

KWORCC Select Claims Reports

Presented April 25, 2019



Claim Summary – Settlement Request

Employer:	Franklin County	Date of Injury:	07/11/2017
Claim No.:	17678032	Job Description:	Law Enforcement
Employee Age:	51	Updated:	04/16/2019
AWW:	1,067.45	TTD Rate:	630.00
Attorneys:	William Manson	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 38,750.00	\$ 91,789.19	\$ 0.00	\$ 7,500.00	\$ 4,150.00	\$ 142,189.19
Amount Paid:	\$ 29,963.31	\$ 5,930.43	\$ 0.00	\$ 0.00	\$ 946.64	\$ 36,840.38
Outstanding:	\$ 8,786.69	\$ 85,858.76	\$ 0.00	\$ 7,500.00	\$ 3,203.36	\$ 105,348.81

Accident Description / Nature of Injury:

- Employee was driving in route to a meeting when another driver crossed the line and struck his vehicle. The head on collision occurred at appx. 55-60mph resulting in injuries to the right lower leg. He later alleged back involvement resulting from the accident.

Investigation / Compensability:

- Employer was found to be in the course and scope of his employment.
- Employee was wearing vehicle restraint at time of accident.

Medical Management:

- The employee was treated at Ransom Memorial Hospital by Dr. Dalenberg who performed an open reduction internal fixation of his right ankle fracture. Claimant received post op physical therapy and was ultimately placed at MMI and is receiving no ongoing medical treatment at this time. Dr. Dalenberg does believe the claimant will require future medical treatment with possible late reconstruction of the ankle due to post traumatic ankle arthritis.

Periods of Disability:

- The employee missed the equivalent of 9.4 weeks from work due to this injury. He has returned to a regular duty position.

Permanent Partial Impairment / Permanent Disability:

- Dr. Dalenberg assigns a lower extremity rating of 12% equivalent to \$13,652.52
- Dr. Stuckmeyer assigns a lower extremity rating of 50% with AMA 4th edition and 49% with AMA 6th edition to the same extremity worth \$56,885.50 and \$55,747.79. He also opines that clmt has a whole body impairment to include a back strain as a result of the injury which would add an increased exposure and impairment.

Subrogation / Other Issues:

- Subrogation is applicable and counsel is preserving our rights to the same.
- Claimant has significant pre-existing conditions to his back that pre-date this file. Pursual of third party IME could lead to an altered gait diagnosis which may allow consideration to the back complaints.

Plan of Action:

- Due to the recommendation of open medical from both Dr. Dalenberg and Stuckmeyer it will be difficult to close out medical rights on this file. Counsel has requested authorization to pursue multiple settlement strategies:

- a) Settlement authority of up to \$35,000 to close out all indemnity rights on the file including review and modification, with medical rights to be left open. We would continue to pursue our subrogation rights under this option.
- b) Settlement authority of up to \$85,585.76 to close out all medical, indemnity and review and modification for a full and final closure. We would continue to pursue our subrogation rights under this option.
- c) Settlement authority of up to \$35,000 to settle all indemnity rights on the file including review and modification, with medical rights to be left open and the authority to waive our subrogation lien in exchange for the closure of future medical.



Claim Summary – Settlement Request

Employer:	Jackson County	Date of Injury:	01/15/2016
Claim No.:	2016WR000127	Job Description:	Equipment Operator
Employee Age:	61	Updated:	04/16/2019
AWW:	608.80	TTD Rate:	406.07
Attorneys:	Employee: John Bryan	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$290,000.00	\$ 100,000.00	\$ 0.00	\$ 19,500.00	\$ 15,000.00	\$ 424,500.00
Amount Paid:	\$ 80,651.34	\$ 0.00	\$ 0.00	\$ 8,958.20	\$ 3,543.51	\$ 93,153.05
Outstanding:	\$209,348.66	\$ 100,000.00	\$ 0.00	\$ 10,541.80	\$ 11,456.49	\$ 331,346.95

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 reportedly cognitively as well. 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.
- 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

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. Therefore, upon counsel recommendations, we are requesting up to \$100,000.00 to settle all indemnity and permanency issues with a waiver of future review and modification. The medical would be left open on this file as despite concredited efforts by counsel, the claimant and his counsel maintain refusal to close the same.



Claim Summary – Reserve Advisory

Employer:	Rice County	Date of Injury:	02/21/2019
Claim No.:	19759482	Job Description:	Truck Driver
Employee Age:	63	Updated:	04/16/2019
AWW:	704.94	TTD Rate:	469.98
Attorneys:	none	Employer:	none

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 27,800.00	\$ 7,890.96	\$ 0.00	\$ 500.00	\$ 4,445.00	\$ 40,635.96
Amount Paid:	\$ 172.91	\$ 0.00	\$ 0.00	\$ 0.00	\$ 68.17	\$ 241.08
Outstanding:	\$ 27,627.09	\$ 7,890.96	\$ 0.00	\$ 500.00	\$ 4,376.83	\$ 40,394.88

Accident Description / Nature of Injury:

- The claimant was injured as she slid on ice on the county property landing on her left knee and left side of body.

Investigation / Compensability:

- The claimant was in the course and scope of her employment.
- Pre-existing and underlying degenerative changes have been identified and separated out by the treating physician.

Medical Management:

- The employee treated conservatively at her local physician’s office and was later referred to Dr. Do at Mid America Orthopedics after MRI findings showed an oblique tear of the posterior horn of the medical meniscus. Surgery was recommended by Dr. Do to repair the tear and the same has been authorized.

Periods of Disability:

- The claimant has not missed any work due to the accident and is expected to be able to return to work quickly post-surgery.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive an impairment of 7% to her knee as a result of the work injury

Subrogation / Other Issues:

- N/a

Plan of Action:

- I will work with employer to return the claimant back to work post-surgery to an accommodated position
- Once claimant is at MMI we will ensure there is no rating provided for her underlying condition and attempt to settle the remainder of her compensable file on a full and final basis.