

KWORCC Select Claims Reports

Presented August 24, 2017

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Anderson County
Claim No.: 2014047892
Employee Age: 32
AWW: Volunteer
Attorneys: Employee Steve Effertz
Adjuster: Amanda Chamberland

Date of Injury: 03/17/2014
Job Description: volunteer
Updated: 08/15/2017
TTD Rate: \$ 587.00
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$315,000.00	\$116,964.05	\$18,000.00	\$449,964.05
Amount Paid	\$284,303.23	\$56,434.18	\$13,588.05	\$354,325.46
Outstanding	\$30,696.77	\$60,529.87	\$4,411.95	\$95,638.59

Accident Description/Nature of Injury:

- Employee is a volunteer firefighter who lost control of her vehicle while responding to a grass fire. The vehicle exited the roadway and struck a tree.

Investigation/Compensability

- Use of safety restraint was investigated; however there was no policy for the county stating that a seatbelt must be used in personal vehicles. The claim was determined compensable based on consultation with defense counsel.

Medical Management

- Clmt suffered significant injuries to her left lower extremity and wrist as a result of the compensable motor vehicle accident. She was taken initially by helicopter to Kansas City where she was found to have a fracture of the femur, tibial plateau and metacarpal along with a head injury. She experienced multiple complications including non-union of the femur.

Periods of Disability

- Employee received the equivalent of 92.71 weeks of off work benefits

Permanent Partial Impairment/Permanent Disability

- Dr. Hedding assigns a 9% rating to the left lower extremity while Dr. Stuckmeyer assigns a 60% rating to the same level citing involvement at the hip level. Dr. Stuckmeyer also provides a 10% rating to the left wrist. Interestingly, neither doctor alleged whole body impairment even though it could be arguably seen such as that.

Subrogation/Other Issues

- There is no work disability or perm total issues at this time as claimant has returned to working a strenuous job.

Plan of Action:

- Clmt has been referred to Dr. Pratt for a court ordered IME and it is anticipated that he will place his rating closer to Dr. Stuckmeyer than that of Dr. Heddings. We anticipate he will provide a rating equivalent to a settlement value of approximately \$30,532.82.
- The future medical exposure on this case is significant. The injury to the femur and tibial fracture both lend themselves to late onset arthritis and a potential knee replacement exposure. Defense counsel estimates the future medical exposure to have a settlement value of up to an additional \$30,000.
- Defense attorney Ron Laskowski requests settlement authority of \$60,532.82 to close this claim full and final.

CLAIM SUMMARY

Employer: Stafford County
Claim No.: 17679789
Employee Age: 48
AWW: 793.08
Attorneys: Employee None
Adjuster: Amanda Chamberland

Date of Injury: 07/24/2017
Job Description: Operator/Laborer
Updated: 8/15/2017
TTD Rate: \$ 528.74
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$67,500.00	\$15,120.00	\$7,000.00	\$89,620.00
Amount Paid	\$0	\$1,586.22	\$8.65	\$1,594.87
Outstanding	\$67,500.00	\$13,533.78	\$6,991.35	\$88,025.13

Accident Description/Nature of Injury:

- As the employee drove a truck carrying oil the vehicle exited the roadway for an unknown cause resulting in a roll of the vehicle.

Investigation/Compensability

- Use of safety restraint was confirmed. Employee alleged mechanical failure although KCAMP investigation determined no mechanical issues. The possibility of cell phone usage or inattentiveness was questioned. It is possible the shift of the oil in the semi could have cause the pull of the vehicle to one side. Defense counsel was consulted and the claim has been determined to be compensable.

Medical Management

- The claimant was transferred first to Pratt Regional Medical center then via air ambulance to Wesley Medical Center Trauma. The primary injuries are to the right eye as well as the right shoulder clavicle and scapula. Dr. Pollock has surgical repaired the clavicle and the employee, now released from hospital, will see Dr. Riggins for assessment of his eye. Additional injuries include a maxillary wall fracture and a right ear laceration.

Periods of Disability

- Employee is currently receiving TTD benefits. The estimated duration will be better determined after the re-check of his eye, scheduled for 8/17/2017.

Permanent Partial Impairment/Permanent Disability

- Employee is expected to receive a disability rating when at MMI for his injuries. The extent of his disability rating relies heavily on the potential loss of vision to the right eye. Complete loss of vision to the eye alone would equivalent at 120 weeks to over \$60,000. If additional symptomology appears such as headaches, subsequent over compensation to the other eye, etc. a general body impairment could be alleged.

Subrogation/Other Issues

- Subrogation cannot be pursued unless concrete evidence is shown, beyond claimant testimony, to demonstrate a mechanical failure.

Plan of Action:

- Clmt will continue treatment with Dr. Pollock of Advanced Orthopedics in Wichita for his shoulder injury and Dr. Riggins for his eye complaints.
- Reserves to be re-evaluated after the extent of vision loss is determined.
- Strive for return to work in an accommodated position pending MMI.