



MEMORANDUM

Council Agenda
Item No. IX. AW
9/26/2023

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. CM3-2021-06653A, styled: *Nick Filippo, 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, Nick Filippo is a 33-year-old and an 11-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Fire Department as a Corporal and retired from the City as of June 1, 2022.

Claimant sustained an undisputed accidental injury on June 13, 2021 to his low back. Claimant required surgery to his low back on November 9, 2022.

Claimant was evaluated by Dr. Lance E Rosson on behalf of his attorney and found to have the following permanent partial impairment: low back 25%. 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: low back 7%.

On September 13, 2023, Judge T. Shane Curtin, of the Workers' Compensation Commission, awarded the Claimant the following permanent partial disability: low back 20%, entitling the Claimant to 72 weeks of compensation at \$350 per week, totaling \$25,200, of which 28 weeks have accrued and shall be paid in a lump sum of \$9,800.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$756 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$24,444. The Commission further ordered \$5,040 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 \$140, a Special Occupational Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$189 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$504.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Braun, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118 and Claimant's attorney, Parrish DeV Vaughn PLLC, law office located at 3601 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

Permanent Partial Disability Payment ¹	\$25,200.00
Special Occupational Health and Safety Fund Tax ²	\$ 189.00
Workers' Compensation Administration Fund ²	\$ 504.00
Workers' Compensation Court Costs ²	\$ 140.00
City's Cost of Award	\$26,033.00

Source of Funds:

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

Review:

Risk Management

Recommendation: Joint Resolution be adopted.