

KWORCC Select Claims Report

Presented November 17, 2023



Claim Summary – Reserve Advisory

Employer:	Geary County	Date of Injury:	06/26/2023
Claim No.:	231096374	Job Description:	Wastewater and Sign Technician
Employee Age:	59	Updated:	11/6/2023
AWW:	939.60	TTD Rate:	626.43
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 36,000.00	\$ 13,781.46	\$ 0.00	\$ 600.00	\$ 4,500.00	\$ 54,881.46
Amount Paid:	\$ 1,782.47	\$ 0.00	\$ 0.00	\$ 0.00	\$ 283.47	\$ 2,065.94
Outstanding:	\$ 34,217.53	\$ 13,781.46	\$ 0.00	\$ 600.00	\$ 4,216.53	\$ 52,815.52

Accident Description / Nature of Injury:

- While climbing up a truck loader the employee reached with his left arm, grasped the grab bar and felt a pop in the left shoulder while pulling himself up.

Investigation / Compensability:

- The employee was in the course and scope of his employment and the event is accepted as compensable.
- The employee had a prior injury to the same shoulder more than ten years ago, the current injury is found to be acute.

Medical Management:

- Medical care was sought at Stormont Vail Flint Hills. The employee underwent light duty and physical therapy with no relief. An MRI showed a near complete tear of the left supraspinatus tendon with retraction. He was referred to Manhattan Orthopedics and Sports Medicine and is recommended to have a left shoulder repair by Dr. Deuthman which will be performed this month.

Periods of Disability:

- The employee has not missed any work due to the work injury.

Permanent Partial Impairment / Permanent Disability:

- The employee is expected to receive a PPI rating of up to 8% and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will work with the provider and employer to bring the employee back to a safe light duty position post-surgery.
- I will review the physical therapy and medical notes to ensure the claimant is progressing as expected.
- Once claimant reaches MMI, I will request a rating and attempt to settle the claim with the claimant, full and final.



Claim Summary – Settlement Request

Employer:	Gove County	Date of Injury:	04/26/2021
Claim No.:	21848647	Job Description:	Retired Maintenance Worker
Employee Age:	66	Updated:	11/6/2023
AWW:	752.30	TTD Rate:	501.55
Attorneys:	Phillip Slape	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$266,815.61	\$ 84,400.00	\$ 0.00	\$ 9,550.00	\$ 43,125.00	\$ 403,890.61
Amount Paid:	\$256,509.86	\$ 4,278.34	\$ 0.00	\$ 378.80	\$ 24,368.47	\$ 285,535.47
Outstanding:	\$ 10,305.75	\$ 80,121.66	\$ 0.00	\$ 9,171.20	\$ 18,756.53	\$ 118,355.14

Accident Description / Nature of Injury:

- Although the employee was a maintenance worker, the Sheriff deputized the claimant as a duly authorized volunteer for his department on a temporary basis. The employee has experience working with ranch animals. He was seen as the appropriate selection by the Sheriff’s Dept. to assist in the round up of animals that were starved and neglected in an animal cruelty investigation. While performing this task, the employee was charged at and trampled by a large bull weighing approximately 800 pounds.

Investigation / Compensability:

- The employee/employer relationship was investigated, and the employee was found to be a covered employee.
- The employee has alleged injuries to multiple body parts years after the initial injury, which have each been reviewed. Several were denied due to lack of connection to the original injury.

Medical Management:

- The employee suffered multiple traumatic injuries primarily to the facial area. He underwent multiple procedures including a septoplasty and procedures to assist with eye and mouth drooping due to facial nerve damage. The employee also treated for injury to his left foot, left elbow, fractured ribs, and shoulder with conservative care. He has seen a variety of specialists due to the myriad of injuries he sustained including an oral and maxillofacial surgeon, plastic surgeon, and orthopedic specialists to name a few. A nurse case manager was assigned to assist with his medical care.
- The employee requested additional care for hearing loss, injury to both knees, back and right upper extremity. Many of the requested injuries were reported more than a year post event, for the first time. Some of the injuries reported were found to pre-date the work event. The claimant is not at MMI, and many body parts are disputed through litigation.

Periods of Disability:

- The employee missed 8 weeks of work and then was able to return to work in his normal maintenance position. He voluntarily retired from the county fall of 2023.

Permanent Partial Impairment / Permanent Disability:

- We do not have an impairment rating for the claimant as he continues to pursue active medical care, but we do know he will qualify for a general body disability. It is our estimate that the impairment to the body will be between 30-35%.

Subrogation / Other Issues:

- The claimant will require a Medicare set aside to resolve his medical due to his age.
- The claimant retained counsel through DeVaughn James to pursue a third-party suit against the landowner's estate. He also alleges comparative fault against the County. Any comparative fault assessed to the county will reduce the worker's compensation lien.

Plan of Action:

- Counsel has requested settlement authority to settle the indemnity and review and modification in an amount up to \$90,000. For unknown reasons, the claimant is eager to resolve the settlement portion of his file and we suggest seizing this opportunity considering the potentially large exposure. As part of this settlement, counsel will attempt to commit the claimant to agree to a yet undetermined Medicare set aside.



Claim Summary – Reserve Advisory

Employer:	Trego County	Date of Injury:	08/26/2023
Claim No.:	231104294	Job Description:	Former Dispatcher
Employee Age:	65	Updated:	11/6/2023
AWW:	687.05	TTD Rate:	458.05
Attorneys:	Roger Fincher	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
Reserves:	\$ 11,200.00	\$ 15,000.00	\$ 0.00	\$ 9,000.00	\$ 2,600.00	\$ 37,800.00
Amount Paid:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 9.50	\$ 9.50
Outstanding:	\$ 11,200.00	\$ 15,000.00	\$ 0.00	\$ 9,000.00	\$ 2,590.50	\$ 37,790.50

Accident Description / Nature of Injury:

- While on a smoke break, the employee attempted to walk around lawn sprinklers. She then tripped and fell hitting a concrete pillar with her head.

Investigation / Compensability:

- The claim was denied as the employee was not found to be in the course and scope of her employment.

Medical Management:

- The employee initially reported injury to her head, left eye and left knee and treated at the local ER facility. She sought legal counsel and now requests medical care to her back. It is unknown what medical care she has sought under her personal health insurance to date.

Periods of Disability:

- The employee did not return to work after the event on 8/26, as she previously scheduled to retire from the employer on 8/31/2023.

Permanent Partial Impairment / Permanent Disability:

- The estimated PPI is premature at this time, due to the new notice of litigation and absence of medical reports to substantiate the claimant’s demand. The initial PPI reserves are set for a general, litigated claim and the reserves will be re-reviewed as more information becomes available.

Subrogation / Other Issues:

- The employee is assumed to be a Medicare beneficiary, and we will honor their interests at the time of settlement.

Plan of Action:

- Counsel will take the deposition of claimant to determine her account of the injuries sustained and determine what medical care is requested.
- We will work with counsel to uphold any defenses pertaining to pre-existing conditions.
- Ultimately, there is potential for settlement, and we will work to reduce the exposure of the same.