



MEMORANDUM

OCMFA Agenda
Item No. MFA. D
6/21/2022

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 to enter into a Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM-(to be assigned) styled: *Sherry Summers, 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, Sherry Summers is a 52-year-old female and is a 30-year employee of The City of Oklahoma City. At the time of the injury, she was assigned in the Fire Department as a Corporal and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on July 2, 2021 to her lower back and left hip.

On November 4, 2021 Claimant required surgery to repair her left hip.

Claimant was also evaluated by Dr. Kiehn MD, Michael on behalf of the City and found to have the following permanent partial impairment of 15% to the left hip.

The negotiated Joint Petition Settlement calls for a lump sum of \$25,920 for the following permanent partial disability: 19% to the left hip. The settlement further calls for a 3% assessment of the PPD award in the sum of \$777.60 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$25,142.40.

The settlement further calls for \$5,184 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 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 \$194.40 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$518.40.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Krahll, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

Permanent Partial Disability Payment ¹	\$ 25,142.40
Special Occupational Health and Safety Fund Tax ²	\$ 194.40
Workers' Compensation Administration Fund ²	\$ 518.40
Multiple Injury Trust Fund Tax	\$ 777.60
Workers' Compensation Court Costs ²	\$ 140.00
District Court Costs ³	\$ 161.00
Total Cost of Award	\$ 26,933.80

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:

Finance Department/Risk Management Division

Recommendation: Joint Resolution be adopted.