

KWORCC Select Claims Reports

Presented July 27, 2017

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Cherokee County
Claim No.: 2015072424
Employee Age: 63
AWW: \$ 583.28
Attorneys: Employee Scott Mann
Adjuster: Amanda Chamberland

Date of Injury: 11/04/2015
Job Description: Truck Driver
Updated: 07/18/2017
TTD Rate: \$ 389.04
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$35,000.00	\$99,818.55	\$12,000.00	\$146,818.55
Amount Paid	\$22,937.01	\$9,818.55	\$8,296.71	\$41,052.27
Outstanding	\$12,062.99	\$90,000.00	\$3,703.29	\$105,766.28

Accident Description/Nature of Injury:

- Employee was leaving asphalt lot in dump truck when it rolled after tire exited blacktop. His ear was re-attached and he also injured his bilateral shoulders and neck.

Investigation/Compensability

- The claimant was in the course and scope of his employment
- Claimant was wearing his safety restraint at the time of the accident

Medical Management

- After emergency treatment the injured employee was referred to orthopedic Specialist Dr. Grantham for continued care followed by treatment with Dr. Weimar at Abay Neuroscience. The prevailing factor opinion was requested due to osteoarthritis findings and work was found to be responsible.

Periods of Disability

- TTD was paid on the claim from date of accident until MMI date in 2016.

Permanent Partial Impairment/Permanent Disability

- Dr. Estep provides a 4% impairment to the BAW. Dr. Murati rates the claimant with 21% to the BAW. Dr. Hufford provides rating of 14% to BAW and Dr. Carabetta provides rating of 7% to BAW. If he is awarded a rating of 7.6% to the BAW he will be eligible for a work disability. There is a pending additional rating for the ear injury.

Subrogation/Other Issues

- Claimant was terminated by employer as they could not accommodate his permanent restrictions and with his alleged task loss there is a possible work disability exposure.
- Surveillance conflicts with the assertions of claimant's disability and is to be presented to another physician for independent review.

Plan of Action:

- The work disability is highly contested however with Dr. Carabetta being the court ordered evaluator, it is likely that his recommendations would be adopted to include open medical and BAW rating of 7% *plus* pending laceration to the ear rating. Attorney Laskowski has requested settlement authority of up to \$90,000 to close the claim full and final. He will, however, continue to use surveillance and pending IME with Dr. Fevurly as leverage to settle for a lesser amount.

CLAIM SUMMARY

Employer: Franklin County
Claim No.: 17678032
Employee Age: 51
AWW: \$1,067.45
Attorneys: Employee NONE
Adjuster: Amanda Chamberland

Date of Injury: 07/11/2017
Job Description: Sheriff Deputy
Updated: 07/18/2017
TTD Rate: \$ 630.00
Employer: NONE

	Medical	Indemnity	Expense	Total
Reserves	\$45,750.00	\$15,000.00	\$500.00	\$61,250.00
Amount Paid	\$0.00	\$0.00	\$0.00	\$0.00
Outstanding	\$45,750.00	\$15,000.00	\$500.00	\$61,250.00

Accident Description/Nature of Injury:

- Employee was driving en route to a meeting when another driver crossed the line and struck his vehicle. The head on collision occurred at appx. 55-60mph resulting in injuries to the right lower leg.

Investigation/Compensability

- Employer was found to be in the course and scope of his employment.
- Employee was wearing vehicle restraint at time of accident.

Medical Management

- Employee was admitted to Ransom Memorial Hospital for several days post injury and an inpatient surgery to his R ankle was performed. Initial assessment is a complex right bimalleolar fracture. The orthopedic aftercare treatment will be performed locally by Dr. Dalenberg.

Periods of Disability

- Employee is expected to be off of work at minimum 6 weeks, however we anticipate it closer to 12 weeks.

Permanent Partial Impairment/Permanent Disability

- The employee will have a PPI rating at conclusion of his claim and we estimate this to be in the 7-8% to the lower extremity.

Subrogation/Other Issues

- Subrogation is applicable and will be pursued.
- Employee recently was denied approval for treatment under a separate worker's compensation claim. He may seek legal representation on this claim due to unresolved upset over the prior claim.

Plan of Action:

- Strive for early return to work and successful rehab to return as close as possible to pre-injury status. Pursue subrogation for recoupment of fees to be spent.

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Miami County
Claim No.: 2014047620
Employee Age: 42
AWW: \$ 857.25
Attorneys: Employee Leah Burkhead
Adjuster: Amanda Chamberland

Date of Injury: 02/05/2014
Job Description: Sheriff Deputy
Updated: 7/18/2017
TTD Rate: \$ 571.52
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$80,000.00	\$155,676.72	\$11,000.00	\$246,676.72
Amount Paid	\$76,992.80	\$46,676.72	\$7,315.90	\$130,985.42
Outstanding	\$3,007.20	\$109,000.00	\$3,684.10	\$115,691.30

Accident Description/Nature of Injury:

- Employee injured his right knee as he slipped on snow and ice while dropping off a patrol car to another employee

Investigation/Compensability

- Employee was in course and scope of his employment.
- Employee denied previous injury or treatment to the same body part prior to this injury.

Medical Management

- The initial MRI showed multiple underlying or degenerative conditions and he was sent for a prevailing factor opinion. Dr. Dan Stechschulte found his work injury to be the prevailing factor for his knee pain. R knee arthroscopy was performed in 2014 and during surgery an acute ACL tear was identified. Employee later alleged back and opposite injury to the left knee from an altered gait and the possibility of a knee replacement has been made. He has seen multiple physicians.

Periods of Disability

- Employee received \$46,676.72 in TTD from 2014-2015 for a total of 81.67 weeks.

Permanent Partial Impairment/Permanent Disability

- Dr. Lowery Jones has provided impairment of 20% to the R knee and Dr. Koprivica rated the claimant as 17% to the BAW. Dr. Pratt has rated claimant as having a 15% impairment to the BAW. Counsel suggests a judge will recommend 15% to the BAW. The claimant alleges a work disability due to his injuries and open medical has been recommended.

Subrogation/Other Issues

- Employee needs only to prove a 40.75% work disability to qualify for the remainder balance of PPD benefits. His current ratings would translate to an appx. 50% task loss.
- Employee has a separate civil suit filed against the county for alleged ADA violations in his termination.

Plan of Action:

- Defense attorney Ron Laskowski requests settlement authority to \$108,323.28 for this claim to be closed full and final. There is \$56,545.00 due and owing however if you include the work disability the total increases to \$83,323.28. In consideration of the claimant's age and open medical at stake an additional \$25,000 is requested to close out all issues full and final resulting in a total request of \$108,323.28.