partial Disability Payment ¹	\$39,024.00
Disfigurement Payment ¹	\$2,000.00
Special Occupational Health and Safety Fund Tax ¹	\$307.68
Workers' Compensation Administration Fund ¹	\$780.48
Workers' Compensation Court Costs ¹	\$140.00
City's Total Cost of Award	\$42,252.16

Source of Funds:

¹OCMFA Services-Risk/Workers' Compensation-Risk Management MFA-Workers' Comp Claims (682-1451-2800750-52190061)

Review:

Risk Management

Recommendations: Joint Resolution be adopted.