



# MEMORANDUM

Council Agenda  
Item No. IX. BH.  
5/23/2023

## The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities Authority directing the Risk Manager and the Trust's legal counsel not to appeal the Order of the Workers' Compensation Commission Claim No. CM3-2022-03030L styled: *Don Prince, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, authorizing payment to the Claimant of permanent partial disability benefits, attorney fees, less an assessment for the Multiple Injury Trust Fund; and authorizing payment of costs and fees for the Respondent.

### **Background:**

The Claimant, Don Prince is a 58-year-old and is a 18-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Public Works Department as a Construction Equipment Operator II and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on February 2, 2022 to his left knee and low back. Claimant required surgery to his left knee on September 30, 2022.

Claimant was evaluated by Dr Litchfield on behalf of his attorney and found to have the following permanent partial impairment: left knee 3%, low back 27%. Claimant was also evaluated by Dr. Jones on behalf of the City and found to have the following permanent partial impairment: left knee 7%, low back 2%.

On May 15, 2023, Judge P Blair McMillian, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: left knee 17 % low back 7% entitling Claimant to 71.95 weeks of compensation at \$360 per week, totaling \$25,902, of which 26 weeks have accrued and shall be paid in a lump sum of \$9,360.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$777.06 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$25,124.94. The Commission further ordered \$5,180.40 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 \$194.27 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$518.04.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Krah, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma, 73118 and Claimant's attorney, John Colbert, law office located at 415 Northwest 11th Street, Oklahoma City, Oklahoma, 73103.

Permanent Partial Disability Payment	\$25,902.00
Special Occupational Health and Safety Fund Tax	\$ 194.27
Workers' Compensation Administration Fund	\$ 518.04
Workers' Compensation Court Costs	\$ 140.00
City's Cost of Award	\$26,754.31

**Source of Funds:**

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

**Review:**

Risk Management

**Recommendation:** Joint Resolution be adopted.