



MEMORANDUM

Council Agenda
Item No. IX. BN
1/2/2024

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 Risk Manager and the Trust's legal counsel not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM3-2023-01703Q, styled: *Chad Ake, 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, Chad Ake is 50 years old and a 25-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 May 31, 2023.

Claimant sustained an undisputed accidental injury on January 7, 2023 to his low back and right shoulder.

Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: low back 27%, right shoulder 24%. The Claimant was also evaluated by Dr. Kyle States on behalf of the City and found to have the following permanent partial impairment: low back 1%, right shoulder 2%.

On December 11, 2023, Judge Michael T. Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: low back 15%, right shoulder 12%, entitling the Claimant to 97.20 weeks of compensation at \$360 per week, totaling \$34,992, of which 21 weeks have accrued and shall be paid in a lump sum of \$7,560.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$1,049.76 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$33,942.24. The Commission further ordered \$6,998.40 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 \$262.44 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$699.84.

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 73102.

Permanent Partial Disability Payment ¹	\$34,992.00
Special Occupational Health and Safety Fund Tax ²	\$262.44
Workers' Compensation Administration Fund ²	\$699.84
Workers' Compensation Court Costs ²	\$140.00
City's Total Cost of Award	\$36,094.28

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.