

KWORCC Select Claims Reports

Presented May 18, 2017

CLAIM SUMMARY
SETTLEMENT REQUEST

Employer: Ellsworth County

Claim No.: 2011041122

Employee Age: 53

AWW: \$ 601.55

Attorneys: Employee: Bruce Brumley

Adjuster: Amanda Chamberland

Date of Injury: 5/11/2011

Job Description: Deputy Sheriff

Updated: 5/8/2017

TTD Rate: \$ 401.23

Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$27,000.00	\$33,827.06	\$15,000.00	\$75,827.06
Amount Paid	\$19,819.40	\$8,827.06	\$8,984.36	\$37,630.82
Outstanding	\$7,180.60	\$25,000.00	\$6,015.64	\$38,196.24

Accident Description/Nature of Injury:

- Employee alleged injury to his right arm, shoulder and later his neck after falling to ground with suspect while arresting him. He requested no formal treatment from the 2011 date of injury until later in 2013.

Investigation/Compensability

- Medical treatment was denied due to request being more than one year post injury. Attorney Ron Laskowski was assigned and it was proposed that the medical trtmt. requested was not in relation to the original work event and should be denied.

Medical Management

- Claimant saw multiple physicians including Dr. Fevurly, Dr. Prostic, Dr. Pratt and Dr. Do for IME opinions. Although most of the physicians maintained there should be some separation between the work event and the new symptoms, especially as related to neck complaints, the shoulder and right carpal tunnel syndrome were found to be compensable by court order. Dr. Do performed surgery and Dr. Pratt found that claimant had an ultimate impairment of 18% to the right extremity.

Periods of Disability

- TTD benefits received from 4/8/2015-9/8/2015

Subrogation/Other Issues

- Old law case, subject to open medical rights.

Plan of Action:

- Request settlement authority to \$25,000.00 to close claim full and final
- Atty Ron Laskowski seeks to settle based on 18% to the right upper extremity equivalent to \$18,611.28 with an added \$2,378.42 in TTD underpayment. Total case is worth \$20,989.70 however we request the additional funds to close it out in entirety.

CLAIM SUMMARY

Employer: Ford County
Claim No.: 2017WR001354
Employee Age: 62
AWW: Unknown
Attorneys: Employee: None
Adjuster: Amanda Chamberland

Date of Injury: 04/22/2017
Job Description: Assistant Attorney
Updated: 5/8/2017
TTD Rate: Unknown
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$1,200	\$0.00	\$15,000.00	16,200.00
Amount Paid	\$0.00	\$0.00	\$0.00	\$0.00
Outstanding	\$1,200	\$0.00	\$15,000.00	\$16,200.00

Accident Description/Nature of Injury:

- Employee attended a seminar on homicide investigations in Seattle Washington per the instruction of his employer. While employee was using escalator at the airport to return to Kansas he lost his balance and fell reportedly 30 feet causing paralysis vs paraplegic status.

Investigation/Compensability

- Employee was found to have three times the legal allowed limit of alcohol in his system at the time of fall
- Private investigator actively interviewing potential witnesses from the scene and locations where he may have been served alcohol to establish timeline
- NCM assigned to assess the claim and work with hospital social workers on scene
- Public records have been requested from the Port of Seattle

Medical Management

- Surgery performed for C5/6 hyperextension injury and C5 fracture spinal cord injury with neurogenic shock, claimant also had a C6-7 laminectomy decompression C2-T2. The injured worker remains hospitalized is unable to answer any questions except via head nod at this time. He is to be moved to a rehab facility either in the Topeka Ks or Colorado area for long term rehabilitation needs.

Periods of Disability

- Employee is completely and totally disabled at this time with no expectations of any ability to obtain gainful employment.

Subrogation/Other Issues

- Possible subrogation interests against Port of Seattle if escalator found to be faulty.
- Inability to make contact with his brother who is the presumed power of attorney.

Plan of Action:

- We have issued a preliminary denial so that there is no interference of the care needed for claimant and in order for his personal health insurance to take effect.
- We continue to investigate the claim to find if there was any outside factor, such as malfunction of the escalator, before final denial is issued.

