

**KWORCC Select Claims Reports**

**Presented May 30, 2019**



## Claim Summary – Settlement Request

Employer:	Cherokee County	Date of Injury:	09/17/2018
Claim No.:	18738965	Job Description:	Road and Bridge
Employee Age:	69	Updated:	05/21/2019
AWW:	577.60	TTD Rate:	385.09
Attorneys:	None	Employer:	None

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 18,870.00	\$ 156,552.70	\$ 0.00	\$ 500.00	\$ 2,955.50	\$ 178,878.20
<b>Amount Paid:</b>	\$ 7,293.91	\$ 10,782.52	\$ 0.00	\$ 0.00	\$ 559.71	\$ 18,636.14
<b>Outstanding:</b>	\$ 11,576.09	\$ 145,770.18	\$ 0.00	\$ 500.00	\$ 2,395.79	\$ 160,242.06

### Accident Description / Nature of Injury:

- The employee was injured as he worked by himself on a county road picking up trash in the adjacent ditch. There were whiskey bottles, clothes, picture frames etc. scattered over an area of 10-12 feet. He would pick up the items then twist and throw them up over the ditch side to get in the truck. As he did this he felt a terrible sensation in his left hip, lower back and leg to where he could barely walk or move.

### Investigation / Compensability:

- Multiple red flags surfaced during the investigation of this claim to include a prior whole body impairment and settlement to the back and an underlying condition potentially responsible for the leg complaints
- The claimant changed his report of the event several times to try and include explanation of possible leg injury
- Prevailing factor opinion obtained by Dr. Ipsen found his back injury to be at a separate level from his prior claim and therefore was accepted as compensable
- The leg and knee were denied under the claim other than radiculopathy specific to the back injury

### Medical Management:

- The claimant was referred to Dr. Ipsen at Ortho Four States who determined he would need surgery to repair his L3-4 disc protrusion, which Dr. Ipsen found to be a result of the work injury. The claimant's cardiologist determined he would not be a surgical candidate. As a result, the claimant underwent an extensive and prolonged period of physical therapy to regain his range of motion and reduce his pain. Ultimately, he was found to be at MMI with permanent work restrictions of no lifting over 20lbs and no repetitive bending or twisting.

### Periods of Disability:

- The employer has a zero light duty policy which resulted in 28 weeks of lost time benefits totaling \$10,782.52
- The employer reviewed the permanent restrictions post MMI and terminated the employee with the reason of inability to accommodate

### Permanent Partial Impairment / Permanent Disability:

- The claimant received a new rating of 12% to the BAW, above and beyond his prior whole body impairment. Due to his termination fringe benefits are included in his disability calculation however we also receive a credit for his social security retirement pay. Counsel was involved in calculating the exposure and settlement figures on this claim and counsel finds that he has at minimum a 40% task loss.

- $415 - 13(10,782.52/385.09 - 28 \text{ weeks, first 15 not counted}) = 402, 402 \times 40\% = 160.80, 160.80 \times 300.88 = 48,381.50$

**Subrogation / Other Issues:**

- The claimant is a Medicare beneficiary and their interests will need considered as part of the settlement process
- The claimant previously used attorney involvement for prior BAW injury and it is a possibility he may obtain counsel on this file as well

**Plan of Action:**

- The rating and task loss calculation equates to a figure at minimum of \$48,381.50 therefore we are requesting settlement authority as follows:
- Authority to settle the file full and final up to \$70,000 which would include \$5,000 in a self-determined MSA and up to \$65,000 to close the medical and indemnity with review and mod, full and final



## Claim Summary – Settlement Request

Employer:	Kearny County	Date of Injury:	07/20/2018
Claim No.:	18730058	Job Description:	Heavy Equipment Operator
Employee Age:	62	Updated:	05/20/2019
AWW:	907.42	TTD Rate:	604.97
Attorneys:	None	Employer:	None

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 3,000.00	\$ 32,668.30	\$ 0.00	\$ 500.00	\$ 500.00	\$ 36,668.30
<b>Amount Paid:</b>	\$ 1,288.49	\$ 0.00	\$ 0.00	\$ 0.00	\$ 42.81	\$ 1,331.30
<b>Outstanding:</b>	\$ 1,711.51	\$ 32,668.30	\$ 0.00	\$ 500.00	\$ 457.19	\$ 35,337.00

**Accident Description / Nature of Injury:**

- The employee was mowing when his tractor got stuck in a ditch. A tow rope and a pickup were being used to pull it out the ditch when the rope slipped and broke the windows on the tractor mower causing lacerations to his nose, forehead and scratch to his left eye.

