

KWORCC Select Claims Report

Presented February 23, 2023



Claim Summary – Settlement Request

Employer:	Barber County	Date of Injury:	03/03/2021
Claim No.:	21843962	Job Description:	Deputy
Employee Age:	33	Updated:	2/13/2023
AWW:	656.55	TTD Rate:	437.72
Attorneys:	Jeff Cooper	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 51,000.00	\$ 34,252.64	\$ 0.00	\$ 7,500.00	\$ 6,812.50	\$ 99,565.14
Amount Paid:	\$ 32,423.25	\$ 6,114.97	\$ 0.00	\$ 485.55	\$ 960.23	\$ 39,984.00
Outstanding:	\$ 18,576.75	\$ 28,137.67	\$ 0.00	\$ 7,014.45	\$ 5,852.27	\$ 59,581.14

Accident Description / Nature of Injury:

- While driving on a dirt road and responding to a call in her county vehicle, another vehicle began to come over a hill, they didn't see each other until the hill crested, she veered to the right and went off the road in a ditch going airborne.

Investigation / Compensability:

- The event mechanism was accepted as compensable as the claimant was in the course and cope of her employment.
- Some injuries/body parts were denied as pre-existing or unrelated to the worker's compensation claim

Medical Management:

- The claimant treated originally in the ER at Medicine Lodge reporting R hip, R elbow, R foot and ankle pain. She moved to a city away from her employer and proved difficult to medically direct. She was resistant to return to work options. When told that she would be required to see a medical provider for assessment of treatment recommendations, she retained counsel. The claimant then alleged bilateral hip pain, bilateral shoulder pain, depression, head injury, back and cervical complaints, left ear hearing loss and ankle pain. She was assessed by Dr. Do who found that she did require treatment for some injuries including a left shoulder arthroscopy which was performed in 2021. However, many of her injuries were inconsistent with the original reports of accident or aggravations of pre-existing conditions.

Periods of Disability:

- The employee missed 13 weeks of work post injury. She returned to work regular duty with a new county.

Permanent Partial Impairment / Permanent Disability:

- The claimant has received three ratings ranging from 3% to 35% to the body as a whole. The ratings hold value between \$8,553.15 and \$99,786.75. The court ordered IME value is \$31,361.55.

Subrogation / Other Issues:

- Subrogation was reviewed; however, the other party was not cited for any fault in the event resulting in no subrogation recovery.

Plan of Action:

- Counsel has requested settlement authority to close all issues full and final in the amount of up to \$40,000.
- The settlement of all issues full and final will eliminate the future medical needs and review and modification which the claimant would like to leave open and would far surpass the \$40,000 even with the exclusion of some of the body parts alleged.



Claim Summary – Reserve Advisory

Employer:	Clark County	Date of Injury:	01/23/2023
Claim No.:	23901087	Job Description:	Undersheriff
Employee Age:	59	Updated:	2/13/2023
AWW:	978.35	TTD Rate:	652.26
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$163,500.00	\$ 40,000.00	\$ 0.00	\$ 600.00	\$ 20,000.00	\$ 224,100.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 29.95	\$ 29.95
Outstanding:	\$163,500.00	\$ 40,000.00	\$ 0.00	\$ 600.00	\$ 19,970.05	\$ 224,070.05

Accident Description / Nature of Injury:

- While responding to an armed suspect situation, the employee was shot in the left mandible and sustained multiple soft tissue injuries as he fell to the ground.

Investigation / Compensability:

- The claimant was in the course of his employment and the mechanism is accepted as compensable.

Medical Management:

- The employee was brought via air flight to Wesley Medical Center. He was found to have a bullet lodged in his left mandible near the vertebral artery. It was determined this was non-surgical and the employee was released the next morning. A nurse case manager was assigned to evaluate for long term care needs and claim complexity assistance. A CT will be performed to evaluate if the bullet has moved since his hospital dismissal, and he will follow up with the acute care surgeon to discuss long term prognosis and plan of care.

Periods of Disability:

- The employee is off of work during the KBI investigation with full administrative pay. It is anticipated the employee will be able to return to work regular after the KBI investigation is complete. He is expected to retire in April.

Permanent Partial Impairment / Permanent Disability:

- General reserves are set at this time in the amount of \$40,000 for a body as whole injury with unknown costs to resolve any future medical care. The full extent of permanent impairment and long terms needs will be assessed as the claimant progresses.

Subrogation / Other Issues:

- At the conclusion of the KBI investigation a formal identification will be made of the party (parties) who shot our claimant. The primary suspect is deceased. If there are any charges placed against the surviving suspect, we will seek restitution.

