

KWORCC Select Claims Reports

Presented August 29, 2019



Claim Summary – Settlement Request

Employer:	Bourbon County	Date of Injury:	02/21/2017
Claim No.:	2017075903	Job Description:	Equipment Operator
Employee Age:	62	Updated:	8/19/2019
AWW:	592.17	TTD Rate:	\$394.79
Attorneys:	Kayla Spigarelli	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 79,250.00	\$ 47,772.44	\$ 0.00	\$ 7,750.00	\$ 5,500.00	\$ 140,272.44
Amount Paid:	\$ 59,674.26	\$ 2,772.44	\$ 0.00	\$ 327.00	\$ 4,163.97	\$ 66,937.67
Outstanding:	\$ 19,575.74	\$ 45,000.00	\$ 0.00	\$ 7,423.00	\$ 1,336.03	\$ 73,334.77

Accident Description / Nature of Injury:

- The employee was injured as he spread gravel using the bed of a dump truck. The bed of the truck hit the underpass of a KDOT bridge causing him to hit his head on the windshield and injure his back as he abruptly bounced up and down.

Investigation / Compensability:

- The prevailing factor was requested and determined. Per Dr. Bailey the claimant suffered acute compression fractures to the L3 and L3 areas however his underlying and pre-existing degenerative changes were not caused by the work injury.

Medical Management:

- The claimant initially treated with Dr. Davis Overland Park Regional Medical where his injuries were found to be non-surgical. He treated with Dr. Galate for injections and pain management but as his complaints expanded to other areas we elected to have an IME performed to determine clarity in his treatment plan. Dr. Bailey performed the IME finding his compression fractures to be acute but his areas of pain to be non-consistent with his injury and instead consistent with his underlying and degenerative changes. Surgery again was found to be unrelated to the work injury and not recommended for his underlying conditions. Injections were found to be an advisable treatment progression for his work related injuries. A court ordered IME obtained by Dr. Koreckij later found work to be the prevailing factor for his acute injuries and described the need for a potential spinal surgery in the future.

Periods of Disability:

- The employee was off of work for a time span of seven weeks

Permanent Partial Impairment / Permanent Disability:

- Dr. Koreckji, the court ordered physician, has found the claimant to have an impairment rating of 17% to the body as a whole which is equivalent to \$27,852.29.

Subrogation / Other Issues:

- Due to claimant's age a Medicare set aside will be required

Plan of Action:

- Counsel has requested settlement authority of up to \$45,000 to settle the claim full and final based on the conditional acceptance of a Medicare Set Aside. The Medicare set aside would be paid for separately and above the \$45,000 figure provided.



Claim Summary – Reserve Advisory

Employer:	Cowley County	Date of Injury:	02/20/2019
Claim No.:	19758955	Job Description:	Heavy Equipment Operator
Employee Age:	34	Updated:	8/19/2019
AWW:	552.43	TTD Rate:	368.30
Attorneys:	none	Employer:	none

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 25,655.57	\$ 7,734.30	\$ 0.00	\$ 500.00	\$ 3,898.33	\$ 37,788.20
Amount Paid:	\$ 3,777.65	\$ 2,009.81	\$ 0.00	\$ 0.00	\$ 497.44	\$ 6,284.90
Outstanding:	\$ 21,877.92	\$ 5,724.49	\$ 0.00	\$ 500.00	\$ 3,400.89	\$ 31,503.30

Accident Description / Nature of Injury:

- The employee was injured as he stepped out of the motor grader he was using to wipe precipitation off of the mirror, slipped and fell with his foot caught in the ladder and later fell to the asphalt resulting in pain to his left knee.

Investigation / Compensability:

- The injury was acute, non-questioned and accepted as compensable

Medical Management:

- The claimant treated conservatively with physical therapy and light duty however he failed to greatly improve. Dr. Lucas with Advanced Orthopedics recommended a left knee diagnostic arthroscopy with fat pad debridement which was approved and performed. He is now in a course of post-operative physical therapy and remains off of work.

Periods of Disability:

- The claimant has missed a total of five week of work to date and remains off of work at this time

Permanent Partial Impairment / Permanent Disability:

- The employee is estimated to receive an impairment rating of 5% to the leg and is reserved for the same.

Subrogation / Other Issues:

- n/a

Plan of Action:

- I will work with the employer to bring the employee back to work in an accommodated duty position
- Ultimately the claimant will be placed at MMI and I will attempt to settle the claim with him on a full and final basis.



