

# **KWORCC Select Claims Report**

**Presented June 25, 2020**



## Claim Summary – Settlement Request

Employer:	Franklin County	Date of Injury:	05/25/2017, 5/3/2018
Claim No.:	2017WR001461, 18721423	Job Description:	EMS Director
Employee Age:	43	Updated:	6/15/2020
AWW:	1,744.18	TTD Rate:	627.00
Attorneys:	Jason Fletes	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 54,250.00	\$ 29,000.00	\$ 0.00	\$ 9,000.00	\$ 3,675.50	\$ 95,925.50
<b>Amount Paid:</b>	\$ 45,180.91	\$ 0.00	\$ 0.00	\$ 697.00	\$ 725.44	\$ 46,603.35
<b>Outstanding:</b>	\$ 9,069.09	\$ 29,000.00	\$ 0.00	\$ 8,303.00	\$ 2,950.06	\$ 49,322.15

**Accident Description / Nature of Injury:**

- The claimant was originally injured in 2017 as he was attempting to lift and maneuver an obese patient with coworkers when the patient began to slide with the claimant bearing the heavier weight straining his lower back. Later, in 2018, he again strained his lower back with resulting left leg radiculopathy as he was bent over in the back of an ambulance holding and moving a bariatric cot cable.

**Investigation / Compensability:**

- The claimant was found to be in the course and scope of his employment for both events and there was no significant pre-existing for deniability based on the prevailing factor, thus the claims are accepted as compensable.

**Medical Management:**

- An MRI was taken of the claimant’s lower back which was found to be unremarkable and he was treated for myofascial pain only. Despite the MRI status the claimant continued to complain of pain and range of motion difficulties and was recommended to participate in pain management care. He received multiple injections as well as a nerve ablation procedure with temporary relief. He was told that although surgery was an option, it was not recommended by our designated physician. The claimant demanded open medical for life and when this was denied he obtained counsel. He is currently at maximum medical improvement and has no pending medical appointments.

**Periods of Disability:**

- The claimant has continued to work since his accidents and has not received any wage loss benefits.

**Permanent Partial Impairment / Permanent Disability:**

- Ratings have been received from Dr. Bailey totaling 2% to the body as a whole and 9% to the body as a whole from Dr. Charapata. A split of the two ratings is 6.5% and would entitle the claimant to \$14,311.27.

**Subrogation / Other Issues:**

- n/a

**Plan of Action:**

- Due to the exposure for future medical care including but not limited to a spinal fusion and ongoing nerve ablations as well as future review and modification, counsel is seeking settlement authority of up to \$40,000 to close both claims, full and final.



## Claim Summary – Reserve Advisory

Employer:	Gray County	Date of Injury:	06/02/2020
Claim No.:	20816979	Job Description:	Truck Driver
Employee Age:	42	Updated:	6/15/2020
AWW:	828.33	TTD Rate:	552.24
Attorneys:	none	Employer:	none
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 25,100.00	\$ 19,328.40	\$ 0.00	\$ 550.00	\$ 3,660.00	\$ 48,638.40
<b>Amount Paid:</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Outstanding:</b>	\$ 25,100.00	\$ 19,328.40	\$ 0.00	\$ 550.00	\$ 3,660.00	\$ 48,638.40

**Accident Description / Nature of Injury:**

- The claimant was driving a semi for the county when he reached down to take a drink from his cup. He overcorrected and went into the ditch, overcorrected again then went to the other ditch then back up on the roadway landing on the semi's side. He sustained a broken collarbone, 5 broken ribs and a deep laceration to his left hand.

**Investigation / Compensability:**

- The employee was grabbing a drink at the time of the event however he was at an increased and unique exposure in the semi which makes his injury unique to his work activities. He was confirmed to be wearing his seatbelt and the event is accepted as compensable.

**Medical Management:**

- The claimant was treated at Western Plains Medical Center on an outpatient basis and is treating with Dr. Ashfaq for his ongoing care needs. His collarbone and ribs are expected to heal with non-surgical involvement however his hand may require a future graft if the healing does not continue to progress.

**Periods of Disability:**

- The claimant is off of work and is anticipated to be off of work at least 4 more weeks.

**Permanent Partial Impairment / Permanent Disability:**

- The claimant is expected to receive a rating of up to 12% to the upper extremity and the file is reserved for the same.

**Subrogation / Other Issues:**

- There was no third party involvement or equipment failure and therefore there is no subrogation.

