

KWORCC Select Claims Reports

Presented June 22, 2017

CLAIM SUMMARY – SETTLEMENT REQUEST

Employer: Dickinson County
Claim No.: 2016WR000367
Employee Age: 48
AWW: \$ 618.51
Attorneys: NONE
Adjuster: Amanda Chamberland

Date of Injury: 4/27/2016
Job Description: Equipment Operator
Updated: 6/1/2017
TTD Rate: \$ 412.36

	Medical	Indemnity	Expense	Total
Reserves	\$45,000.00	\$40,235.05	\$4,000.00	\$89,235.05
Amount Paid	\$34,270.77	\$235.05	\$719.70	\$35,225.52
Outstanding	\$10,729.23	\$40,000.00	\$3,280.30	\$54,009.53

Accident Description/Nature of Injury:

The employee originally alleged injury from shoveling and “rough riding” in truck over a series of days.

Investigation/Compensability

- ISO records obtained showed no relatable injuries reported in the past.
- Employee denied any previous treatment before our claim.
- Concerns of activity outside of restrictions were provided to doctor for evaluation.

Medical Management

- MRI taken post injury showed disc herniation at T9-10,T10-11 leading to right lateral recess stenosis
- Dr. Boswell recommended a T9 and T10 laminectomy which was performed.
- Post-surgery employee continued to have ongoing subjective complaints which could not be objectively evaluated. A repeat MRI was ordered which showed in addition to post-surgical findings that he continued to have a calcified disc herniation which had been unable to be repaired intra-operatively. A spinal cord stimulator was recommended.

Periods of Disability

- Claimant has missed one week of work during the course of his claim due to the injury.

Permanent Partial Impairment/Permanent Disability

- Dr. Boswell has provided a 17% impairment to the BAW which calculates as follows:
 $415 \times .17 = 70.55, 70.55 \times \$412.36 = \$29,091.99$

Subrogation/Other Issues

- No subrogation interests applicable.
- Claimant has consulted with an attorney and has stated that he will close this claim without further surgery, bone stimulator or litigation for agreeable settlement offer.

Plan of Action:

- We are requesting settlement authority of up to \$40,000 to close this claim full and final.

CLAIMS SUMMARY – SETTLEMENT REQUEST

Employer: Stevens County
Claim No.: Multiple (see below)
Employee Age: 53
AWW: See Below
Attorneys: Larry Gurney (Claimant)
Adjuster: Amanda Chamberland

Dates of Injury: Multiple (see below)
Job Description: CNA
Updated: 6/9/2017
TTD Rate: See Below
Jeff Brewer (KWORCC)

9/27/11 #2011041933 | AWW: \$655.43 TTD \$436.39

	Medical	Indemnity	Expense	Total
Reserves	\$16,000.0	\$6,376.27	\$600.00	\$22,976.27
Amount Paid	\$13,095.62	\$2,123.73	\$210.35	\$15,429.70
Outstanding	\$2,904.38	\$4,252.54	\$389.65	\$7,546.57

Accident Description/Nature of Injury:

- As employee assisted patient in shower lift the chair broke causing the employee to twist and move abruptly to assist patient and avoid the spillage injuring her back and right hip.

Investigation/Compensability

- Claimant was in the course and scope of her employment and it was a non-questioned witnessed event.

Medical Management

- Claimant treated conservatively with injection and restrictions under Dr. Hunsberger.
- She receives ongoing pain management for a separate claim which could still be construed as benefiting the injuries from this initial claim as well.

Periods of Disability

- Employee received TTD benefits from 9/27/2011-10/02/2011 and a short time in 2012.