Plan of Action:

- I will work with the employee and the nurse case manager to assess the full extent of the injuries and long-term prognosis.
- Once the care needs are established, I will formulate a plan to assist the claimant in his rehabilitation and return to work in a light duty capacity
- Efforts will be made to return the claimant back to a full duty position.
- Once the claimant is at MMI I will assess future medical needs and PPI ratings for settlement value to resolve the claim



Claim Summary – Reserve Advisory

Employer:	Ford County	Date of Injury:	01/30/2023
Claim No.:	23901514	Job Description:	Receptionist
Employee Age:	66	Updated:	2/13/2023
AWW:	630.89	TTD Rate:	420.61
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 58,000.00	\$ 15,000.00	\$ 0.00	\$ 600.00	\$ 4,500.00	\$ 78,100.00
Amount Paid:	\$ 15.63	\$ 420.61	\$ 0.00	\$ 0.00	\$ 29.95	\$ 466.19
Outstanding:	\$ 57,984.37	\$ 14,579.39	\$ 0.00	\$ 600.00	\$ 4,470.05	\$ 77,633.81

Accident Description / Nature of Injury:

- The employee and her supervisor were walking to the court house from their office. The claimant pushed a large cart filled with case files. The cart with wheels caught in a crack from the cement pulling her back and subsequently causing her to slip and fall on the icy ground. She landed on multiple body parts with the left wrist as the most significant of her injuries.

Investigation / Compensability:

- The event was acute, witnessed and in the course of her employment and has been accepted at this time

Medical Management:

- The employee was diagnosed with a comminuted fracture of the left distal radius with some shortening and dorsal buckling. An ulnar styloid fragment was also identified. She had surgery to fixate the fracture with Dr. Shah, emergency on call provider. She will recheck in the near future to address her post-operative plan of care.

Periods of Disability:

- The employee is off work at this time due to inability to accommodate however she is expected to return to work following her next medical appointment.

Permanent Partial Impairment / Permanent Disability:

- Although the primary injury is to the wrist, the claimant also landed on multiple other body parts. It is possible that she may receive care in the future for these injuries and potentially seek a body as a whole impairment.

Subrogation / Other Issues:

- The claimant is a Medicare beneficiary and Medicare interests will be considered throughout the claim
- The claimant fell in an area owned by the City, yet partially maintained by the county. We are reviewing for any potential subrogation.
- The employee has a long history of prior worker’s compensation cases. All prior injuries will be reviewed on a continual basis to ensure no pre-existing care is sought under this claim.

Plan of Action:

- I will work with the provider to return claimant back to work after her post-operative appointment as she is able.
- I will review all medical to ensure only the acute injuries from the current event are covered
- Once the claimant is at MMI, we will seek a Medicare estimate and total PPI from an outside IME provider.
- The claim will ultimately be settled with a consideration of Medicare interests for any future medical needs



Claim Summary – Reserve Advisory

Employer:	Ford County	Date of Injury:	01/23/2023
Claim No.:	23901067	Job Description:	Deputy
Employee Age:	38	Updated:	2/13/2023
AWW:	1,230.28	TTD Rate:	765.00
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$218,500.00	\$ 75,000.00	\$ 0.00	\$ 600.00	\$ 30,000.00	\$ 324,100.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 29.95	\$ 29.95
Outstanding:	\$218,500.00	\$ 75,000.00	\$ 0.00	\$ 600.00	\$ 29,970.05	\$ 324,070.05

Accident Description / Nature of Injury:

- While responding to an armed suspect situation, the employee was shot in the left collarbone area with two bullet fragments entering the muscle and one lodged in the ribcage near his thyrocervical trunk (next to an artery).

Investigation / Compensability:

- The claimant was in the course of his employment and the mechanism is accepted as compensable.

Medical Management:

- The employee was brought via air flight to Wesley Medical Center where he underwent inpatient surgery to remove the bullet and fragments. Due to the sensitive area near an artery, one fragment was unable to be removed. He will seek care with the surgeon, Dr. Corrigan at Advanced Orthopedics, on an outpatient basis to determine further plan of action and long-term care needs. A nurse case manager is assigned to help the employee navigate any future care needs and identify any other injuries.

Periods of Disability:

- The employee is off work during the KBI investigation with full administrative pay. It is anticipated the employee will be able to return to work light duty after the KBI investigation is complete.

Permanent Partial Impairment / Permanent Disability:

- General reserves are set at this time in the amount of \$75,000 for a body as whole injury with likely high costs to resolve any future medical care. The full extent of permanent impairment and long terms needs will be assessed as the claimant progresses.

Subrogation / Other Issues:

- At the conclusion of the KBI investigation a formal identification will be made of the party (parties) who shot our claimant. The primary suspect is deceased. If there are any charges placed against the surviving suspect, we will seek restitution.