**Plan of Action:**

- I will work with employer to find an accommodated position for the claimant
- Target date to RTW regular duty 12/2/2020, if not at regular duty I may consider other options such as second opinion or nurse case manager
- Once claimant is at MMI I will request rating and attempt to settle the file full and final with claimant



## Claim Summary – Claim Update

Employer:	Jewell County	Date of Injury:	08/28/2018
Claim No.:	18735588	Job Description:	Under Sheriff
Employee Age:	61	Updated:	6/10/2020
AWW:	799.41	TTD Rate:	553.47
Attorneys:	Kelly Johnston	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$264,650.00	\$ 204,830.30	\$ 2,500.00	\$ 12,000.00	\$ 13,935.00	\$ 497,915.30
<b>Amount Paid:</b>	\$ 186,850.23	\$ 49,830.30	\$ 0.00	\$ 1,665.95	\$ 6,855.40	\$ 245,201.88
<b>Outstanding:</b>	\$ 77,799.77	\$ 155,000.00	\$ 2,500.00	\$ 10,334.05	\$ 7,079.60	\$ 252,713.42

### Accident Description/Nature of Injury:

- The employee was shot by an assailant while working at the sheriff’s office. He was shot in the upper chest/abdomen with the bullet resting near his spinal column. After being shot the Under Sheriff fell to the ground and subsequently fractured his left ankle in several areas and also injured his left knee. The claimant’s wife later requested psychological care for the claimant as well.

### Investigation/Compensability

- Employee was in the course and scope of his employment when the accident occurred which was witnessed and accepted as compensable.

### Medical Management

- Nurse case manager was assigned at onset of claim. Claimant initially treated at Jewell County Hospital then was transferred to Salina Regional Medical Center. Claimant had surgery to repair his internal abdominal cavity as well as to fixate his left ankle fractures. A bullet is lodged in his L3-4 spinal area and is non-surgical. Claimant had L knee arthroscopy performed by Dr. Herrenbruck October 2019. Claimant did have a blood clot from his left lower extremity to his groin which requires continued anti coagulates to maintain. He was placed at MMI 2/27/2020 with permanent work restrictions and the potential need for ongoing medication management for life.

### Periods of Disability

- The employee has been off of work since his accident and the employer has determined that they cannot accommodate him based on his permanent restrictions, he has applied for disability benefits.

### Permanent Partial Impairment/Permanent Disability

- The claimant received an impairment of 15% to the body as a whole. Claimant’s counsel received a task loss opinion with a 100% loss opinion, his counsel is alleging a perm total disability.

### Subrogation/Other Issues

- The suspect in this assault committed suicide therefore there will be no restitution. However, the gun was stolen and there is investigation into any liability on the gun owner’s part.
- Psychological treatment was denied and settled out based on a nuisance value to avoid litigation fees of the same.

### Plan of Action:

- Counsel and I will work together to negotiate a full and final closure of the claim if possible by offering a larger indemnity payment to close future medical



## Claim Summary – Reserve Advisory

Employer:	Marion County	Date of Injury:	06/01/2020
Claim No.:	20816825	Job Description:	Sheriff
Employee Age:	62	Updated:	6/15/2020
AWW:	1,109.53	TTD Rate:	666.00
Attorneys:	none	Employer:	none

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 60,500.00	\$ 13,000.00	\$ 0.00	\$ 550.00	\$ 9,075.00	\$ 83,125.00
<b>Amount Paid:</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Outstanding:</b>	\$ 60,500.00	\$ 13,000.00	\$ 0.00	\$ 550.00	\$ 9,075.00	\$ 83,125.00

**Accident Description / Nature of Injury:**

- The employee was on the scene of an accident when as he got out of his patrol vehicle and attempted to step over a pile of gravel that had been bladed up due to recent road improvements. He actually stepped in the gravel pile causing his right leg to turn inward and resulting in a loud pop and right distal fibula fracture.

**Investigation / Compensability:**

- The employee was in the course and scope of his work activities when the injury occurred and he has no contributing pre-existing conditions, the event is accepted as compensable.

**Medical Management:**

- The claimant was placed inpatient at Newton Medical Center and had surgery performed by Dr. Pigg to include a right ORIF internal fixation of the fibula. He is now in post-operative care and non-weight bearing.

**Periods of Disability:**

- The claimant is off of work however he is a paid elected official and will not receive TTD benefits.

**Permanent Partial Impairment / Permanent Disability:**

- The claimant is estimated to receive an impairment of 12% to the lower leg and the file is reserved for the same.

