



# MEMORANDUM

Council Agenda  
Item No. IX. AP  
4/26/2022

## 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-2021-04061J styled: *Timothy Goff, 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, Timothy Goff is a 53-year-old male and was a 26-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Fire Department as a Lieutenant. Claimant retired from the City on January 31, 2020.

Claimant sustained an undisputed accidental injury on January 29, 2020, to his right ankle and right knee.

Claimant required surgery to repair his right ankle on November 23, 2020.

Claimant was evaluated by Dr. Lance E. Rosson D.O. on behalf of his attorney and found to have the following permanent partial impairment: 39% to the right ankle and 25% to the right knee.

The negotiated Joint Petition Settlement calls for a lump sum of \$21,560 for the following permanent partial disability: 28% to the right ankle. The settlement includes a payment of \$440, for additional consideration for a full, final, and complete settlement, for a total award of \$22,000.

The settlement further calls for a 3% assessment of the PPD award, less the payment of the additional payment amount, in the sum of \$646.80 be deducted and paid to the Multiple Injury Trust Fund Tax, making the lump sum award, including the additional payment, \$21,353.20. The settlement further calls for \$4,400 to be deducted from the PPD award and paid in a lump sum to Claimant's attorney as a fair and reasonable fee. In addition, the City will pay Workers' Compensation Court costs of \$140 and \$161 for the District Court; 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 \$165; 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 \$431.20.

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, Jeffery Cooper, law office located at 415 Northwest 11th Street, Oklahoma City, Oklahoma 73103.

Permanent Partial Disability Payment <sup>1</sup>	\$ 21,560.00
Additional Payment <sup>1</sup>	\$ 440.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$ 165.00
Workers' Compensation Administration Fund <sup>2</sup>	\$ 431.20
Multiple Injury Trust Fund Tax <sup>2</sup>	\$ 646.80
Workers' Compensation Court Costs <sup>2</sup>	\$ 140.00
District Court Costs <sup>3</sup>	\$ 161.00
Total Cost of Award	\$ 23,544.00

**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.