
KWORCC Select Claim Report

Presented March 22, 2018

CLAIM SUMMARY-Settlement Ratification

Employer: Neosho County

Claim No.: 2013047391

Employee Age: 51

AWW: \$ 710.38

Attorneys: Roger Riedmiller

Adjuster: Amanda Chamberland

Date of Injury: 12/26/2013

Job Description: Deputy Sheriff

Updated: 3/9/2018

TTD Rate: \$ 473.61

Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$110,000.00	154,506.83	\$33,000.00	\$297,506.83
Amount Paid	\$104,116.69	\$79,506.83	\$24,414.33	\$208,037.85
Outstanding	\$5,883.31	\$75,000.00	\$8,585.67	\$89,468.98

Accident Description/Nature of Injury:

- The Employee was driving during patrol duty when a vehicle pulled out in front of him resulting in an auto accident at 60mph. The claimant alleged injury to his general back and neck.

Investigation/Compensability

- Employee was in the course and scope of his duties at the time of the event and he was restrained.

Medical Management

- The claimant was seen by multiple spine surgeons including Dr. Hsu and Dr. Erickson who found that he was a non-surgical candidate for his lumbar complaints. He was also treated by Dr. Nienke who opined that he was, however, a candidate for a cervical surgery. The claim is litigated as our position was that the back was pre-existing, and the neck did not become a primary complaint until we questioned the back. Although Dr. Mellion opined the back injury was not related to job injury, the neck injury was, and the judge ordered surgery. Dr. Admunson performed neck fusion at the C5-6 and C 6-7 level. Claimant continues pain management treatment with Dr. Scott.

Periods of Disability

- Employee missed a total of 167.87 weeks of work during the course of his treatment.

Permanent Partial Impairment/Permanent Disability

- Dr. Flutter, non-authorized treating physician, has rated claimant with a 31% rating to his neck, lower back and sacroiliac area using the AMA Guides, 4th edition, with permanent restrictions. This functional impairment rating has a value of \$38,486.
- Because of permanent restrictions imposed, work disability exposure is \$50,493.17. Claimant is likely to be a permanent total exposure due to his unemployment, task loss and chronic medical needs, the value of which is \$75,493.17. Future medical estimates exceed \$10,000.

Subrogation/Other Issues

- Subrogation recoupment from other party insurance has been recovered in the amount of \$16,666.00, potential additional credit to KWORCC for monies received by claimant.
- Potential recovery from the Work Comp Fund for treatment paid to date on the back.
- Judge has ordered a one-time reevaluation with Dr. Admunson for his resurgence of complaints. That brings urgency for chance to settle the claim before additional treatment recommendations.

Plan of Action:

- Settlement authority is requested in the amount of \$75,493.17, with an attempt to settle the claim for a lesser amount equivalent to \$50,493.17. The settlement will include an award presented to the judge denying the lower back as compensable and granting the compensation to the neck only. After the appeal for the award has run, an additional settlement hearing will take place where as in exchange for the lump sum payment the claimant will close his rights to future review and modification and medical treatment. This would then be followed by recovery from the Work Comp Fund for payments made treating the back.
- Board Members unanimously expressed approval of the settlement via electronic mail.