

KWORCC Select Claims Report

Presented July 25, 2024



Claim Summary – Reserve Advisory

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|---------------|--------------------|------------------|-----------------------|
| Employer: | Butler County | Date of Injury: | 06/04/2024 |
| Claim No.: | 241139683 | Job Description: | Temporary Summer Help |
| Employee Age: | 26 | Updated: | 7/14/2024 |
| AWW: | 419.85 | TTD Rate: | 279.91 |
| Attorneys: | Hyemin Byun | Employer: | Ron Laskowski |
| Adjuster: | Amanda Chamberland | | |

| | Medical | Indemnity | Rehabilitation | Legal | Expense | Total |
|---------------------|--------------|--------------|----------------|-------------|-------------|--------------|
| Reserves: | \$ 23,200.00 | \$ 16,679.46 | \$ 0.00 | \$ 8,500.00 | \$ 4,600.00 | \$ 52,979.46 |
| Amount Paid: | \$ 546.29 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 89.67 | \$ 635.96 |
| Outstanding: | \$ 22,653.71 | \$ 16,679.46 | \$ 0.00 | \$ 8,500.00 | \$ 4,510.33 | \$ 52,343.50 |

Accident Description / Nature of Injury:

- The employee was injured in her first week of employment. As a passenger in a vehicle placing construction cones, the driver turned while another vehicle attempted to pass on the left. The County vehicle sustained very minor damage, however the employee asserted head, neck, back and upper body complaints.

Investigation / Compensability:

- ISO reports obtained show numerous open litigated cases to the same body parts asserted in our claim. All adjusters were contacted, and a comprehensive contributory medical history was obtained showing the injuries sustained are unlikely to be acute.
- The employee alleges seatbelt use and we have no information to the contrary.

Medical Management:

- The employee sought medical care at multiple ER facilities and had several MRI and CT studies performed, all are unremarkable. The designated local treating provider has released the employee back to regular duty however he continues to treat the subjective injuries of the claimant.

Periods of Disability:

- The employee missed multiple days of work, although none per the direction of the authorized provider therefore no TTD is owed. She is working light duty at this time.

Permanent Partial Impairment / Permanent Disability:

- The file is reserved for a possible nuisance value settlement vs a PPI rating.

Subrogation / Other Issues:

- KCAMP found the County at fault for the incident and settled with the other party driver. If any means of subrogation remain, defense counsel will preserve the same.
- It is highly probable from the interaction with the injured worker and the medical received to date that the employee has a mental illness which will complicate the settlement and claim progress.

Plan of Action:

- Initial reports indicate that claimant's counsel may withdraw from the case. We will use this leverage to attempt to settle the claim for a nominal nuisance value in its entirety.
- If the claimant refuses to settle, we will defend the County against the complaints of the worker which appear fabricated.



Claim Summary – Settlement Request

| | | | |
|---------------|--------------------|------------------|---------------|
| Employer: | Ford County | Date of Injury: | 01/23/2023 |
| Claim No.: | 23901067 | Job Description: | Deputy |
| Employee Age: | 40 | Updated: | 7/13/2024 |
| AWW: | 1,230.28 | TTD Rate: | 765.00 |
| Attorneys: | Daniel Bangerter | Employer: | Ron Laskowski |
| Adjuster: | Amanda Chamberland | | |

| | Medical | Indemnity | Rehabilitation | Legal | Expense | Total |
|---------------------|--------------|--------------|----------------|-------------|--------------|---------------|
| Reserves: | \$218,500.00 | \$ 75,000.00 | \$ 0.00 | \$ 9,600.00 | \$ 21,000.00 | \$ 324,100.00 |
| Amount Paid: | \$182,930.16 | \$ 0.00 | \$ 0.00 | \$ 298.50 | \$ 11,815.68 | \$ 195,044.34 |
| Outstanding: | \$35,569.84 | \$ 75,000.00 | \$ 0.00 | \$ 9,301.50 | \$ 9,184.32 | \$ 129,055.66 |

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 sought follow up care with the surgeon, Dr. Corrigan at Advanced Orthopedics. The employee was released from care in June 2023. He reported he was ready to resolve his claim with minimal further medical complaints or needs, however he then retained counsel.