2/27/12 #2012042633 | AWW: \$611.73 TTD \$407.84

	Medical	Indemnity	Expense	Total
Reserves	\$15,000.00	\$18,366.98	\$3,000.00	\$36,366.98
Amount Paid	\$10,896.90	\$815.68	\$2,010.42	\$18,366.98
Outstanding	\$4,103.10	\$17,551.30	\$989.58	\$22,643.98

Accident Description/Nature of Injury:

- As employee turned a resident towards her she injured her left arm and bicep area. Imaging showed a resulting tear of the infraspinatus tendon.

Investigation/Compensability

- Injury was reported timely and within the course and scope of employment.
- Pre-existing injury denied

Medical Management

- The claimant was seen by Dr. Neel, an orthopedic surgeon who performed a subacromial decompression and mumford procedure

Periods of Disability

- Employee received TTD benefits from 8/14-8/27/2012

1/29/13 #2013045611 | AWW: \$755.02 TTD \$503.37

	Medical	Indemnity	Expense	Total
Reserves	\$110,000.00	\$93,590.99	\$5,000.00	\$208,590.99
Amount Paid	\$81,572.20	\$13,590.99	\$2,725.68	\$97,888.87
Outstanding	\$28,427.80	\$80,000.00	\$2,274.32	\$110,702.12

Accident Description/Nature of Injury:

- Employee injured her lower back as she was assisting a patient who resisted her transfer.

Investigation/Compensability

- Employee was in course and scope of employment and injury was found compensable.

Medical Management

- MRI taken in 2013 showed structural changes separate from her 2011 MRI. L4-S1 laminectomy and instrumented fusion was recommended and performed by Dr. Henry with Abay Neuroscience. After being placed at MMI from a surgical standpoint she was referred to pain management. A bone stimulator was recommended but denied due to chronic depression and failure to pass a psychological exam. She saw Dr. Harris at MAO who later resigned causing her care to be moved to Dr. Scott. She was dismissed by Dr. Scott for medication violation as she tested positive for a non-prescribed narcotic drug. She has been seeing Dr. Ng for pain management on an ongoing basis since that dismissal in 2016.

Periods of Disability

- Employee received disability for varying time periods between 2013 and 2014.

9/1/14 #2014069570 | AWW: \$755.06 TTD \$503.37

	Medical	Indemnity	Expense	Total
Reserves	\$10,000.00	\$10,000.00	\$6,000.00	\$26,000.00
Amount Paid	\$6,594.38	\$2,013.48	\$2,679.39	\$11,287.25
Outstanding	\$3,405.62	\$7,986.52	\$3,320.61	\$14,712.75

Accident Description/Nature of Injury:

- Employee tripped over the wheel on resident's wheelchair and fell to the floor injuring her neck, head and left shoulder.

Investigation/Compensability

- Benefits were initially denied and upheld under preliminary order by Judge Fuller for lack of timely notice, however, upon appeals judge Arnhold found the claim to be compensable and payable.

Medical Management

- Claimant has merged treatment for this claim with Dr. Ng whom she sees on a dual open claim for pain management.

Periods of Disability

- Employee was awarded benefits for October 2014 after denial was overturned.

Subrogation/Other Issues

- **Counsel advises vocational expert evidence shows that due to claimant's age; education; geographic location; impairments; restrictions; ability for retraining; need for narcotic pain medications to control pain; and otherwise, claimant is essentially and realistically unemployable and therefore permanently and totally disabled from her injuries.**
- **Counsel advises the 3 claims combined for the low back; left hip; LLE; myofascial pain; neck, including the resulting fusion with all the other factors mentioned above will result in a permanent total disability on those three cases. Additional permanent partial compensation for the scheduled injury to the shoulder, a "split" of the ratings at 18% is \$17,551.30 imputed above. This means per attorney evaluation over the (4) claims, the exposure for indemnity is \$155,000 + \$17,551.30, or a total of \$172,551.30 LESS the \$18,543.88 TTD already paid, or \$154,007.42.**

Plan of Action:

- **We are requesting settlement authority of up to \$110,000 to close all claims full and final, except medical left open on the 1/29/13 claim.**
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