CLAIM SUMMARY
SETTLEMENT REQUEST

Employer: Harvey County

Claim No.: 2012044136

Employee Age: 52

AWW: \$ 735.86

Attorneys: Clmt: Phillip Slape; Resp: Jeff Brewer

Adjuster: Amanda Chamberland

Date of Injury: 11/08/2012

Job Description: 911 Dispatcher

Updated: 05/09/2017

TTD Rate: \$ 490.60

Employer: Harvey County

	Medical	Indemnity	Expense	Total
Reserves	\$338,086.49	\$145,405.03	\$15,000.00	\$498,491.52
Amount Paid	\$40,972.94	\$45,405.03	\$9,263.20	\$95,641.17
Outstanding	\$297,113.55	\$100,000.00	\$5,736.80	\$402,850.35

Accident Description/Nature of Injury:

- Hydraulic door mechanism broke striking claimant in the head and causing swelling, headaches, shoulder pain and cervical complaints.

Investigation/Compensability

- Statement was taken regarding mechanism of injury
- Pre-existing medical records obtained and thoroughly examined

Medical Management

- Claimant initiated treatment with Dr. Eva Henry a neurologist for her head injury and subjective complaints to include loss of smell etc. She received ongoing pain management and recently has begun to receive psychiatric treatment per court order despite our objections.

Periods of Disability

- None, continues to work for our insured.

Permanent Partial Impairment/Permanent Disability

- Claimant has received PPD settlement in the amount of \$45,405.03, her medical treatment has been left open.

Subrogation/Other Issues

- Concern of her ability to perform her job as 911 dispatcher with her injury
- Concern over personal emotional issues that may be effecting her ability to improve

Plan of Action:

- Employee is actively seeking treatment that amounts to between \$450 and \$1,000 per month. She has begun to seek additional treatment with a separate doctor who will increase these costs.
- Counsel recommends that we attempt to close out medical before Employee stops working, as Medicare approval would not be required.
- We estimate that medication and treatment will cost an additional \$200,000-\$300,000. Therefore, we are seeking to close this claim, including medical, full and final with an aggressive offer. We request settlement authority of \$75,000.

CLAIM SUMMARY
SETTLEMENT REQUEST

Employer: Meade County
Claim No.: 2012043382
Employee Age: 59
AWW: \$ 370.17
Attorneys: Employee: Matthew Bretz
Adjuster: Amanda Chamberland

Date of Injury: 7/4/2012
Job Description: Jailer
Updated: 5/9/2017
TTD Rate: \$ 246.78
Employer: Jeff Brewer

	Medical	Indemnity	Expense	Total
Reserves	\$118,431.00	\$64,688.82	\$15,000.00	\$198,119.82
Amount Paid	\$91,517.65	\$4,688.82	\$8,787.09	\$104,993.56
Outstanding	\$26,913.35	\$60,000.00	\$6,212.91	\$93,126.26

Accident Description/Nature of Injury:

- Employee was assaulted by an inmate during a jailbreak. He received multiple head trauma and orbital fractures. The claimant has also alleged tinnitus and PTSD as a result of the injuries.

Investigation/Compensability

- Accident occurred in course and scope of employment and was not questioned.

Medical Management

- Employee sought acute treatment for his multiple fractures and since that time has complained of chronic pain and PTSD issues. He sees a psychiatrist on an ongoing basis.

Periods of Disability

- TTD 7/5/2012-11/14/2012.
- Claimant is no longer employed by county and receives SSDI benefits.

Permanent Partial Impairment/Permanent Disability

- Dr. Hufford recently opined that claimant has a 25% impairment to the body as a whole
- Based on multiple factor including education level, SSDI status etc. he will likely be considered a perm total case.

Subrogation/Other Issues

- Employee is a Medicare beneficiary; any settlement will involve a set aside to satisfy Medicare's interest.
- Due to permanent restrictions, limited education and unemployed status employee has a case for a work disability.

Plan of Action:

- Request settlement authority to \$100,00.00
- Indemnity exposure is in the range of \$125,300 to \$150,300 per legal counsel. Ability to settle under \$100, 000 would be favorable.
- Possibility of Medical to remain open