



MEMORANDUM

OCMFA Agenda
Item No. MFA. J
8/16/2022

The City of OKLAHOMA CITY

TO: Chairman and Trustees of the Oklahoma City Municipal Facilities Authority

FROM: Craig Freeman, City Manager/General Manager, OCMFA

Joint Resolution with The City of Oklahoma City 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. CM-2021-04549R styled: *Michael Lambert, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing the Municipal Counselor to assist said counsel in the rendition of the Order to Judgment as authorized by 85 O.S. §346, 62 O.S. §365.1 *et seq.* and Article 10, Section 28 of the Oklahoma Constitution.

Background:

The Claimant, Michael Lambert is a 47-year-old male and is a 23-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Police Department as a Sergeant. Claimant continues to be employed by the City.

Claimant sustained an undisputed accidental injury to his lower back on April 27, 2021.

Claimant was evaluated by Dr. Lonnie Litchfield, M.D. on behalf of his attorney and found to have the following permanent partial impairment: 27% to the lower back.

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: 2% to the lower back.

On August 2, 2022, Judge John Blodgett, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: 12% to the lower back. This Order entitles Claimant to 43.2 weeks of compensation at \$350 per week, totaling \$15,120. As of August 2, 2022, the amount of said award was fully accrued at \$15,120.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$453.60 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$14,666.40. The Court further ordered \$3,024 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 of \$140, a Special Occupational Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$113.40 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$302.40.

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

Permanent Partial Disability Payment ¹	\$14,666.40
Special Occupational Health and Safety Fund Tax ²	\$113.40
Workers' Compensation Administration Fund ²	\$302.40
Multiple Injury Trust Fund Tax ²	\$453.60
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
Total Cost of Award	\$15,836.80

Source of Funds:

¹Debt Service-Debt Service-Redemption of Judgments-Debt Service-Judgment (021-0250-9804600-55040007)

²OCMFA Services-Risk/Workers' Compensation-Risk Management MFA-Workers' Comp Claims (682-1451-2800750-52190061)

³General Fund-General Operations-Municipal Counselor-Professional Services Legal (001-0001-0700101-52040001)

Review:

Risk Management

Recommendation: Joint Resolution be adopted.