

KWORCC Select Claims Reports

Presented February 15, 2018

CLAIM SUMMARY-Reserve Advisory

Employer: Comanche County
Claim No.: 18703230
Claimant Age: 31
AWW: \$435.20
Attorneys: Claimant None
Adjuster: Amanda Chamberland

Date of Injury: 01/10/2018
Job Description: Laborer
Updated: 02/02/2018
TTD Rate: \$ 290.14
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$49,000.00	\$6,160.56	\$2,900.00	\$58,060.56
Amount Paid	\$341.33	\$870.42	\$0.00	\$1,211.75
Outstanding	\$48,658.67	\$5,290.14	\$2,900.00	\$56,848.81

Accident Description/Nature of Injury:

- As a backhoe operator was lowering a culvert, claimant's hand became smashed between the culvert and the bucket, resulting in open fracture of his R index finger and an open fracture of his R long finger with loss of nail bed.

Investigation/Compensability

- Claimant was in the course and scope of his employment when the accident occurred which was acute in nature.

Medical Management

Claimant was originally sent to the local Comanche County Hospital for treatment. They were not equipped to handle the open fractures and attempted to transfer claimant to another local hospital. Due to the flu epidemic hospitals in Wichita, Garden City, and Oklahoma were all full and declined to take on his care. Eventually claimant's supervisor drove claimant to Kansas City for treatment where he was admitted until he could have surgery the following morning. Although adjuster had arranged for local surgery, Comanche County hospital refused to release claimant without admittance into ER directly.

Periods of Disability

- Claimant has remained off work since the injury date and will be off work until the scheduled pin removal this month.

Permanent Partial Impairment/Permanent Disability

- The claimant will have a disability rating as a result of this injury which will result in a settlement.

Subrogation/Other Issues

- There was no third party liable for the event and no subrogation will be pursued.

Plan of Action:

- The claimant is in ongoing treatment and has a follow up removal of the pins in his fingers scheduled. The plan is to monitor his work status post-removal, strive for accommodated duty and eventual release with MMI, procure a rating and reach a settlement.

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Geary County
Claim No.: 2015071392
Employee Age: 33
AWW: \$811.12
Attorneys: Employee Roger Reidmiller
Adjuster: Amanda Chamberland

Date of Injury: 6/19/2015
Job Description: Law Enforcement
Updated: 02/02/2018
TTD Rate: \$ 540.71
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$75,000.00	\$50,000.00	\$18,000.00	\$143,000.00
Amount Paid	\$73,069.58	\$33,585.85	\$13,929.77	\$120,585.20
Outstanding	\$1,930.42	\$16,414.15	\$4,070.23	\$22,414.80

Accident Description/Nature of Injury:

- While attempting to make a traffic stop with lights and sirens activated a vehicle pulled in front of claimant causing a collision. She alleges injuries to her back, head, neck, arms, wrists, shoulders, knees and psychiatric component.

Investigation/Compensability

- Claimant was in the course and scope of her employment following protocol with lights and sirens engaged when she was hit.
- Claimant denied pre-existing however medical records found showed chronic neck pain and headaches pre-injury.

Medical Management

- MRI'S were taken post injury and were essentially negative therefore claimant was found to be non-surgical in all aspects by Dr. Jackson at Premier Spine. Her attorney scheduled her an IME with Dr. Koprivca who disagreed and recommended continued treatment including pain management. She was seen by Dr. Foxx for the pain management and injections and he continued to recommend a surgical consult. Despite a minimal rating from Dr. Zarr (2% to BAW) she continues to allege extensive medical damage and requests treatment for the same to multiple body parts.

Periods of Disability

- Employee has received appx. 62 weeks of TTD and alleges termination due to her injuries.

Permanent Partial Impairment/Permanent Disability

- Dr. Zarr has indicated claimant has a 2% BAW rating with no permanent restrictions. Dr. Koprivca recommends a rating of 8% to the BAW with continued medical treatment. Dr. Pratt finds claimant a perm total (although at maximum medical improvement with no specific restrictions clarified). Vocational expert Karen Terrill's opinion also supports permanent total disability.

Subrogation/Other Issues

- There is an active third party suit against the other party's insurance and defense counsel is attempting to preserve the rights to same on our behalf.

Plan of Action:

- Although the permanent restrictions are litigated, if we lose the argument, claimant would be eliminated from returning to her position as a sheriff's deputy.
- Future medical is substantial exposure due to claimant's relative young age and ongoing need for pain management and psychiatric treatment. In addition, Judge Sanders might grant additional surgical evaluations.
- Defense counsel recommends a strategy of limiting our third-party lien to \$50,000 to close the work comp claim in finality. Although this less than 50% of what we've spent on the claim, it will allow claimant to pursue a larger third party lawsuit and eliminate our additional exposure. Also, there is no guarantee that we would eventually recoup the full amount of our lien.

CLAIM SUMMARY-Reserve Advisory

Employer: Harper County
Claim No.: 17691836
Employee Age: 68
AWW: \$891.91
Attorneys: Employee None
Adjuster: Amanda Chamberland

Date of Injury: 10/12/2017
Job Description: Road Foreman
Updated: 02/02/2018
TTD Rate: \$ 594.63
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$31,200.00	\$11,757.04	\$3,000.00	\$45,957.04
Amount Paid	\$769.62	\$0.00	\$24.77	\$794.39
Outstanding	\$30,430.38	\$11,757.04	\$2,975.23	\$45,162.65

Accident Description/Nature of Injury:

- Employee strained his right shoulder as he picked up a very large fresh cut limb that the road crew had cut down.

Investigation/Compensability

- Employee was in the course and scope of his employment when the accident occurred which was acute in nature.
- Claimant does have pre-existing arthritis and chronic changes however the surgical repair will be for acute changes due to the work accident. He has had no previous treatment to the same extremity.

Medical Management

- The employee was seen by orthopedic specialist Dr. Justin Strickland at Mid America Orthopedics in Derby, KS. He was recommended to have an R shoulder arthroscopy and rotator cuff repair which was performed 2/1/2018. He lives alone and is right hand dominant therefore added reserves were provided for potential home healthcare.

Periods of Disability

- Employee is off of work and is expected to be off of work for an additional 4-8 weeks at a pay rate of \$594.63 per week.

Permanent Partial Impairment/Permanent Disability

- Due to the severity of the tear I estimate impairment in the range of \$7,000.00 at this time with an anticipated return to full duty work.

Subrogation/Other Issues

- There was no third party liable for the event and no subrogation will be pursued.

Plan of Action:

- The claimant is in active post op physical therapy and following a post-surgical course of treatment. I will strive for return to work in an accommodated position and eventual release to full duty with conclusion of the claim.