Claim Summary – Settlement Request

Employer:	Dickinson County	Date of Injury:	12/18/2017
Claim No.:	17701078	Job Description:	Former Equipment Operator
Employee Age:	61	Updated:	8/19/2019
AWW:	673.01	TTD Rate:	587.16
Attorneys:	Kelly Johnston	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 55,575.00	\$ 83,857.25	\$ 0.00	\$ 5,750.00	\$ 4,480.00	\$149,662.25
Amount Paid:	\$ 39,429.10	\$ 28,357.25	\$ 0.00	\$ 503.45	\$ 2,910.78	\$ 71,200.58
Outstanding:	\$ 1,145.90	\$ 55,500.00	\$ 0.00	\$ 5,246.55	\$ 1,569.22	\$78,461.67

Accident Description / Nature of Injury:

- The employee was injured as he used a chop saw to cut steel. When the claimant turned off the saw the blade was still spinning and as he swung the saw behind himself he hit his left calf causing a large gash on his leg. He later had an intervening fall at home, allegedly from foot drop due to the first event, resulting in a humerus fracture in the left upper arm and rotator cuff tear.

Investigation / Compensability:

- Initially the second event at home was denied as unrelated. The employee was referred to Dr. Johnson for an IME who found the work injury to be the prevailing factor for the subsequent injuries to the left arm.

Medical Management:

- The claimant treated with a local doctor, Dr. Rupe, for his laceration and was ultimately released with ongoing use of brace recommended. He was later treated by Dr. Benaissa on his own for his left arm injury, once causation was found to be related by the IME of Dr. Johnson his ongoing care was redirected to Dr. Johnson at Salina Orthopedics until which time he was also released at MMI for the left arm injury.

Periods of Disability:

- The employee was off of work for 58.57 weeks, his counsel is alleging an underpayment of TTD however we disagree with the same as we show the employee did report to work for a portion of the period in question.

Permanent Partial Impairment / Permanent Disability:

- Dr. Johnson's 6th Edition rating: left lower leg at 37% and left shoulder at 6%, Dr. Johnson' 4th Edition rating: left lower leg at 46% and left shoulder at 10%, Dr. Fluter's 6th Edition rating: left lower leg at 26% and left shoulder at 17%, Dr. Fluter's 4th Edition rating: left lower leg at 25% and left shoulder at 16%
- The split of the 6th Edition ratings for the left lower leg is 31.5%
The split of the 6th Edition ratings for the left shoulder is 11.5%
- The split of the 4th Edition ratings for the left lower leg is 35.5%
The split of the 4th Edition ratings for the left shoulder is 13%

Subrogation / Other Issues:

- The claimant is a Medicare beneficiary and any settlement will require a Medicare Set Aside

Plan of Action:

- Counsel believes this claim can be settled full and final for \$52,500 plus a Medicare set Aside however the dispute over underpayment of TTD still remains. For the sake of settlement negotiations we are requesting the board to authorize up to \$55,500 to close the indemnity, review and mod and medical on this file.
- A separate Medicare set aside will be done, in addition to the amount outlined above, to close out the medical portion per federal guidelines.



Claim Summary – Reserve Authority

Employer: Harvey County	Date of Injury: 08/06/2018
Claim No.: 18733145	Job Description: Landfill
Employee Age: 60	Updated: 8/16/2019
AWW: 772.00	TTD Rate: 0.00
Attorneys: none	Employer: none

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 30,500.00	\$ 42,200.00	\$ 0.00	\$ 6,000.00	\$ 4,250.00	\$ 82,950.00
Amount Paid:	\$ 369.92	\$ 0.00	\$ 0.00	\$ 0.00	\$ 15.00	\$ 384.92
Outstanding:	\$ 30,130.08	\$ 42,200.00	\$ 0.00	\$ 6,000.00	\$ 4,235.00	\$ 82,565.08

Accident Description / Nature of Injury:

- The employee reported to his employer after being discharged from a hospital stay that he had been diagnosed with COPD, hypoxia and lung disease from his 18 yrs at the landfill department allegedly breathing in various elements such as mold spores, dust, flour, compost and human waste.

Investigation / Compensability:

- Witness testimony has been taken and a physician walk through of the premises conducted
- The claimant also farmed full time for more than 30 years and was exposed to grains and chemicals in the process
- This has not been accepted as a compensable claim, investigation continues

Medical Management:

- The employee was seen by a pulmonologist under his own insurance who found him to have COPD and directly related it to his work activities. Since this time we have sent him for an IME to determine causation and the results are pending.

Periods of Disability:

- The claimant was found disabled due to his COPD, he later retired for the same. No lost time wages have been paid.

Permanent Partial Impairment / Permanent Disability:

- If the claim is found to be compensable there is a significant exposure to include a possible work disability.

Subrogation / Other Issues:

- The claimant is a Medicare beneficiary
- The IME physician has taken an extended time in providing his report of causation, which may push the claimant towards litigation

Plan of Action:

- I will continue to work with the physician to try and demonstrate that the work condition is not the primary cause for the claimant's condition