



# MEMORANDUM

Council Agenda  
Item No. IX. BH  
1/30/2024

## 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. CM3-2022-02144R styled: *Leon James, 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, Leon James is 44-years old and a 17-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Development Services Department as a Code Inspector I and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on August 5, 2021 to his low back, upper back, head, and neck. The claimant required surgery to his neck on August 5, 2022.

Claimant was evaluated by Dr. Lonnie Litchfield on behalf of his attorney and found to have the following permanent partial impairment: low back 9%, upper back 3%, head 7%, neck 27%.

The claimant was also evaluated by Dr. William Jones on behalf of the City and found to have the following permanent partial impairment: low back 2%, upper back 0%, head 0%, neck 6%.

The negotiated Joint Petition Settlement calls for an award of \$36,288 for the following permanent partial disability: low back 5%, upper back 0%, head 3%, neck 20%. The settlement includes an additional payment of \$212, for a total award of \$36,500.

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, including the additional payment, \$35,411.36. The settlement further calls for \$7,300 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 of \$140; a Special Occupational and Safety Fund tax representing .75% of the permanent partial disability award, including the additional payment, shall be paid in the sum of \$273.75; and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, less the additional payment, shall be paid 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, Brandon Burton, law office located at 308 Northwest 13<sup>th</sup> Street, Oklahoma City, Oklahoma 73101.

Permanent Partial Disability Payment <sup>1</sup>	\$36,288.00
Additional Payment <sup>1</sup>	\$212.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$273.75
Workers' Compensation Administration Fund <sup>2</sup>	\$725.76
Workers' Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
City's Total Cost of Award	\$37,800.51

**Source of Funds:**

<sup>1</sup>Debt Service-Debt Service-Redemption of Judgments-Debt Service-Judgment (021-0250-9804600-55040007)

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

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

**Review:**

Risk Management

**Recommendation:** Joint Resolution be adopted.