

KWORCC Select Claims Report
Presented December 13, 2018

CLAIM SUMMARY-Reserve Advisory

Employer: Harper County
Claim No.: 18729748
Employee Age: 22
AWW: \$799.73
Attorneys: None
Adjuster: Amanda Chamberland

Date of Injury: 07/17/2018
Job Description: Paramedic
Updated: 11/29/2018
TTD Rate: \$ 533.17
Employer: None

	Medical	Indemnity	Expense	Total
Reserves	\$24,660.00	\$13,304.55	\$4,299	\$42,263.55
Amount Paid	\$1,563.41	\$3,119.71	\$44.33	\$4,727.45
Outstanding	\$23,096.59	\$10,184.84	\$4,254.67	\$37,536.10

Accident Description/Nature of Injury:

- As the employee stepped out of the back of the ambulance she twisted and injured her right knee

Investigation/Compensability

- Employee was in the course and scope of her employment and the event was accepted as compensable
- An ambulance is considered equipment and therefore an elevated risk versus normal entry and exit of a vehicle

Medical Management

- The claimant is treating with Dr. Lucas at Advanced Orthopedics. An MRI has been done showing an oblique tear of the posterior horn of her meniscus. The claimant is pregnant and therefore the only treatment options at this time are limited duty and physical therapy. After the birth of her child she will have surgery performed to repair the tear which is currently pre-scheduled for February of 2019.

Periods of Disability

- The employee has been working accommodated duty since her injury date although at a lesser amount of hours and wage. She has received TPD benefits equivalent to 5.85 weeks of TTD benefits to date

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% impairment to right knee

Subrogation/Other Issues

- There are no subrogation or other issues on this file

Plan of Action:

- Ultimately we will strive for claimant to reach a full recovery with a full duty work release and full and final settlement of her claim.

CLAIM SUMMARY-SETTLEMENT REQUEST

Employer: Jackson County
Claim No.: 2016WR000127
Employee Age: 61
AWW: \$608.80
Attorneys, Employee: John Bryan
Adjuster: Amanda Chamberland

Date of Injury: 1/15/2016
Job Description: Equipment Operator
Updated: 12/2/2018
TTD Rate: \$ 406.07
Employer: Ron Laskowski

	Medical	Indemnity	Expense	Total
Reserves	\$300,000.00	\$100,000.00	\$24,500.00	\$424,500.00
Amount Paid	\$80,071.34	\$0.00	\$9,245.16	\$89,316.50
Outstanding	\$219,928.66	\$100,000.00	\$15,754.84	\$335,683.50

Accident Description/Nature of Injury:

- The claimant was using a motor grader when he fell off for unknown/idiopathic reasons and after an unknown period of unconsciousness woke up on the ground next to the equipment. It is a possibility that he choked or had a coughing fit while eating some cookies he had purchased that morning.

Investigation/Compensability

- The claim was denied as the fall was caused by unknown or idiopathic reasons
- Although the Administrative Law Judge upheld the denial of the claim, the decision was overturned preliminarily by the KS Board of Appeals.

Medical Management

- The claimant suffered significant injuries from his fall resulting in the need for a C5-7 anterior fusion and C6-T1 posterior fusion with bilateral hemilaminectomy at Stormont Vail Hospital by Dr. Stephen Eichert. He was then transferred to Madonna Rehab Facility. Post injury claimant has had difficulties swallowing and cognitive deficits. Additionally, he reports neuropathy in his bilateral hands, legs and speech issues. His medical treatment was not directed by us as his claim was denied as compensable. He is not in any current active treatment at this time.

Periods of Disability

- No TTD was issued on the denied claim however he did miss a total of 6-7 months of work due to the injury.
- Counsel is investigating if any unearned wages were paid to the employee during his period of disability for potential settlement deduction
- The claimant has returned to regular work with the same employer although his co-workers voluntarily assist him with tasks he feels incapable to complete

Permanent Partial Impairment/Permanent Disability

- Dr. Hendler has rated claimant as having a 39% impairment to the body as a whole
- Dr. Zimmerman has rated claimant as having a 43% impairment to the body as a whole
- A split of the two rating is 41% and equivalent to \$69,092.00

Subrogation/Other Issues

- The claim is excess reportable and has been reportedly to Safety National timely
- Claimant's counsel is adamant that he will not let the claimant close his future medical due to the significance of the injuries at any cost

Plan of Action:

- **Defense counsel will continue to maintain our position that the claim is non compensable based on a fall resulting from unknown or personal risks**
- **Despite our position of deniability, the potential exposure on this case demands that we consider potential settlement options as well.**
- **Counsel is requesting up to \$75,000.00 to settle all indemnity and permanency issues but leave future medical open**
- **Counsel is requesting up to \$95,000.00 to settle the entire claim full and final**