



MEMORANDUM

Council Agenda
Item No. IX. AM
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 enter into a Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM-2019-06336F styled: *Mark Argo, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and further authorizing the Municipal Counselor to assist said counsel in the rendition of said Joint Petition Settlement 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, Mark Argo is 61 years old and a 22-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 December 31, 2017.

Claimant sustained an undisputed accidental injury on December 10, 2017 to his neck. The Claimant required surgery to his neck on January 7, 2019 and December 13, 2021.

Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: neck 28%. The Claimant was also evaluated by Dr. William D. Jones on behalf of the City and found to have the following permanent partial impairment: neck 27%.

The negotiated Joint Petition Settlement calls for a PPD award of \$32,784.50 for the following permanent partial disability: neck 29%. The settlement includes a payment of \$215.50, for additional consideration, for a total award of \$33,000.

The settlement further calls for \$6,600 to be deducted from the PPD 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 \$140, a Special Occupational and Safety Fund tax representing .75% of the permanent partial disability award, shall be paid in the sum of \$247.50 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$655.69.

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, Brandon Burton, law office located at 308 Northwest 13th Street, Oklahoma City, Oklahoma 73101.

Permanent Partial Disability Payment ¹	\$32,784.50
Additional Payment ¹	\$215.50
Special Occupational Health and Safety Fund Tax ²	\$247.50
Workers’ Compensation Administration Fund ²	\$655.69
Workers’ Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
City's Total Cost of Award	\$34,204.19

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.