

# **KWORCC Select Claims Report**

**Presented August 23, 2018**

**CLAIM SUMMARY-Reserve Advisory**

**Employer:** Ellsworth County  
**Claim No.:** 17683022  
**Employee Age:** 61  
**AWW:** \$714.09  
**Attorneys:** Employee, William Manson  
**Adjuster:** Amanda Chamberland

**Date of Injury:** 08/15/2017  
**Job Description:** Equipment Operator  
**Updated:** 08/13/2018  
**TTD Rate:** \$ 476.08  
**Employer:** Ron Laskowski

	Medical	Indemnity	Expense	Total
<b>Reserves</b>	<b>\$43,700.00</b>	<b>\$33,938.81</b>	<b>\$17,600.00</b>	<b>\$95,238.81</b>
<b>Amount Paid</b>	<b>\$8,508.50</b>	<b>\$5,453.44</b>	<b>\$257.77</b>	<b>\$14,219.71</b>
<b>Outstanding</b>	<b>\$35,191.50</b>	<b>\$28,485.37</b>	<b>\$17,342.23</b>	<b>\$81,019.10</b>

**Accident Description/Nature of Injury:**

- Claimant felt a pop in his lower back and hip area followed by left sided radiculopathy as he shoveled chips from a chip spreader and unloaded gravel. Approximately 6 months later, while leaning in a snow plow at work to pull the throttle, he further injured his low back with new onset of right leg radiculopathy.

**Investigation/Compensability**

- Employee was in the course and scope of his employment when the accidents occurred.
- Claimant has pre-existing chronic back issues including radiculopathy. The prevailing factor was addressed and KWORCC accepted the claim for injury to the L3-4 level but denied treatment to the L4-5 and L5-S1 level, as pre-existing.

**Medical Management**

- Claimant initially was seen by Dr. Doug Burton at KU Med, who recommended spinal surgery, yet failed to properly address the pre-existing and chronic back issues and relevancy to his new injury. The claimant was re-directed to Dr. Matt Henry with Abay Neuroscience, who concurred with the need of a laminectomy and discectomy at multiple levels, however only the L3-4 level is related to the work events.

**Periods of Disability**

- The claimant missed approximately 11 weeks of work and has since returned to work in an accommodated job. Post-surgery recovery estimated to be 8-12 weeks.

**Permanent Partial Impairment/Permanent Disability**

- Claim reserves set for whole body impairment of up to 7%.

**Subrogation/Other Issues**

- The claimant has another dual open file which may also result in surgery to his shoulder.
- Abay Neuroscience has been instructed to pre-authorize partial spinal surgery costs with claimant's personal health insurance for the unrelated levels.

**Plan of Action:**

- Work with physician and employer to return claimant to an accommodated job post-surgery.
- Strive for resolution of claim with minimal impairment and ultimate full duty release.

CLAIM SUMMARY-Reserve Advisory

Employer: Jewell County

Claim No.: 2015072337

Employee Age: 61

AWW: \$588.75

Attorneys: Employee, Thomas Pyle

Adjuster: Amanda Chamberland

Date of Injury: 10/14/2015

Job Description: Equipment Operator

Updated: 08/13/2018

TTD Rate: \$ 388.92

Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$89,048.92	\$40,553.88	\$22,447.33	\$152,050.13
Amount Paid	\$29,848.92	\$17,775.48	\$1,537.21	\$49,161.61
Outstanding	\$59,200.00	\$22,778.40	\$20,910.12	\$102,888.52

**Accident Description/Nature of Injury:**

- As claimant drove a blade runner to crush dirt clods in the road, she was bounced about in the cab, causing severe injury to her low back.

**Investigation/Compensability**

- Claimant in the course and scope of his employment when the accidents occurred.
- The prevailing factor was addressed both in 2015 and in again in 2018, with findings that work was the cause of claimant's surgical requirements.

**Medical Management**

- Claimant was originally treated surgically in 2015 by Dr. Weimar with Abay Neuroscience and released in 2016 followed by a settlement with open medical in 2017. Since that time she has had a resurgence of pain in her lower back and legs with no new intervening event. The claimant was referred back to Dr. Weimar who found that claimant requires L3-4 and L4-5 transforaminal lumbar interbody fusion. Dr. Weimar opines claimant's L4-5 findings are directly related to original 2015 work injury. Based on the prevailing factor opinion, KWORCC authorized claimant's surgery which was performed on 8/3/2018. The employee is a smoker and a bone stimulator was provided to assist her with the healing process.

**Periods of Disability**

- The claimant works in a physically demanding department and has limited cross skills resulting in estimated time off of work between four and five months.

**Permanent Partial Impairment/Permanent Disability**

- The claimant received a previous general body impairment and it is anticipated she will receive an additional impairment of up to 5% after her second surgery.

**Subrogation/Other Issues**

- There are no other issues and subrogation is not applicable to this case based on the mechanism of injury.

**Plan of Action:**

- Contact employer when work restrictions given for modified duty options.
- When claimant reaches maximum medical improvement, seek to settle the claim full and final.