
KWORCC Select Claims Report

Presented September 20, 2018

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Anderson County
Claim No.: 2016WR000602
Employee Age: 64
AWW: \$734.78
Attorneys, Employee: Donald Taylor
Adjuster: Amanda Chamberland

Date of Injury: 08/10/2016
Job Description: Corrections Officer
Updated: 9/10/2018
TTD Rate: \$ 489.88
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$55,869.19	\$46,080.29	\$20,461.00	\$122,410.48
Amount Paid	\$41,369.19	\$10,080.29	\$3,316.37	\$54,765.85
Outstanding	\$14,500.00	\$36,000.00	\$17,144.63	\$67,644.63

Accident Description/Nature of Injury:

- The employee slipped on a slick spot on the jail kitchen floor and fell to the ground. She injured her knees and wrists with primary injury to her lower back.

Investigation/Compensability

- ~~Claimant was in the course and scope of her employment, mechanism accepted as compensable~~
- Pre-existing and underlying back issues found and investigated for separation of liability

Medical Management

- The claimant was referred to Dr. Cicarelli at Premier Spine. Dr. Cicarelli found that she required a fusion to L3-5; however, he felt only the 3-4 level was related to the work injury. We were able to successfully negotiate a separation of charges for the separate levels with her personal health insurance carrier. Claimant underwent surgery and after a period of rehab returned to work regular duty. Claimant complains of continued pain and muscle spasms while attempting to perform her job duties. She is 64 and seeking to retire at this time with no ongoing and active medical treatment other than medications from her physician.

Periods of Disability

- Employee received the equivalent of 20.57 weeks of TTD benefits. She has since returned to regular duty.

Permanent Partial Impairment/Permanent Disability

- Dr. Hopkins assigned 25% whole body impairment. Dr. Bernhardt, the court ordered IME provider, has assigned a 25 % whole percent impairment as well but opines that only half is attributable to the work injury resulting in a rating of 12.5%

Subrogation/Other Issues

- There is no subrogation as the incident occurred on the employer owned and operated premises.
- MSA will be required due to claimant's age.

Plan of Action:

- Based on counsel recommendations we are requesting settlement authority in the amount of \$36,000 to attempt to close the claim on a full and final basis

CLAIM SUMMARY-Reserve Advisory

Employer: Jewell County
Claim No.: 18735588
Employee Age: 60
AWW: \$799.41
Attorneys: None
Adjuster: Amanda Chamberland

Date of Injury: 08/28/2018
Job Description: Under Sheriff
Updated: 9/10/2018
TTD Rate: \$ 532.96
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$142,900.00	\$39,572.28	\$21,835.00	\$204,307.28
Amount Paid	\$0.00	\$532.96	\$15.00	\$547.96
Outstanding	\$142,900.00	\$39,039.32	\$21,820.00	\$203,759.32

Accident Description/Nature of Injury:

- The employee was shot by an assailant while working at the sheriff's office. He was shot in the upper chest/abdomen with the bullet resting near his spinal column. After being shot the Under Sheriff fell to the ground and subsequently fractured his left ankle in several areas.

Investigation/Compensability

- Employee was in the course and scope of his employment when the accident occurred which was witnessed and accepted as compensable.

Medical Management

- Nurse case manager was assigned at onset of claim. Claimant initially treated at Jewell County Hospital then was transferred to Salina Regional Medical Center. Possibility of transferring care to Wichita was examined but due to multiple variables decided against at this time. Claimant had surgery to repair his internal abdominal cavity as well as to fixate his left ankle fractures. The ankle fractures are complex and will require specialized follow up and possible repeat surgical procedures. The bullet is lodged in his L3-4 spinal area but he still maintains feeling and movement in his lower extremities. Dr. Boswell has concluded that to remove the bullet may be more dangerous than to leave it in. We have asked Dr. Grundmeyer, neurosurgeon, to review the radiology and medical to provide his second opinion regarding the same. Claimant did have a blood clot from his left lower extremity to his groin which has resolved. He is stable and anticipated to begin rehab this week although he will remain hospitalized.

Periods of Disability

- Employee is expected to be off of work at very minimum 3-6 mths.

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 15% impairment to the body as a whole. Additional factors including ongoing medical needs and/or the introduction of a psychological component may raise this initial estimate.

Subrogation/Other Issues

- The suspect in this assault committed suicide therefore there will be no restitution.
- The claimant lives in a rural area which will make finding specialists near him and near each other difficult for his ongoing treatment.

Plan of Action:

- The nurse case manager and I will work together throughout the claim to determine the appropriate specialists to treat the claimant.
- I will work with the county to find light duty and/or sedentary work for the claimant as he recuperates
- Ultimately we will strive for claimant to reach a full recovery with a full duty work release.

CLAIM SUMMARY-Reserve Advisory

Employer: Jewell County
Claim No.: 18735599
Employee Age: 42
AWW: \$624.09
Attorneys: None
Adjuster: Amanda Chamberland

Date of Injury: 08/28/2018
Job Description: Deputy
Updated: 9/10/2018
TTD Rate: \$ 416.08
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$32,400.00	\$29,229.62	\$5,260	\$66,889.62
Amount Paid	\$396.25	\$416.08	\$15.00	\$827.33
Outstanding	\$32,003.75	\$28,813.54	\$5,245.00	\$66,062.29

Accident Description/Nature of Injury:

- The employee was working for the Sheriff's department when he opened the door from the dispatch area to speak with a citizen who had asked for him by name. The citizen then pointed a gun at the Deputy, attempting to shoot him in the head but missing and instead grazing his neck and lodging in his bullet proof vest.

Investigation/Compensability

- ~~Employee was in the course and scope of his employment when the accident occurred which was witnessed and accepted as compensable.~~
- Physical injury was met to allow for accompanying psychological treatment

Medical Management

- Nurse case manager was assigned at onset of claim. Claimant initially treated at Jewell County Hospital for the wound to his neck area and a minor cut to his cheek. He immediately displayed signs of severe anxiety and paranoia. Although physically capable of leaving the hospital the same day multiple community members including his pastor had to help him reach the capability to exit the building. Claimant has been referred to a counselor Pat Hinkle who specializes in officer involved shootings. The counselor has helped the claimant make strides already towards mental recovery although the counselor feels it may take some time before the claimant is able to return to work in law enforcement. He is expected to full recovery from the relatively minor wounds to his neck and cheek.

Periods of Disability

- The claimant is off work and it is unknown if he will make a quick or lengthy recovery, I estimate at least 3 mths off at this time.

Permanent Partial Impairment/Permanent Disability

- The claim is currently reserves at 15% impairment to the BAW however this could increase depending on his improvement or lack thereof.

Subrogation/Other Issues

- The suspect in this assault committed suicide therefore there will be no restitution.
- The claimant has told the therapist he planned on exiting law enforcement prior to the event which may make it difficult to assess his ability to return to the job as he had intended to resign either way
- The claimant has an underlying pre-existing physical condition which can contribute to depression and memory loss, the counselor has advised he will investigate this to only treat the acute complaints.

Plan of Action:

- The counselor and I have had an in depth conversation about the claim and the course of treatment. We have agreed to follow up with each other throughout the claim to work towards resolution of his distress and separation of underlying from acute issues.
- Strive for full and final resolution of claim with minimal to no task loss.