**Investigation / Compensability:**

- The employee was in the course and scope of his employment and event is non questioned.

**Medical Management:**

- Medical treatment was received at Kearny County Hospital and later with Dr. Torres for an eye exam. He had minimal trmt but was left with a scar across his left eye and cornea resulting in a substantial vision loss from 20/20 with corrected lenses pre-accident to 20/80 with corrected lenses post-accident.

**Periods of Disability:**

- The claimant did not miss any time from his work due to this injury.

**Permanent Partial Impairment / Permanent Disability:**

- eye = 120 weeks,  $120 \times .45 = 54$ ,  $54 \times 604.97 = \$32,668.38$

**Subrogation / Other Issues:**

- There was no malfunction/defect to the tow rope and therefore no subrogation

**Plan of Action:**

- Settlement authority of \$32,668.38 is requested to close the file, full and final.



## Claim Summary – Reserve Advisory

Employer:	Rice County	Date of Injury:	04/29/2019
Claim No.:	19768650	Job Description:	Undersheriff
Employee Age:	48	Updated:	05/20/2019
AWW:	1,055.16	TTD Rate:	645.00
Attorneys:	None	Employer:	None

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$115,500.00	\$ 107,860.00	\$ 0.00	\$ 500.00	\$ 14,325.00	\$ 238,185.00
<b>Amount Paid:</b>	\$ 0.00	\$ 1,290.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 1,290.00
<b>Outstanding:</b>	\$115,500.00	\$ 106,570.00	\$ 0.00	\$ 500.00	\$ 14,325.00	\$ 236,895.00

**Accident Description / Nature of Injury:**

- The employee was in the process of approaching a vehicle which he had pulled over when the suspect inside began shooting him. He was shot four times and also suffered injuries from his fall to the ground.

**Investigation / Compensability:**

- The employee was in the course and scope of his employment and suffered an acute and compensable injury

**Medical Management:**

- The injured worker was taken to Rice County District Hospital in Lyons then transferred to Wesley Trauma Center in Wichita. A nurse case manager was immediately assigned and we both met with claimant and spouse in the hospital. He was released from Wesley after spending several days inpatient. His injuries include: open rib fractures, R upper extremity brachial plexus injury, jugular vein and laryngeal nerve injury, possible transection of the right C5 nerve root, left clavicle fracture and coroclavicular ligament detachment. He is being treated at Wesley Rehabilitation in an outpatient basis and seeing Dr. Corrigan for ongoing care of the left and right extremities. He is scheduled to see a neurosurgeon in Wichita for consultation as well as a provider for NCT/EMG to further evaluate his brachial plexus and nerve injury. Initial speech therapy assessment is very positive with limited to no re-checks needed regarding the same. He has very limited use of his right arm and it is unlikely he will be able to regain full usage of the right upper extremity.

**Periods of Disability:**

- The employee is off of work and due to severe nerve and brachial plexus injury to his dominant R side may find it difficult to return to the position of Undersheriff. He is, however, highly motivated to return to the workforce in general and will be looking for other opportunities in the law enforcement career field that do not require use of a weapon.

**Permanent Partial Impairment / Permanent Disability:**

- There will be a permanent whole body impairment assessed for this injury with indemnity benefits estimated to reach near or above \$100,000.00 including possible task loss.

**Subrogation / Other Issues:**

- There is no restitution possible as the assailant committed suicide.

**Plan of Action:**

- The long term outlook for the claimant's injuries is yet to be seen as we are still in the preliminary stages of his medical treatment. As his treatment continues I will work with the nurse case manager to establish a network of qualified treating physicians for his long term care
- I will work with the employer to locate a position for the claimant within the county either in or outside of law enforcement
- The claimant will ultimately reach MMI and a settlement will be negotiated with claimant, future medical needs are yet to be determined.