



MEMORANDUM

Council Agenda
Item No. IX. BJ
8/29/2023

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. CM3-2022-01178P, styled *Glenn Ballinger, 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 Order 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 Glenn Ballinger is a 54-year-old and was a 33-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 retired from the City as of April 30, 2022.

Claimant sustained an undisputed accidental injury on February 10, 2022 to his right shoulder. Claimant required surgery to his right shoulder on June 28, 2022.

Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: right shoulder 28%. 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: right shoulder 9%.

On August 18, 2023, Judge Michael Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: right shoulder 15% entitling Claimant to 54 weeks of compensation at \$360 per week, totaling \$19,440. The City is entitled to credit for overpayment of temporary total disability compensation in the amount of \$1,361.66 making Claimant's total award \$18,078.34.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$583.20 be deducted, and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$17,495.14. The Court further ordered \$3,888 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. As of August 18, 2023, the amount of said award was fully accrued at \$19,440. In addition, the City will pay Court costs \$140, a Special Occupational Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$145.80 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in

the sum of \$388.80.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Braun, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118 and Claimant's attorney, Joseph C. Biscione, law office located at 105 North Hudson Avenue, Suite 100, Oklahoma City, Oklahoma 73102.

Permanent Partial Disability Payment ¹	\$19,440.00
Temporary Total Disability Overpayment Deduction	(\$1,361.66)
Special Occupational Health and Safety Fund Tax ²	\$145.80
Workers' Compensation Administration Fund ²	\$388.80
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
Total Cost of Award	\$18,913.94

Source of Funds

¹Debt Service-Debt Service-Redemption of Judgments-Debt Service-Judgment (021-02509804600-55040007)

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:

Risk Management

Recommendation: Joint Resolution be adopted.