



MEMORANDUM

Council Agenda
Item No. IX. BG
9/27/2022

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities Authority directing the Risk Manager and the Trust's legal counsel not to appeal the Order of the Workers' Compensation Commission Claim No. CM-2021-00013A styled: *Derrell Wallace, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing payment to the Claimant of permanent partial disability benefits, attorney fees, less an assessment for the Multiple Injury Trust Fund; and authorizing payment of costs and fees for the Respondent.

Background:

The Claimant, Derrell Wallace is a 41-year-old male and is a three-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Public Works Department as a Crew Worker I. Claimant was terminated from the City on August 18, 2022.

On November 7, 2019, Claimant sustained an undisputed accidental injury to his lower back, neck, and head.

Claimant was evaluated by Dr. Lonnie Litchfield, on behalf of his attorney and found to have the following permanent partial impairment: 27% to the lower back, 27% to the neck and 4% to the head.

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, 3% to the neck, and 0% to the head.

On September 19, 2022, Judge Michael Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: 8% to the lower back, 9% to the neck and 2% to the head, entitling Claimant to 68.40 weeks of compensation at \$350 per week, totaling \$23,940, of which 31 weeks have accrued and shall be paid in a lump sum of \$10,850. The settlement further calls for a 3% assessment of the PPD award in the sum of \$718.20 be deducted and paid for the Multiple Injury Trust Fund Tax, making the total award \$23,221.80. The Commission further ordered \$4,788 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 \$179.55 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of

\$478.80.

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, James G. Devinney, law office located at 115 East Grand, Ponca City, Oklahoma 74601.

Permanent Partial Disability Payment	\$23,221.80
Special Occupational Health and Safety Fund Tax	\$179.55
Multiple Injury Trust Fund Tax	\$718.20
Workers' Compensation Administration Fund	\$478.80
Workers' Compensation Court Costs	\$140.00
Total Cost of Award	\$24,738.35

Source of Funds:

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

Review:

Risk Management

Recommendation: Joint Resolution be adopted.