

# **KWORCC Select Claims Report**

**Presented June 27, 2024**



## Claim Summary – Reserve Advisory

Employer:	Jewell County	Date of Injury:	02/14/2024
Claim No.:	241140072	Job Description:	Former Solid Waste Director
Employee Age:	46	Updated:	6/18/2024
AWW:	841.80	TTD Rate:	561.22
Attorneys:	Bruce Brumley	Employer:	Ron Laskowski
Adjuster:	Amanda Chamberland		

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 9,250.00	\$ 15,000.00	\$ 0.00	\$ 7,500.00	\$ 6,700.00	\$ 38,450.00
<b>Amount Paid:</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Outstanding:</b>	\$ 9,250.00	\$ 15,000.00	\$ 0.00	\$ 7,500.00	\$ 6,700.00	\$ 38,450.00

**Accident Description / Nature of Injury:**

- The claimant alleges injury to his bilateral shoulders and whole body from the act of operating a jack lift at the recycling center. It is unclear whether he is alleging an acute injury versus a series of microtraumas.

**Investigation / Compensability:**

- The employee did not report injury to his employer. He was terminated, and the employer received a notice of litigation four months post termination alleging a prior work-related event.
- The employee worked for the County less than one year but owns his own auto body repair shop, it is more likely than not that any injuries would be the result of his self-employment versus his work activities at the County.

**Medical Management:**

- It is unknown where the employee sought medical care or if he has treated with a provider, as the employer only received notice of an alleged injury via an application of legal benefits.

**Periods of Disability:**

- The employee no longer works for the employer, and it is unknown if he saw a medical provider to establish a work status.

**Permanent Partial Impairment / Permanent Disability:**

- Current reserves are set for a potential compromise or a nuisance denial settlement, there is no estimated PPI at this time.

**Subrogation / Other Issues:**

- N/A

**Plan of Action:**

- Counsel will obtain the deposition of the claimant to learn what medical treatment he has sought, and all injuries alleged.
- Currently the claim is deniable based on late reporting to employer. After the deposition of the claimant, we will readdress the allegations with the employer to ensure there was no knowledge of event.
- Further plan of action to be determined based on the compensability and timely reporting determination of the claim.



## Claim Summary – Reserve Advisory

Employer:	Saline County	Date of Injury:	04/30/2024
Claim No.:	241134120	Job Description:	Administrative Assistant
Employee Age:	60	Updated:	6/18/2024
AWW:	765.43	TTD Rate:	510.22
Attorneys:	N/A	Employer:	N/A

Adjuster: Amanda Chamberland

	Medical	Indemnity	Rehabilitation	Legal	Expense	Total
<b>Reserves:</b>	\$ 31,150.00	\$ 10,020.44	\$ 0.00	\$ 650.00	\$ 4,700.00	\$ 46,520.44
<b>Amount Paid:</b>	\$ 769.04	\$ 0.00	\$ 0.00	\$ 0.00	\$ 69.65	\$ 838.69
<b>Outstanding:</b>	\$ 30,380.96	\$ 10,020.44	\$ 0.00	\$ 650.00	\$ 4,630.35	\$ 45,681.75

**Accident Description / Nature of Injury:**

- The employee slipped on a wet floor in the senior center building causing her to fall injuring her right shoulder, right knee and right ankle.

**Investigation / Compensability:**

- The employee was in the course and scope of her employment and the event is accepted as compensable.
- The claimant denied any and all prior care to the right shoulder. However, she does have a history of prior complaints to the right shoulder, therefore a prevailing factor opinion was requested.

**Medical Management:**

- Care was sought at the local clinic where a referral was generated to Dr. Horinek with Salina Orthopedics. Dr. Horinek reviewed the MRI of the right shoulder and found the claimant had a rotator cuff tear and subscapularis injury. He requested surgery; however, we learned the employee had a prior history of care to the same shoulder before our event. The prior records were obtained and sent to the medical provider for a prevailing factor opinion. Dr. Horinek finds the current need for surgery is the direct result of the work injury versus any prior condition to the same shoulder. The surgery is authorized and will be performed this month to the right shoulder.

**Periods of Disability:**

- The claimant is not expected to miss any work because of the work injury over the standard waiting period.

**Permanent Partial Impairment / Permanent Disability:**

- The claimant is expected to receive an impairment rating of between 6-9% and the file is reserved for the same.

**Subrogation / Other Issues:**

- There is no subrogation potential.
- Red flags/concerns are the claimant’s initial dishonesty regarding prior treatment to the same shoulder, and the fact that she made multiple comments regarding her intent to obtain legal representation to her superiors.

**Plan of Action:**

- I will work to bring the claimant back to work light duty following her surgery.
- As the claimant progresses, I will remind the provider of her prior history to the same shoulder so he can continue to separate the acute from pre-existing complaints.
- Once the employee returns to or nears her baseline status, we will request a PPI rating.
- We will attempt to settle the claim full and final via the amount of the PPI specific to her work-related condition.