

KWORCC Select Claims Report

Presented October 26, 2023



Claim Summary – Reserve Advisory

Employer:	Geary County	Date of Injury:	08/03/2023
Claim No.:	231102233	Job Description:	Former Detention Officer
Employee Age:	31	Updated:	10/6/2023
AWW:	Pending	TTD Rate:	Pending
Attorneys:	Roger Fincher	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 18,250.00	\$ 15,000.00	\$ 0.00	\$ 7,500.00	\$ 3,000.00	\$ 43,750.00
Amount Paid:	\$ 401.37	\$ 0.00	\$ 0.00	\$ 0.00	\$ 167.19	\$ 568.56
Outstanding:	\$ 17,848.63	\$ 15,000.00	\$ 0.00	\$ 7,500.00	\$ 2,832.81	\$ 43,181.44

Accident Description / Nature of Injury:

- The claimant was breaking up a fight among several inmates when she got jostled up against a metal door frame and corridor door causing pain to her left shoulder.

Investigation / Compensability:

- The event was witnessed.
- The employee denies prior injury or care to the shoulder.

Medical Management:

- The employee sought medical care at Stormont Vail Flint Hills. She was diagnosed with a left shoulder injury. After continued complaints of pain an MRI was ordered which showed no findings. The employee declined physical therapy and canceled her recheck appointment.

Periods of Disability:

- The employee did not miss any time from work because of the work injury.

Permanent Partial Impairment / Permanent Disability:

- I have set a general reserve for litigation settlement; this will be reviewed again as more medical evidence becomes available.

Subrogation / Other Issues:

- The employee resigned from her position and filed a civil suit against the employer for sex discrimination.
- Simultaneously, she filed notice of litigation for the worker’s compensation injury. The claimant asserts that she was further injured in a later inmate altercation and that she was made to work outside of her restrictions.

Plan of Action:

- The employee’s prior medical records will be obtained.
- Counsel will learn what additional body parts claimant is asserting as injured, through discussions with her counsel and the deposition of the claimant.
- Plan of care for litigation will be discussed with Atty. Laskowski. We will direct medical care as needed and work for a favorable resolution to the claim in its entirety.



Claim Summary – Reserve Advisory

Employer:	Lyon County	Date of Injury:	02/26/2023
Claim No.:	231084684	Job Description:	Former Detention Officer
Employee Age:	52	Updated:	10/6/2023
AWW:	1,322.96	TTD Rate:	765.00
Attorneys:	Hyemkin Byun	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 39,000.00	\$ 21,060.00	\$ 0.00	\$ 8,500.00	\$ 6,500.00	\$ 75,060.00
Amount Paid:	\$ 4,615.36	\$ 0.00	\$ 0.00	\$ 0.00	\$ 1,155.33	\$ 5,770.69
Outstanding:	\$ 34,384.64	\$ 21,060.00	\$ 0.00	\$ 8,500.00	\$ 5,344.67	\$ 69,289.31

Accident Description / Nature of Injury:

- While trying to restrain a combative inmate, the employee strained her left hip and groin area.

Investigation / Compensability:

- The employee was in the course and scope of her employment when the event occurred.
- There are no pre-existing defenses known at this time.

Medical Management:

- The employee sought conservative care at Newman Orthopedics and completed physical therapy care. She did not progress medically and was referred to Dr. Harlan, hip specialist for assessment. Dr. Harlan identified a symptomatic labral tear in the left hip. Surgery was requested and performed on 10/3/20023 to repair the same. The employee is now recuperating and participating in post operative physical therapy.

Periods of Disability:

- The employee has not missed work over the seven-day waiting period because of the work injury.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a whole-body impairment in the range of 3-5 percent, the file is reserved for the same.

Subrogation / Other Issues:

- The employee no longer works for our insured and was terminated for cause. She sought legal representation only after her termination by the employer.

Plan of Action:

- The employee will treat until the point of MMI.
- We will closely check social media and consider surveillance if the employee fails to improve for any intervening events.
- Once the claimant is at MMI, there will likely be a third-party IME due to litigation.
- We will attempt to settle the claim full and final through counsel.



Claim Summary – Reserve Advisory

Employer:	Lyon County	Date of Injury:	05/08/2023
Claim No.:	23191226	Job Description:	Former Detention Officer
Employee Age:	52	Updated:	10/6/2023
AWW:	1,383.54	TTD Rate:	765.00
Attorneys:	Hyemkin Byun	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 13,250.00	\$ 12,000.00	\$ 0.00	\$ 8,500.00	\$ 3,700.00	\$ 37,450.00
Amount Paid:	\$ 218.21	\$ 0.00	\$ 0.00	\$ 0.00	\$ 175.52	\$ 393.73
Outstanding:	\$ 13,031.79	\$ 12,000.00	\$ 0.00	\$ 8,500.00	\$ 3,524.48	\$ 37,056.27

Accident Description / Nature of Injury:

- While walking up the stairs to retrieve paperwork the employee tripped over a seam in the carpet landing on both knees.

Investigation / Compensability:

- The employee was in the course and scope of her employment when the event occurred.
- The employee has a significant pre-existing and underlying condition in her bilateral knees, care was denied.

Medical Management:

- The employee submitted multiple prior denied claims to her bilateral knees under worker’s compensation. As a result, she was authorized only for acute assessment of the knees post fall. The provider, Helena Stormont, was familiar with her prior issues and confirmed that any need of continued care was due to severe tri-compartmental arthritis and not the work fall. Any further care was denied.

Periods of Disability:

- The employee did not miss work over the seven-day waiting period due to the event.

