

KWORCC Select Claims Reports

Presented October 24, 2019



Claim Summary – Settlement Request

Employer:	Harper County	Date of Injury:	06/14/2017
Claim No.:	17679505	Job Description:	Equipment Operator
Employee Age:	65	Updated:	10/14/2019
AWW:	503.17	TTD Rate:	335.46
Attorneys:	Jeff Cooper	Employer:	Ronald Laskowski

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 27,560.00	\$ 23,755.70	\$ 0.00	\$ 5,000.00	\$ 4,912.00	\$ 61,227.70
Amount Paid:	\$ 8,333.54	\$ 0.00	\$ 0.00	\$ 854.90	\$ 391.48	\$ 9,579.92
Outstanding:	\$ 19,226.46	\$ 23,755.70	\$ 0.00	\$ 4,145.10	\$ 4,520.52	\$ 51,647.78

Accident Description / Nature of Injury:

- The employee was picking up a piece of blacktop to dispose of in a hole when his foot slipped on gravel as he was throwing it. This did not cause him to fall to the ground but instead catch himself resulting in a pulling in his back. He stated he had numbness in his R leg and lower back pain as a result.

Investigation / Compensability:

- The claim was turned in late however the claimant’s supervisor stated that he knew about the injury and was responsible for not turning in the file timely.
- When a medical release was requested from the claimant for prior medical records, he retained counsel.

Medical Management:

- The claimant sought medical treatment on his own until a request for CT was made which was authorized to review for structural changes. His CT showed old trauma at the T12 as well as multi-level degenerative and arthritic changes. He was referred to Dr. Weimar at Abay Neuroscience who has recommended a L3-4 and L4-5 decompressive laminectomy. Dr. Estivo was enlisted to review the prevailing factor and absent prior medical records found the work injury to be the prevailing factor. We denied further medical treatment until his prior medical records could be obtained. Recently received records do not show a history of prior back complaints.

Periods of Disability:

- The claimant has not missed any work as a result of the work injury

Permanent Partial Impairment / Permanent Disability:

- Dr. Murati has rated the claimant as having an impairment of 29% to the body as a whole, we do not have a competing rating at this time although one will be scheduled if no settlement agreement is obtained.

Subrogation / Other Issues:

- Medical records obtained show a variation in his injury date and reporting that places us at an advantage as we move towards settlement.
- The claimant is a Medicare beneficiary and a settlement will require an additional allotment to satisfy their interests

Plan of Action:

- Counsel has requested settlement authority of up to \$37,500.00 to close all interests in the file, full and final
- Counsel will assert a denial of liability
- An additional check will be issued to satisfy Medicare interests of up to \$7,500 which will be self-administered



Claim Summary – Reserve Advisory

Employer:	Miami County	Date of Injury:	03/15/2019
Claim No.:	19762440	Job Description:	Equipment Operator
Employee Age:	27	Updated:	10/14/2019
AWW:	622.36	TTD Rate:	414.93
Attorneys:	none	Employer:	none

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 51,850.00	\$ 15,997.28	\$ 0.00	\$ 450.00	\$ 9,170.00	\$ 77,467.28
Amount Paid:	\$ 9,854.13	\$ 177.83	\$ 0.00	\$ 0.00	\$ 2,088.49	\$ 12,120.45
Outstanding:	\$ 41,995.87	\$ 15,819.45	\$ 0.00	\$ 450.00	\$ 7,081.51	\$ 65,346.83

Accident Description / Nature of Injury:

- The employee was injured as he drove a truck pulling a trailer with a skid steer on it during windy weather. The trailer started to fish tail causing the truck and trailer to flip on to the driver’s side.

Investigation / Compensability:

- The employee was in the course and scope of his employment and the event has been accepted as compensable

Medical Management:

- The claimant complained of back pain as well as radiculopathy to his right leg after the work event. He failed conservative treatment including light duty and physical therapy. Ultimately an MRI was ordered showing T12-L1 and L1-L2 stenosis from disc bulging. He was referred to Dr. Holladay, Neurosurgeon, who has requested authorization to perform a decompression without instrumentation. We referred claimant to see Dr. Pat Do to address the prevailing factor and a second opinion on the causation of his condition, Dr. Do agrees with the assessment of Dr. Holladay. Based on the opinions of the two physicians the surgery has been authorized and is pending for late October.

Periods of Disability:

- The employee missed a short period of work resulting in three days of TTD payments but has since been back to work in an accommodated position.

Permanent Partial Impairment / Permanent Disability:

- The claimant is estimated to have an impairment of 10% to the body as a whole and the file is reserved for the same.

Subrogation / Other Issues:

- The accident did not result from any equipment malfunction or third party liability therefore subrogation is not applicable.

