

KWORCC Select Claims Report

Presented May 19, 2022



Claim Summary – Reserve Advisory

Employer:	Lyon County	Date of Injury:	04/12/2022
Claim No.:	22882418	Job Description:	Maintenance Technician
Employee Age:	33	Updated:	5/6/2022
AWW:	560.00	TTD Rate:	373.35
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 37,275.00	\$ 8,962.80	\$ 0.00	\$ 600.00	\$ 5,486.25	\$ 52,324.05
Amount Paid:	\$ 86.62	\$ 1,120.05	\$ 0.00	\$ 0.00	\$ 0.00	\$ 1,206.67
Outstanding:	\$ 37,188.38	\$ 7,842.75	\$ 0.00	\$ 600.00	\$ 5,486.25	\$ 51,117.38

Accident Description / Nature of Injury:

- While unloading a printer from a truck the employee’s foot caught on the rubber lining of the truck bed or the truck cable, (unsure which), causing her to loose balance and fall approximately three feet to the ground. She landed on her buttocks and twisted her R knee. She also suffered bruises and scrapes to her left leg.

Investigation / Compensability:

- The employee was in the course and scope of her employment, the event was witnessed and is not questioned. There are no pre-existing defenses for deduction.

Medical Management:

- The employee treated at Newman Ortho and Sports where an MRI was ordered showing damage to the ACL. She was then referred to Dr. Stephen Pro who evaluated the employee and found her to be in need of a right knee arthroscopy, ACL reconstruction with allograft, and possible partial medial meniscectomy versus medial meniscus repair. These procedures have been authorized and the claimant will undergo surgery in the near future.

Periods of Disability:

- The employee is expected to be off of work six weeks at the TTD rate of \$373.75

Permanent Partial Impairment / Permanent Disability:

- An impairment is expected of 7 % to the right knee and the file is reserved for the same

Subrogation / Other Issues:

- n/a

Plan of Action:

- I will work with the provider to schedule post-operative rehabilitation and a return to work status
- The claim will be monitored for progression and any intervention as needed
- Once the clmt is at MMI I will request a rating and attempt to settle the file, full and final



Claim Summary – Reserve Advisory

Employer:	Montgomery County	Date of Injury:	01/06/2022
Claim No.:	22872694	Job Description:	Heavy Equipment Operator
Employee Age:	31	Updated:	5/9/2022
AWW:	656.71	TTD Rate:	437.83
Attorneys:	n/a	Employer:	n/a

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 21,900.00	\$ 20,128.00	\$ 0.00	\$ 550.00	\$ 3,830.00	\$ 46,408.00
Amount Paid:	\$ 4,184.00	\$ 3,765.52	\$ 0.00	\$ 0.00	\$ 2,044.35	\$ 9,993.87
Outstanding:	\$ 17,716.00	\$ 16,362.48	\$ 0.00	\$ 550.00	\$ 1,785.65	\$ 36,414.13

Accident Description / Nature of Injury:

- While installing a tailgate on a dump truck, the chain hoisting the gate loosened causing the tailgate to fall and strike the employee on his head and face. The tailgate is estimated to weigh between 300-500lbs. The employee also reported injuries to his mid and lower back as well as his right ankle as he twisted and fell to the ground.

Investigation / Compensability:

- The employee was in the course and scope of his employment and the event is accepted as compensable.
- Underlying and pre-existing conditions continue to be under investigation.

Medical Management:

- The employee treated initially with the local provider who ordered light duty and physical therapy. He was then referred by the primary physician to a neurosurgeon for evaluation of possible acute vs underlying findings located on his MRI study. Dr. Weimar with Abay Neuroscience agreed to evaluate the patient and diagnosed him with a compression fracture at T12 with minimal symptomology and a lateral disc protrusion at the L5-S1 with possible degenerative components. He recommended a trial injection to the spine and light duty. The employee has a new onset of radiculopathy and the provider will see him again later this month to address relation to the work injury and future recommendations.

Periods of Disability:

- The claimant has lost seven weeks of work and is now back to work light duty. He receives temporary partial benefits (TPD) due to reduced pay by the employer.

Permanent Partial Impairment / Permanent Disability:

- The claimant, now five months post injury, has alleged he is potentially permanently disabled with inability to work long term. He repeatedly requests pre-emptive settlement figures. The employee frequently mentions his research of worker’s compensation law in the area of settlements and eludes to a desire to obtain a task loss in order to reach the highest settlement possible. The employee will receive an impairment to the body as a whole, however a task loss is unlikely. I have estimated a general settlement to take place to resolve all issues at \$15,000 or less.

Subrogation / Other Issues:

- The possibility of equipment defect was researched as a loose chain caused the tailgate to fall. My investigation found that in fact this was a procedural error by the employees involved, this was not the result of a specific equipment defect or failure that would allow subrogation to be pursued.

Plan of Action:

- I will continue to keep in close contact with the employee and reassure him as he progresses.
- I will confirm that the provider treats only the acute workplace injuries.
- Once the claimant is at MMI, I will continue to assist him in the understanding of the settlement process and attempt to avoid litigation.