**Subrogation / Other Issues:**

- N/A

**Plan of Action:**

- I will review the case on at minimum a 30 day basis to watch for progression in his care
- Once the clmt is at MMI a PPI rating will be requested
- When PPI is received I will send settlement offer to claimant and attempt to settle his file full and final



## Claim Summary – Reserve Advisory

Employer:	McPherson County	Date of Injury:	03/19/2020
Claim No.:	20811069	Job Description:	Mechanic
Employee Age:	57	Updated:	6/15/2020
AWW:	1,158.96	TTD Rate:	666.00
Attorneys:	none	Employer:	none

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 31,000.00	\$ 10,656.00	\$ 0.00	\$ 550.00	\$ 4,910.00	\$ 47,116.00
<b>Amount Paid:</b>	\$ 936.15	\$ 0.00	\$ 0.00	\$ 0.00	\$ 66.53	\$ 1,002.68
<b>Outstanding:</b>	\$ 30,063.85	\$ 10,656.00	\$ 0.00	\$ 550.00	\$ 4,843.47	\$ 46,113.32

**Accident Description / Nature of Injury:**

- As the employee was working on strobe/flashing lights in the back of a new flatbed truck he felt a pop in his left knee. He had been kneeling and working in an awkward position when this occurred.

**Investigation / Compensability:**

- The employee was in the course and scope of his activities when the event occurred.

**Medical Management:**

- The claimant is treating with Dr. Do of Mid America Orthopedics who has found him to have a left knee meniscal tear. Surgery was requested and a left knee arthroscopy with partial medial meniscectomy has been performed. The claimant is now in post-operative physical therapy.

**Periods of Disability:**

- The claimant is expected to return to work light duty with minimal lost time.

**Permanent Partial Impairment / Permanent Disability:**

- The employee will likely receive an impairment of up to 6% to the knee and his file is reserved for the same.

**Subrogation / Other Issues:**

- N/A

**Plan of Action:**

- The claim will be monitored to ensure progression post operatively and ensure no intervention is needed
- once all bills are paid and the claimant is placed at MMI I will request a rating be performed
- I will attempt to negotiate a full and final settlement and closure of claim with the claimant



## Claim Summary – Settlement Request

Employer:	Rice County	Date of Injury:	04/29/2019
Claim No.:	19768650	Job Description:	Under Sheriff
Employee Age:	49	Updated:	6/16/2020
AWW:	1,055.16	TTD Rate:	645.00
Attorneys:	none	Employer:	none
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$188,000.00	\$ 107,860.00	\$ 0.00	\$ 500.00	\$ 29,725.00	\$ 326,085.00
<b>Amount Paid:</b>	\$153,732.86	\$ 28,560.60	\$ 0.00	\$ 0.00	\$ 27,055.22	\$ 209,348.68
<b>Outstanding:</b>	\$ 34,267.14	\$ 79,299.40	\$ 0.00	\$ 500.00	\$ 2,669.78	\$ 116,736.32

**Accident Description / Nature of Injury:**

- On 4/29/2019 the claimant pulled over a car with a suspect inside who had a warrant for his arrest. As the claimant approached the vehicle he was immediately shot by the suspect multiple times resulting with him falling to the ground. He sustained gunshot wounds to the neck, abdomen and R shoulder. His fall resulted in injuries to his left clavicle and a broken rib.

**Investigation / Compensability:**

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

**Medical Management:**

- The claimant has seen multiple physicians for his acute injuries including but not limited to Dr. Prohaska, Dr. Matthew Henry and Dr. Linell. His primary complaints were to the right side where essentially the bullet exploded his nerves per the physician resulting in a diagnosed brachial plexus and cervical nerve injury. After significant rehabilitation he was able to progress from zero ability to use his R arm to almost full functioning of the same. His left clavicle fracture healed non- operatively as well as his jugular vein injury for which he received a brief period of vocal care treatment. He has now been released at MMI with no further medical care needed.

**Periods of Disability:**

- The claimant was off of work for 44.27 weeks and received \$28,560.60 in TTD benefits.

**Permanent Partial Impairment / Permanent Disability:**

- Dr. Estivo has provided claimant with a PPI rating of 25% to the body as a whole

**Subrogation / Other Issues:**

- The suspect is deceased therefore there is no means of subrogation via restitution.

**Plan of Action:**

- I am requesting settlement authority of up to \$62,197.35 to close the claim, full and final. This is based on the following impairment calculations:  
 $415 - 29.27 ( 44.27 \text{ weeks however first 15 non-deductible}) = 385.73 \text{ weeks}$   
 $385.73 \times .25 = 96.43, 96.43 \times \$645 \text{ TTD rate} = \$62,197.35$