

**KWORCC Select Claim Report**

**Presented April 27, 2017**

**CLAIM SUMMARY**  
**SETTLEMENT AUTHORITY GRANTED ADMINISTRATIVELY**

**Employer:** Lyon County  
**Claim No.:** 2016WR000216  
**Employee Age:** 72  
**AWW:** \$476.95  
**Attorneys:** N/A  
**Adjuster:** Amanda Chamberland

**Date of Injury:** 3-4-16  
**Job Description:** Truck Driver  
**Updated:** 4/13/2017  
**TTD Rate:** 317.98  
**Employer:** N/A

	Medical	Indemnity	Expense	Total
Reserves	\$50,000.00	\$26,000.00	\$8,500.00	\$84,500.00
Amount Paid	\$25,126.53	\$2,954.03	\$6,604.97	\$34,685.53
Outstanding	\$24,873.47	\$23,045.97	\$1,895.03	\$49,814.47

**Accident Description/Nature of Injury:**

- Truck driver in gravel truck at approximately 10:30 a.m. when coyote approached on east side of ditch, driver attempted to avoid and front left tire went into ditch. Driver attempted to correct, over corrected and truck flipped over 1 1/4 times.

**Investigation/Compensability**

- Within course/scope of employment, wearing seatbelt & timely notice on date of accident.

**Medical Management**

- Accident report came in with “upper neck, cracked vertebrae”. NCM was assigned immediately. The Stormont Vail surgeon ordered physical therapy and removed claimant’s neck collar. Claimant continued to experience headaches and lack of relief and ultimately another opinion was scheduled with Dr. Weimar. Dr. Weimar found that employee had a non-healing and displaced neck fracture at C2 and recommended a fusion. The employee declined and requested second opinion. Care was redirected to Dr. Estivo for his neck and also right elbow bursitis complaints. Dr. Estivo recommended yet another consult with a surgeon and an appointment was set with Dr. Burton. Dr. Burton opined the fracture was stable and would continue to heal over time. He was recently released at MMI by Dr. Estivo for both his neck and elbow complaints.

**Periods of Disability**

- Employee was off work a total of 10 weeks during his care for this injury. He is now back to work without permanent restrictions.

**Permanent Partial Impairment/Permanent Disability**

- Dr. Estivo has assigned a 0% impairment for his right elbow bursitis and a 6% impairment to the body as a whole for his neck fracture.

**Subrogation/Other Issues**

- No subrogation. Claimant is a Medicare beneficiary.

**Plan of Action:**

- $415 \text{ weeks} \times .06 = 24.9 \text{ wks} \times 317.98 = \$7,917.70$ . Discussed claim with employee and he had ongoing headaches and pain. He would like to retire a year early as the driving aggravates the healing of his neck. We requested settlement authority up to \$23,000 to close claim full and final including additional funds to satisfy Medicare’s interest.