



MEMORANDUM

Council Agenda
Item No. IX. BT
8/27/2024

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities Authority directing the Director of Risk Management and the Trust's legal counsel not to appeal the Order of the Workers' Compensation Commission Claim No. CM3-2023-02696K, styled: *Richard Reber, 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.

Background:

The Claimant, Richard Reber is 53 years old and a 26-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Fire Department as a Major and retired from the City as of May 31, 2023.

The Claimant sustained an undisputed accidental injury on March 14, 2023 to the low back and left arm. The Claimant required surgery to the left arm on June 14, 2023 and to the low back on August 18, 2023.

The Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: left arm 39%, low back 29%. 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 arm 8%, low back 7%.

On August 8, 2024, Judge Michael Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: left arm 20%, low back 20%, entitling Claimant to 127 weeks of compensation at \$360 per week, totaling \$45,720, of which 22 weeks have accrued and shall be paid in a lump sum of \$7,920.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$1,371.60 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$44,348.40. The Commission further ordered \$9,144 or 20% of the PPD award 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 Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$342.90 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$914.40.

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

Permanent Partial Disability Payment ¹	\$45,720.00
Special Occupational Health and Safety Fund Tax ¹	\$342.90
Workers' Compensation Administration Fund ¹	\$914.40
Workers' Compensation Court Costs ¹	\$140.00
Total Cost of Award	\$47,117.30

Source of Funds:

¹ RISK/WORKERS COMPENSATION > OCMFA > RISK MANAGEMENT MFA> WORKER'S COMP CLAIMS (3042-2800750-52190061)

Review:

Risk Management

Recommendation: Joint Resolution be adopted.