



# MEMORANDUM

Council Agenda  
Item No. IX. BC  
2/25/2025

## 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. CM3-2024-03225L, styled: *Alan Brown, 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, Alan Brown is 58 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. As of June 1, 2024 Claimant retired from the city.

The Claimant sustained an undisputed accidental injury on July 8, 2023 to his neck and right shoulder. The Claimant required surgery to his neck on March 6, 2024.

The Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: neck 28%, right shoulder 21%. The Claimant was also evaluated by Dr. Kyle States on behalf of the City and found to have the following permanent partial impairment: neck 8%, right shoulder 4%.

On February 4, 2025, Judge John Blodgett, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: neck 17%, right shoulder 11%, entitling Claimant to 100.80 weeks of compensation at \$360 per week, totaling \$36,288, 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 \$1,088.64 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$35,199.36. The Commission further ordered \$7,257.60 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 \$272.16 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$725.76.

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	\$36,288.00
Special Occupational Health and Safety Fund Tax	\$272.16
Workers' Compensation Administration Fund	\$725.76
Workers' Compensation Court Costs	\$140.00
City's Total Cost of Award	\$37,425.92

**Source of Funds:**

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

**Review:**

Risk Management

**Recommendations:** Joint Resolution be adopted.