Permanent Partial Impairment / Permanent Disability:

- We will pursue continued denial of the case based on the established underlying conditions of the claimant. Reserves are set for possible nuisance value settlement.

Subrogation / Other Issues:

- The employee no longer works for our insured and was terminated for cause. She sought legal representation only after her termination by the employer.

Plan of Action:

- Prior medical records will be obtained through the legal order of production.
- An independent IME is likely, which may require an MRI to review for new and acute structural changes.
- Once the claimant is at MMI, there will likely be a third-party IME due to litigation.
- Once all evidence is obtained, we will consider possible nuisance value settlement to resolve the claim.



Claim Summary – Settlement Request

Employer:	Pottawatomie County	Date of Injury:	12/12/2022
Claim No.:	22899164	Job Description:	Paramedic
Employee Age:	39	Updated:	10/16/2023
AWW:	1,037.10	TTD Rate:	691.43
Attorneys:	Keith Mark	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 33,500.00	\$ 57,680.02	\$ 0.00	\$ 11,000.00	\$ 9,500.00	\$ 111,680.02
Amount Paid:	\$ 14,420.81	\$ 20,839.88	\$ 0.00	\$ 0.00	\$ 4,931.58	\$ 40,192.27
Outstanding:	\$ 19,079.19	\$ 36,840.14	\$ 0.00	\$ 11,000.00	\$ 4,568.42	\$ 71,487.75

Accident Description / Nature of Injury:

- While trying to move a large patient from a chair to a bed, he pulled and injured his lower back.

Investigation / Compensability:

- Investigation of the claim was made via surveillance, pre-existing medical record review and witness statements.

Medical Management:

- The employee was seen by the employer’s designated provider, Dr. Cahoj. The employee was inconsistent with his medical care, prolonged his medical visits and requested off work status. When the provider ultimately wrote a light duty note, he retained counsel. Through litigation he was redirected to a specialist, Dr. Alexander Bailey. The employee ultimately agreed to have an injection performed and became compliant with his care. He was returned to a light duty position at work. Dr. Alexander Bailey treated the claimant for his acute injury but maintained that his overall injury was likely an aggravation of a pre-existing condition. An FCE was performed per the provider’s request. The FCE limits the employee from performing the essential functions of his normal job, with a maximum lift level of up to 40 pounds.

Periods of Disability:

- The employee was off work from the insured a period of 33 weeks based on the opinion of the local designated provider. He was able to maintain his self-employment during this period. The employee disputed that he was actively working vs delegating work and we were unable to disprove the same.

Permanent Partial Impairment / Permanent Disability:

- Although the employee is working at this time with accommodations, the employer will not be able to accommodate the employee long term with the FCE restrictions. Counsel believes the claimant has a good chance of proving a compensable work disability with potential PPD settlement value exposure alone between \$55,000 to \$76,412.08.

Subrogation / Other Issues:

- N/A

Plan of Action:

- If we continue to litigate the claim, it is highly probable that a court ordered medical provider will confirm that the claimant has a new structural injury under the worker's compensation case. Although he has a long history of care to his back, there are no prior imaging studies for comparison to show that the alleged annular tears and/or disc bulging pre-date the work injury. By settling at this juncture, we can use the work accommodation as leverage against a work disability, while the employer is still able to accommodate the claimant.
- Counsel has requested settlement authority to settle the claim, full and final. Settlement authority is requested in the amount of up to \$87,000.



Claim Summary – Reserve Advisory

Employer:	Rice County	Date of Injury:	09/02/2023
Claim No.:	231104988	Job Description:	Sheriff Deputy
Employee Age:	22	Updated:	10/6/2023
AWW:	\$883.91	TTD Rate:	\$589.30
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 23,850.00	\$ 15,750.20	\$ 0.00	\$ 350.00	\$ 4,200.00	\$ 44,150.20
Amount Paid:	\$ 308.72	\$ 1,850.40	\$ 0.00	\$ 0.00	\$ 23.38	\$ 2,182.50
Outstanding:	\$ 23,541.28	\$ 13,899.80	\$ 0.00	\$ 350.00	\$ 4,176.62	\$ 41,967.70

Accident Description / Nature of Injury:

- While making an arrest the suspect charged the employee resulting in them both falling to the ground before the suspect could be subdued. The employee reported pain of the left elbow, right foot and left fifth digit after the altercation.

Investigation / Compensability:

- The employee was in the course and scope of his employment, there are no known pre-existing defenses at this time.

Medical Management:

- The employee sought care at the local hospital where imaging was taken of the injured body parts. The employee was referred to Dr. Boone for possible R foot fracture vs tendon injury and Dr. Do for left elbow exam. Current care is centered around the right foot which has prevented the claimant from the ability to sufficiently bear weight. Dr. Boone diagnosed the claimant with a Lisfranc injury with concern for separation of the bone. He requested authorization to perform a surgical procedure to include possible hardware for bone alignment. This is authorized and will be performed this month.

Periods of Disability:

- The employee is anticipated to miss up to 8 weeks of work post-surgery to promote healing of the bone.

Permanent Partial Impairment / Permanent Disability:

- The claimant is expected to receive an impairment of up to 8% and the file is reserved for the same.

Subrogation / Other Issues:

- n/a

Plan of Action:

- I will review claimant’s post-surgical progress to ensure he is healing as exceed.
- Reserve review to be performed again after elbow assessment for plan of care.
- I will work with the employer to try and bring claimant to a sedentary/desk work position.
- Once the claimant is at MMI, I will request a rating and attempt to settle the claim, full and final.