Plan of Action:

- I will work with the employee and the nurse case manager to assess the full extent of the injuries and long-term prognosis.
- Once the care needs are established, I will formulate a plan to assist the claimant in his rehabilitation and return to work in a light duty capacity.
- Efforts will be made to return the claimant back to a full duty position.
- Once the claimant is at MMI I will assess future medical needs and PPI ratings for settlement value to resolve the claim



Claim Summary – Reserve Advisory

Employer:	Miami County	Date of Injury:	11/04/2022
Claim No.:	22898503	Job Description:	Sign Technician
Employee Age:	55	Updated:	2/13/2023
AWW:	896.26	TTD Rate:	597.80
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 45,000.00	\$ 9,600.00	\$ 0.00	\$ 600.00	\$ 5,000.00	\$ 60,200.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 29.95	\$ 29.95
Outstanding:	\$ 45,000.00	\$ 9,600.00	\$ 0.00	\$ 600.00	\$ 4,970.05	\$ 60,170.05

Accident Description / Nature of Injury:

- While installing a sign a gust of wind caught the sign he was holding causing a sudden twist of his right arm/shoulder.

Investigation / Compensability:

- The employee reported the event timely and has not had any known prior care to the same shoulder before this event, the claim is accepted as compensable.

Medical Management:

- The employee attempted to self-limit his activities and noted continued pain with certain mechanisms after one month post injury. Medical care was sought, and an MRI ordered. The MRI showed a full thickness tear of the insertional fibers of the supraspinatus tendon with retraction, a partial tear of the posterior and inferior fibers of the tendon and a longitudinal tear of the tendon to the level of the glenohumeral joint. He was referred to Dr. Bagby who recommended a right shoulder arthroscopy with decompression RTC SLAP debridement vs repair with possible bicep tenodesis. The claimant has underlying cardiac issues that will require surgery to be performed in a hospital vs outpatient surgical facility. His surgery is scheduled for 2/23/2023.

Periods of Disability:

- The employee has worked since his injury date and is not expected to miss more than one week of work post-surgery.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a PPI rating of 7% and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will work with the employee and employer to bring the claimant back to work post-surgery
- I will set up physical therapy for the claimant post-surgery to assist with his rehabilitation
- Once the claimant is at MMI, I will attempt to settle his claim, full and final



Claim Summary – Settlement Request

Employer:	Sherman County	Date of Injury:	01/03/2022
Claim No.:	22874309	Job Description:	EMT
Employee Age:	41	Updated:	3/17/2023
AWW:	781.56	TTD Rate:	521.06
Attorneys:	Randy Stalcup	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 31,500.00	\$ 23,216.00	\$ 0.00	\$ 9,500.00	\$ 4,760.00	\$ 68,976.00
Amount Paid:	\$ 7.91	\$ 0.00	\$ 0.00	\$ 463.75	\$ 120.59	\$ 592.25
Outstanding:	\$ 31,492.09	\$ 23,216.00	\$ 0.00	\$ 9,036.25	\$ 4,639.41	\$ 68,383.75

Accident Description / Nature of Injury:

- The employee states that on 01/03/22 she was getting a jump bag off the wall to go on a call when she "tweaked" her right shoulder and neck area. The next morning she got up and it felt like "she slept on it wrong".

Investigation / Compensability:

- The claim was denied based on multiple inconsistencies regarding the alleged mechanism and relation of injury to work activities.
- The employee did not report the alleged event to the employer until 1/18 after returning from a ski vacation. She had already sought treatment on her own with her primary care provider, and did not report the injury as work related rather stating it was without precipitating event. We initially received verbal information to indicate that the claimant had prior care to the same area before our claim was received showing a possible pre-existing condition.

Medical Management:

- The claimant ultimately received chiropractic care, a referral to an orthopedic spine specialist and injections all under her personal health care insurance due to the denial under the worker’s compensation claim.

Periods of Disability:

- The claimant missed a limited time away from work however this was unpaid due to the denial of the case.

Permanent Partial Impairment / Permanent Disability:

- The claimant has obtained a rating from Dr. Zimmermann who has assigned a 19% body as a whole impairment
- The claimant is scheduled to see Dr. Johnson on 2/28 for a secondary rating evaluation.

Subrogation / Other Issues:

- Through a legal order of production, all final records were received. These records conflicted with original evidence. The original verbal reports of pre-existing care to the same area were incorrect. This therefore eliminates any substantial pre-existing medical defense.
- Deposition of claimant was taken and she proved to be a good witness on her behalf and to have an explanation for any inconsistency previously reported.
- Counsel has deemed that a judge would find the case compensable with more than 90% certainty based on new evidence.

Plan of Action:

- The regular hearing has been completed in this case. The court will likely order a third IME, if any IME obtained by us is substantially different than that which the claimant has already obtained. The rating of Dr. Zimmerman alone holds value of \$41,085.58. This does not include any coverage of medical care to date, future medical and the possibility of future review and modification. Counsel estimates that a court ordered IME would result in an impairment closer to 12% which would lower the rating value to approximately \$26,000. This again would not include any future medical or review and modification value.
- The cost to litigate the case including further IME scheduling, legal fees, deposition fees, and so forth would total at minimum \$10-15,000.
- Authority is requested to settle the claim, full and final in its entirety, in the amount of \$27,500.