



MEMORANDUM

Council Agenda
Item No. IX. AX
12/6/2022

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 not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM3-2022-00265X styled: *Jonathan Burdine, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing the Municipal Counselor to assist said counsel in the rendition of the award 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 in the event the parties reach a Joint Petition Settlement or the award is commuted to a lump sum.

Background:

The Claimant, Jonathan Burdine is a 29-year-old male and is an eight-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Utilities Department as a Field Quality Representative and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on September 11, 2021 to his lower back. On December 6, 2021, Claimant had surgery to repair his lower back.

Claimant was evaluated by Dr. Lance E. Rosson, on behalf of his attorney and found to have the following permanent partial impairment: 29% to the lower back.

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: 12% to the lower back.

On November 23, 2022, Judge Michael Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: 18% to the lower back, entitling Claimant to 64.8 weeks of compensation at \$360 per week, totaling \$23,328, of which 32 weeks have accrued and shall be paid in a lump sum of \$11,520.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$699.84 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$22,628.16. The Commission further ordered \$4,665.60 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 \$174.96 and the Workers'

Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$466.56.

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, Larry Spears, law office located at 501 Northwest 13th Street, Oklahoma City, Oklahoma 73103.

Permanent Partial Disability Payment	\$22,628.16
Special Occupational Health and Safety Fund Tax	\$174.96
Multiple Injury Trust Fund Tax	\$699.84
Workers' Compensation Administration Fund	\$466.56
Workers' Compensation Court Costs	\$140.00
Total Cost of Award	\$24,109.52

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.