



MEMORANDUM

Council Agenda
Item No. IX. BQ
11/22/2022

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- (to be determined) styled: *Thomas Austin, 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, Thomas Austin is a 53-year-old male and is a 14-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Fire Department as a Lieutenant and continues to be employed by the City.

Claimant sustained undisputed accidental injuries on August 28, 2020, to his lower back and upper back. On August 29, 2020, Claimant required surgery to repair his lower back and upper back.

Claimant was evaluated by Dr. Lance E. Rosson, on behalf of his attorney and found to have the following permanent partial impairment: 27% to the lower back and 10% to the upper back.

Claimant was also evaluated by Dr. C.B. Pettigrew, D.O., on behalf of the City and found to have the following permanent partial impairment: 7% to the lower back and 0% to the upper back.

The negotiated Joint Petition Settlement calls for a lump sum of \$31,500 for the following permanent partial disability: 20% to the lower back and 5% to the upper back.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$945 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$30,555. The settlement further calls for \$6,300 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 of \$140, a Special Occupational and Safety Fund tax representing .75% of the permanent partial disability award, shall be paid in the sum of \$236.25 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$630.

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

Permanent Partial Disability Payment ¹	\$30,555.00
Special Occupational Health and Safety Fund Tax ²	\$236.25
Workers' Compensation Administration Fund ²	\$630.00
Multiple Injury Trust Fund Tax ²	\$945.00
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
Total Cost of Award	\$32,667.25

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

Recommendation: Joint Resolution be adopted.