

**KWORCC Select Claims Report**

**Presented April 26, 2018**

CLAIM SUMMARY-Reserve Advisory

Employer: Dickinson County  
Claim No.: 17701078  
Employee Age: 60  
AWW: \$621.58  
Attorneys: Kelly Johnston  
Adjuster: Amanda Chamberland

Date of Injury: 12/18/2017  
Job Description: Heavy Equipment Operator  
Updated: 4/10/2018  
TTD Rate: \$ 414.40  
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$18,375.00	\$15,473.69	\$8,900.00	\$42,748.69
Amount Paid	\$3,399.57	\$2,900.80	\$27.65	\$6,328.02
Outstanding	\$14,975.43	\$12,572.89	\$8,872.35	\$36,420.67

**Accident Description/Nature of Injury:**

- After the employee used a chainsaw at work he turned it off to place it on the ground, however, the blades were still in motion and as he turned his body he cut his lower left leg and calf area on the equipment.

**Investigation/Compensability**

- Employee was in the course and scope of his employment when the accident occurred which was acute in nature.
- No currently known pre-existing defenses

**Medical Management**

- The claimant was treated at the ER for a laceration resulting in 15 stitches for a wound measuring appx five inches in length and one inch in depth. The wound became infected and was surgically cleaned out. He later was diagnosed with left foot drop due to the injury to the muscle and tendon area and released with permanent usage of a lower extremity brace. The claimant has since had multiple subsequent falls that he alleges may be a result of this original injury. Claimant most recently alleges a spiral fracture of the left humeral bone as a result of one of these falls which we are litigating relation at this time.

**Periods of Disability**

- Employee returned to work after a period off of appx 8 weeks.

**Permanent Partial Impairment/Permanent Disability**

- The claimant will have a disability rating as a result of this injury which will result in a settlement. The claim is currently reserved based on a potential 7% BAW impairment with anticipation the additional body parts may be found related to the original injury during litigation.

**Subrogation/Other Issues**

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

**Plan of Action:**

- Claim is currently in litigation and pending determination of relation of intervening falls at home. If found related we will cover the treatment regarding the same and seek a renewed MMI status with minimal impairment.
- Strive for full and final closure of the claim.

## CLAIM SUMMARY

Employer: Ford County  
Claim No.: 2017WR001065  
Employee Age: 50  
AWW: \$688.11  
Attorneys: Employee Larry Gurney  
Adjuster: Amanda Chamberland

Date of Injury: 1/15/2017  
Job Description: Corrections Officer  
Updated: 4/10/2018  
TTD Rate: \$ 458.76  
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$44,000.00	\$20,000.00	\$10,350.00	\$74,350.00
Amount Paid	\$39,560.78	\$8,376.53	\$1,235.77	\$49,173.08
Outstanding	\$4,439.22	\$11,623.47	\$9,114.23	\$25,176.92

### Accident Description/Nature of Injury:

- Claimant alleged a fall on the ice at work while exiting to leave for the day. The employee injured her left elbow and left shoulder in the fall.

### Investigation/Compensability

- The only witness to the event refused to testify and there was no video of the event. Ultimately a time lapse between the two cameras in the area showed a potential time when the event could have occurred without footage and the claim was found compensable.

### Medical Management

- The claimant was referred to Dr. Pat Do at Mid America Orthopedics. Despite essentially negative MRI findings she continued to lack any improvement with conservative treatment and ultimately surgical repair was recommended for left elbow medial epicondylitis and left shoulder decompression. Claimant completed the recommended surgeries and post-operative treatment. She received a follow up IME from Dr. Fluter which opined that she also had also injured and impaired her left hip and neck as a result of the claim.

### Periods of Disability

- Employee received the equivalent of 18.41 weeks of TTD benefits. She received an overpayment of appx. 2 weeks of the same as she failed to report a secondary employment source.

### Permanent Partial Impairment/Permanent Disability

- Dr. Do assigned an 8% rating to the left extremity. Dr. Fluter has assigned a 19% impairment to the body as a whole. A third IME has been ordered with Dr. Bishop.

### Subrogation/Other Issues

- There is no subrogation as the incident occurred on the employer owned and operated premises.

### Plan of Action:

- The current split settlement value of the two ratings is \$21,549.96. The IME with Dr. Bishop is pending and it is likely that he will provide a higher rating than that of Dr. Do and provide recommendations for future medical treatment. Claimant is reluctant to close her medical and it is likely she will request further treatment if not closed in finality.
- Defense counsel requested settlement authority of up to \$25,000.00 to close the claim full and final; KWORCC Administrator granted this authority.