Claim Summary – Settlement Request

Employer:	Morton County	Date of Injury:	02/19/2020
Claim No.:	20807924	Job Description:	Former Appraisal Clerk
Employee Age:	66	Updated:	5/9/2022
AWW:	\$951.54	TTD Rate:	\$634.39
Attorney:	Lawrence Gurney	Employer:	Ronald Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 25,372.12	\$ 30,000.00	\$ 0.00	\$ 10,500.00	\$ 3,747.61	\$ 69,619.73
Amount Paid:	\$ 2,737.94	\$ 0.00	\$ 0.00	\$ 533.30	\$ 510.96	\$ 3,782.20
Outstanding:	\$ 22,634.18	\$ 30,000.00	\$ 0.00	\$ 9,966.70	\$ 3,236.65	\$ 65,837.53

Accident Description / Nature of Injury:

- During the course of taking a restroom break the employee fell while entering the bathroom for an unknown cause. Initially she cited her fall could be due to her legs giving out. She sustained injuries to her head, a contusion to the right knee and a dislocated left shoulder.

Investigation / Compensability:

- Investigation determined that the injury was not caused by any fault of the claimant’s employer but likely due to an underlying condition to her knees which rendered her unstable while walking, her claim was denied

Medical Management:

- The claimant treated at the local hospital where she was taken off of work and referred to an orthopedic specialist for surgical care of her left shoulder. She sought treatment on her own at Amarillo Bone and Joint where she subsequently has had her left shoulder surgically repaired under her private health insurance. She is not yet at MMI yet she has ceased her ongoing medical care due to the lapse in her medical insurance coverage.

Periods of Disability:

- The claimant did not return to work post injury. The employer offered an accommodated position and the employee ultimately resigned. If the claim is determined compensable on award TTD will be due and owed up to \$10,789.39

Permanent Partial Impairment / Permanent Disability:

- Permanency is estimated in the amount of \$20,000-\$27,000 range although no rating has yet been received due to the lack of continued medical treatment.

Subrogation / Other Issues:

- The claimant now denies stating that her legs potentially gave out causing her accident and an internal employer report states that the employee did not know what caused her event, supporting her version. Based on current case law this would likely be determined a compensable file if determination by a judge is sought.
- The claimant is currently a Medicare beneficiary and Medicare interests must be considered in any settlement proposed.

Plan of Action:

- With respect to medical care the exposure is extensive, including the costs of surgery, post-operative treatment, prescription management, etc. The claimant's Medicare beneficiary status would likely lead to an extensive Medicare Set Aside or future medical benefits open for life in lieu of the same. It is expected that if this case were to proceed to final award the claim would be found compensable. A compromise settlement could result in significant cost savings in both medical, TTD and permanent partial exposure. Counsel's current plan of action involves securing an award of deniability allowing the claim to be settled outside of the worker's compensation system and based upon a general release of all claims. The purpose of this will be to protect the parties from any Medicare review and potentially any Medicare conditional payment issues. Based upon current information, settlement authority is requested as follows:
 - Authority is requested in the amount of \$47,500 to settle the file, full and final.
 - Authority is requested to set aside an additional \$2,500 in a self-determined Medicare Set Aside in the unlikely event that Medicare were to review this matter and attempt to refuse payment for any medical the claimant would need in the future.



Claim Summary – Reserve Advisory

Employer:	Morton County	Date of Injury:	04/21/2022
Claim No.:	22883253	Job Description:	Janitor
Employee Age:	58	Updated:	5/6/2022
AWW:	561.10	TTD Rate:	374.08
Attorneys:	n/a	Employer:	n/a

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 36,500.00	\$ 10,000.00	\$ 0.00	\$ 600.00	\$ 5,500.00	\$ 52,600.00
Amount Paid:	\$ 0.00	\$ 374.08	\$ 0.00	\$ 0.00	\$ 0.00	\$ 374.08
Outstanding:	\$ 36,500.00	\$ 9,625.92	\$ 0.00	\$ 600.00	\$ 5,500.00	\$ 52,225.92

Accident Description / Nature of Injury:

- While cleaning the civic center as part of her janitorial duties, the employee stepped down from a ladder, missed the last stair and fell to the ground fracturing her left wrist.

Investigation / Compensability:

- The employee was in the course and scope of her employment and the claim is accepted as compensable

Medical Management:

- The claimant was transferred to SW Medical Center in Liberal, Ks where she underwent emergency surgery to repair the displaced distal radius and ulna fracture. The employee was kept inpatient until her release from the hospital on 4/23/2022. She is doing well post-surgery and will continue her care with Dr. Kawathani in Liberal KS.

Periods of Disability:

- The employee is expected to be off of work a period of three weeks at the rate of \$374.08

Permanent Partial Impairment / Permanent Disability:

- The claimant will likely receive a PPI rating of 5% and the file is reserved for the same

Subrogation / Other Issues:

- n/a

Plan of Action:

- I will work with the employer to locate a light duty position for the claimant
- Close contact will be maintained with the claimant, and medical reviewed, to ensure she is progressing as expected
- Once the employee is at MMI I will request a rating and attempt to settle the file, full and final