



MEMORANDUM

Council Agenda
Item No. IX. AQ
2/13/2024

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 to appeal the Order of the Workers' Compensation Commission Claim No. CM3-2022-03324F, styled: *Clifford Damon, 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, Clifford Damon is 43 years old and a 17-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Police Department as a Sergeant and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on August 22, 2021 to his head and neck. The Claimant required surgery to his neck on February 22, 2023.

Claimant was evaluated by Dr. Lonnie Litchfield on behalf of his attorney and found to have the following permanent partial impairment: head 7%, neck 27%. The Claimant was also evaluated by Dr. William D. Jones on behalf of the City and found to have the following permanent partial impairment: head 2%, neck 11%.

On February 1, 2024, Judge Tara Inhofe, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: head 5%, neck 17% entitling Claimant to 79.20 weeks of compensation at \$360 per week, totaling \$28,512, of which 38 weeks have accrued and shall be paid in a lump sum of \$13,680.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$855.36 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$27,656.64. The Commission further ordered \$5,702.40 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 \$213.84 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$570.24.

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, Brent J. Galyon, law office located at 7 Mickey Mantle Drive, Suite 377, Oklahoma City, Oklahoma 73104.

Permanent Partial Disability Payment ¹	\$28,512.00
Special Occupational Health and Safety Fund Tax ²	\$213.84
Workers' Compensation Administration Fund ²	\$570.24
Workers' Compensation Court Costs ²	\$140.00
Total Cost of Award	\$29,436.08

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.