Plan of Action:

- I will maintain contact with claimant as he recovers from his surgery and facilitate his post-operative rehabilitation needs
- I will work with the county and the claimant to locate an accommodated position to reduce his missed time from work post-surgery
- Once the claimant is at MMI I will request a rating and attempt to settle the claim on a full and final basis



Claim Summary – Reserve Advisory

Employer: Pawnee County Date of Injury: 09/23/2019
Claim No.: 19789794 Job Description: Heavy Equipment Operator
Employee Age: 60 Updated: 10/10/2019
AWW: 777.36 TTD Rate: 518.26
Attorneys: none Employer: none

Adjuster: Amanda Chamberland

Table with 7 columns: Medical, Indemnity, Rehabilitation, Legal, Expense, Total. Rows include Reserves, Amount Paid, and Outstanding.

Accident Description / Nature of Injury:

- The employee was injured while he performed the task of using a hose to move oil from a larger tank to a smaller tank on an asphalt truck. As he tried to climb back down the ladder of the truck, while still at the very top, he missed his footing and fell 8-10 feet fracturing his hip and pelvic bone.

Investigation / Compensability:

- The claimant suffered an acute non questioned event and it has been accepted as compensable

Medical Management:

- Initial treatment was at University of Ks Hospital Great Bend Campus and he was later referred for continued treatment to Dr. Hildebrand at Central KS Orthopedics. His treatment will consist of primarily non-weight bearing until his fracture is able to heal.

Periods of Disability:

- The claimant has been off work since the injury date and is expected to be off of work at least 8 weeks

Permanent Partial Impairment / Permanent Disability:

- The employee is estimated to have a whole body impairment of 8% and the file is reserved for the same

Subrogation / Other Issues:

- There is no subrogation applicable based on the mechanism of injury

Plan of Action:

- Efforts will be made to return the claimant to a light duty capacity after each medical visit by working with the provider and his employer
When the claimant is placed at MMI I will attempt to settle the claim with the claimant on a full and final basis



Claim Summary – Settlement Request

Employer:	Pottawatomie County	Date of Injury:	04/05/2017
Claim No.:	2017WR001319	Job Description:	Law Enforcement Officer
Employee Age:	59	Updated:	10/14/2019
AWW:	1,324.60	TTD Rate:	627.00
Attorneys:	George Pearson	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 50,489.00	\$ 68,183.00	\$ 0.00	\$ 3,900.00	\$ 4,000.00	\$ 126,572.00
Amount Paid:	\$ 47,515.95	\$ 18,183.00	\$ 0.00	\$ 0.00	\$ 2,058.78	\$ 67,757.73
Outstanding:	\$ 2,973.05	\$ 50,000.00	\$ 0.00	\$ 3,900.00	\$ 1,941.22	\$ 58,814.27

Accident Description / Nature of Injury:

- The employee was assisting in the apprehension of a suspect in a high speed vehicle chase. He was instructed to block a bridge with his patrol car, by his superior, to stop the suspect. He removed his seatbelt however before he was able to actually exit the patrol car the suspect hit him at a high rate of speed.

Investigation / Compensability:

- The employee was in the course and scope of his employment and the event is accepted as compensable.

Medical Management:

- The employee initially showed post injury cognitive changes which aligned with a severe concussion. Additionally, he saw Dr. Justin Davis who found the claimant to have a neck injury that could be resolved with conservative treatment. He was referred to Dr. Lori Boyajian-Oneill for concussion management and continued conservative treatment to his neck. The claimant underwent a long series of speech and cognitive therapy treatments until which time he was ultimately placed at MMI. He continues to maintain that he has cognitive deficits, neck pain and additionally anxiety and depression since the incident that he would like continued care for.

Periods of Disability:

- The employee received TTD benefits for 29 weeks and later retired from his position with the county.

Permanent Partial Impairment / Permanent Disability:

- Dr. Koprivica has provided a rating of 12% to the body as a whole and Dr. Fevurly has rated the claimant as having an impairment of 4% for the same. A split of the two ratings equals 8% to the body as a whole. Ratings under the AMA 4th edition are much higher resulting in a split of 14.5% to the body as a whole.

Subrogation / Other Issues:

- The employee alleges he had no choice but to retire due to the severity of the injury, however, he currently maintains three part time jobs through K-State and a local municipality as well as having built his own home by himself post event.
- Subrogation was investigated however due to the death of the suspect and the fact that the vehicle was stolen the ability to pursue the same is obsolete.

Plan of Action:

- Counsel is requesting settlement authority of up to \$50,000 to close the claim in its entirety, full and final.
- If counsel is unable to close out future medical care, settlement authority of up to \$40,000 is requested to close out indemnity, review and modification while leaving medical open.