**CLAIM SUMMARY-SETTLEMENT REQUEST (REVISED)**

Employer: Gears 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: 04/10/2018  
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	\$13,934.17	\$120,589.60
Outstanding	\$1,930.42	\$16,414.15	\$4,065.83	\$22,410.40

**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**

- Employee was in the course and scope of her employment following protocol with lights and sirens engaged when she was hit.
- Employee 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 she 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, however at MMI with no specific restrictions clarified in his report.

**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:**

- Claimant is a perm total exposure per the report of Dr. Pratt and Karen Terrill voc rehab expert. Although the perm restrictions are litigated the possibility of any perm restrictions would realistically eliminate claimant from returning to her position as a sheriff's deputy.
- To leave open any future medical benefits leaves a substantial exposure as claimant is prescribed ongoing pain management and psychiatric treatment at minimum. She is young and this leaves many years of probable treatment. Judge Sanders could feasibly allow additional surgical evaluations. Claimant was recently confirmed to be on SSDI and therefore there will be investigation into Medicare Set Aside for her future medical.
- Defense counsel recommends waiving our 3rd party lien except \$37,500.00-45,000.00 to close the work comp claim in finality (Board previously authorized waiving except \$50,000 to close claim). Although this means we will not recover the total medical and indemnity spent of \$106,655.43, it will allow the claimant to pursue a larger 3rd party suit and eliminate our future exposure. In addition, if we continue litigation to reduce claimant's damages, we may weaken the 3<sup>rd</sup> party recovery and simultaneously recovery on our lien. It is important to note that the best case scenario for lien recovery would only result in a payment to KWORCC of \$58,958.25 as any recovery is guaranteed to be reduced for fees and pro rata expenses.

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Jackson County  
Claim No.: 2015072173  
Employee Age: 62  
AWW: \$636.44

Attorneys: Employee Roger Fincher  
Adjuster: Amanda Chamberland

Date of Injury: 9/2/2015  
Job Description: Corrections Officer/Retired  
Updated: 4/10/2018  
TTD Rate: \$ 424.50  
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$18,000.00	\$82,500.00	\$9,000.00	\$109,500.00
Amount Paid	\$13,474.27	\$0.00	\$1,134.46	\$14,608.73
Outstanding	\$4,525.73	\$82,500.00	\$7,865.54	\$94,891.27

**Accident Description/Nature of Injury:**

- The employee was injured as he fell while unloading a dolly full of canned goods resulting in complaints to the left hip, back, neck and left shoulder.

**Investigation/Compensability**

- The incident was witnessed and non-questioned
- The prevailing factor was requested and the cervical complaints found to be pre-existing in nature

**Medical Management**

- The claimant had an upper and lower MRI at claim onset which showed mostly degenerative and underlying conditions. The claimant immediately retained an attorney and treatment was ordered with Dr. Galate. Dr. Galate found that claimant had a synovial cyst in his back which caused spinal stenosis and general pain and recommended a spinal consult. The consult/IME was performed by Dr. Bailey who found that absent of pre-existing records the lower back was found to be related to the work injury although the cervical area was not. Dr. Bailey recommended a fusion to address listhesis facet disorder and stenosis. Claimant has elected to not perform the surgery at this time.

**Periods of Disability**

- Claimant did not miss any work related to the work event. He has since retired and cites "chronic pain issues"

**Permanent Partial Impairment/Permanent Disability**

- The claimant has been provided a 5% impairment to the BAW from Dr. Bailey and Dr. Rosenthal assigned a 25% impairment to the BAW. The court did not assign a third court ordered IME. The split of the two ratings would potentially entitle claimant to a work disability.
- The claimant hired Karen Terrill, a vocational expert. Terrill opined claimant has suffered a 95% task loss and between 50% and 100% wage loss (depending on which doctor deemed most credible by the judge). Claimant alleges he is permanently and totally disabled under the Kansas Workers Compensation Act, for a maximum payout of \$155,000.

**Subrogation/Other Issues**

- There is no subrogation applicability for the injury as it occurred.

**Plan of Action:**

- Due to the potential work disability exposure, the fact that claimant is now receiving social security benefits and has a 95% task loss from vocational rehab there is substantial exposure on this claim of up to \$155,000.00. Although we have a positive prevailing factor opinion to the cervical spine and confirmation that claimant was able to continue working without difficulties until his voluntary retirement there are obstacles to our defenses. Notably the claimant's supervisor who would be needed to testify as to his ability to work without difficulty up to retirement is a claimant on another contested work comp claim and would not make a good witness.
- Due to the significant future medical exposure to include spinal fusion and potential work disability exposure of \$155,000.00, defense counsel is requesting settlement authority in the amount of \$82,500.00 to close out all issues full and final. This would include potential fees for a Medicare account to satisfy their future interests.