

KWORCC Select Claims Reports

Presented October 26, 2017

CLAIM SUMMARY-Settlement Ratification

Employer: Linn County

Claim No.: 2016073235

Employee Age: 41

AWW: \$ Volunteer

Attorneys: Employee none

Adjuster: Amanda Chamberland

Date of Injury: 2/18/2016

Job Description: Fire Fighter

Updated: 10/2/17

TTD Rate: \$ 610

Employer: none

	Medical	Indemnity	Expense	Total
Reserves	\$60,000.00	\$50,380.00	\$1,600.00	\$111,980.00
Amount Paid	\$54,846.40	\$9,314.70	\$545.32	\$64,706.42
Outstanding	\$5,153.60	\$41,065.30	\$1,054.68	\$47,273.58

Accident Description/Nature of Injury:

- The volunteer worker was fighting a brush/grass fire when 50mph winds pushed the fire around employee burning his hands, face and left thigh.

Investigation/Compensability

- Employee was in the course and scope of his volunteer duties.
- Acute and non-questioned accident.

Medical Management

- The volunteer received burns to approximately 2% of his body with 3rd degree burns to the hands specifically. He received immediate wound care from the University of Ks Hospital followed by scar management for an additional 8mths. The claimant required therapy and laser treatments during his course of care and was ultimately placed at MMI 7/20/2017. The doctor mentions that the claimant will require continued personal care for his injuries.

Periods of Disability

- Employee missed a total of 15.27 weeks of work during the course of his treatment.

Permanent Partial Impairment/Permanent Disability

- The treating physician, Dr. Bhavsar, has assigned a 15% impairment to the body as a whole.
- 415 weeks less 15.27 (first 15 weeks not deducted) = 414.73 x .15 = 62.20 weeks x \$610 totaling \$37,942.20.

Subrogation/Other Issues

- Claimant and his wife were extremely persistent in requesting their rating and settlement offer as soon as possible. It is best to settle the claim before attorney involvement is sought.

Plan of Action:

- Settlement authority was requested in the amount of \$40,000, with attempt to settle the claim full and final for value of the rating, \$37,942.20, however if there were any concern of the employee regarding future medical concerns the additional \$2,057.80 to be added as an incentive. The e-mail was sent to Trustees by Administrator, and upon approval of the majority, claimant was approached.
- The claimant agreed to settle all issues full and final for the \$37,942.20. Ratification by the full Board is requested.

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Sherman County
Claim No.: 2014069349
Employee Age: 59
AWW: \$ 934.35/ \$907.46
Attorneys: Employee Roger Riedmiller
Adjuster: Amanda Chamberland

Date of Injury: 8/29/2014
Job Description: terminated
Updated: 10/13/2017
TTD Rate: \$ 594.00
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$85,000.00	\$69,571.86	\$14,000.00	\$168,571.86
Amount Paid	\$81,085.81	\$9,571.86	\$8,124.41	\$98,782.08
Outstanding	\$3,914.19	\$60,000.00	\$5,875.59	\$69,789.78

Accident Description/Nature of Injury:

- Employee alleges two events, the first occurring 8/29/2014 when he stepped on a golf ball, fell and landed on his right shoulder. The employee later stated that on 12/31/2014 his foot slipped as he climbed into a landfill vehicle resulting in an injury to the left shoulder.

Investigation/Compensability

- The second incident was not reported to employer timely and compensability questioned, however this was presented to the administrative law judge who found compensable.

Medical Management

- Employee was treated originally by Dr. Hatzidakis who performed surgery on the R shoulder for a full thickness tear. His subsequent injury to his left shoulder was also surgically repaired by Dr. Hatzidakis in 2015. As Dr. Hatzidakis does not perform ratings he was later referred to Dr. Pat Do for evaluation of the same.

Periods of Disability

- Employee has received \$9,571.86 to date in off work benefits. His benefits terminated when he was fired for cause from his employer.

Permanent Partial Impairment/Permanent Disability

- Dr. Do assigned a 5% impairment to the right extremity and 5% to the left
- Dr. Flutter assigned 6% to the R extremity and 10% to the left
- Vocational expert Paul Hardin finds that claimant has suffered a 31% task loss and overall work disability of 66.5% however he opines that he is realistically unemployable and a perm total.

Subrogation/Other Issues

- Potential work disability due to the opinions of Dr. Flutter and voc specialist Hardin.
- Issue of termination for cause has been upheld, however only at the preliminary level
- Perm total exposure is a possibility leaving claim open to up to \$145,428.14 with likely open medical

Plan of Action:

- Defense attorney Ron Laskowski requests settlement authority of \$60,000 to close the claim out full and final eliminating the high risk for either a work disability or perm total case with open medical for life.