Periods of Disability:

- The employee was off work during the KBI investigation with full administrative pay, therefore there was no TTD paid. He returned to work regular duty in April 2023.

Permanent Partial Impairment / Permanent Disability:

- Dr. Murati rates clmt. with a 29% impairment to the body plus future medical care recommendations. The rating is equal to \$92,067.75.
- Dr. Corrigan rates the clmt. with 2% to the upper arm and no future medical needs. The rating equates to \$3,442.50.

Subrogation / Other Issues:

- The assailant was killed in the gunfire exchange on the date of accident. The County is undecided if they will pursue charges to result in restitution against the other party in the vehicle with the shooter.

Plan of Action:

- The goal is to settle the claim on a full and final basis before a court ordered IME takes place.
- Counsel has requested authority to settle the claim in its entirety, full and final, in an amount up to \$43,500.
- This amount represents a split of the two ratings, with a small concession for future medical.



Claim Summary – Reserve Advisory

| | | | |
|---------------|--------------|------------------|-----------------|
| Employer: | Osage County | Date of Injury: | 04/16/2024 |
| Claim No.: | 241132538 | Job Description: | Sign Technician |
| Employee Age: | 53 | Updated: | 7/14/2024 |
| AWW: | 822.09 | TTD Rate: | 548.08 |
| Attorneys: | N/A | Employer: | N/A |

Adjuster: Amanda Chamberland

| | Medical | Indemnity | Rehabilitation | Legal | Expense | Total |
|---------------------|--------------|--------------|----------------|-----------|--------------|--------------|
| Reserves: | \$ 50,200.00 | \$ 12,000.00 | \$ 0.00 | \$ 650.00 | \$ 10,540.00 | \$ 73,390.00 |
| Amount Paid: | \$ 2,598.37 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 444.38 | \$ 3,042.75 |
| Outstanding: | \$ 47,601.63 | \$ 12,000.00 | \$ 0.00 | \$ 650.00 | \$ 10,095.62 | \$ 70,347.25 |

Accident Description / Nature of Injury:

- While picking up a large sign with his left hand, a wind gust caught the sign causing his arm to jerk backwards. He felt his elbow pop and a sharp, burning pain.

Investigation / Compensability:

- The employee was in the course and scope of employment, with no pre-existing defenses. The claim is accepted.

Medical Management:

- The claimant was referred to orthopedic specialist, Dr. Livermore. He was diagnosed with a partial radial collateral tear and an acute partial thickness distal bicep tendon tear. Dr. Livermore requested a left open distal biceps tendon repair. This was authorized however the employee is high risk due to personal health related issues. His surgery is postponed until he is medically cleared.

Periods of Disability:

- The employee has not missed any work because of the work event and is working light duty.

Permanent Partial Impairment / Permanent Disability:

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

Subrogation / Other Issues:

- N/A

Plan of Action:

- Once the employee is medically cleared and surgery is performed, I will overview his post-surgical progress.
- I will work to bring the employee back to work in a light duty capacity.
- Once the claimant is at MMI, I will request an impairment rating.
- I will attempt to settle the claim with the claimant on a full and final basis.



Claim Summary – Settlement Request

| | | | |
|---------------|--------------------|------------------|--------------------------|
| Employer: | Pawnee County | Date of Injury: | 11/30/2020 |
| Claim No.: | 20834349 | Job Description: | Heavy Equipment Operator |
| Employee Age: | 53 | Updated: | 7/14/2024 |
| AWW: | 784.40 | TTD Rate: | 522.95 |
| Attorneys: | William Phalen | Employer: | Ron Laskowski |
| Adjuster: | Amanda Chamberland | | |

| | Medical | Indemnity | Rehabilitation | Legal | Expense | Total |
|---------------------|--------------|--------------|----------------|--------------|-------------|---------------|
| Reserves: | \$ 91,600.00 | \$ 60,903.50 | \$ 0.00 | \$ 10,650.00 | \$ 9,495.00 | \$ 172,648.50 |
| Amount Paid: | \$ 69,839.00 | \$ 10,903.50 | \$ 0.00 | \$ 376.25 | \$ 6,058.79 | \$ 87,177.54 |
| Outstanding: | \$ 21,761.00 | \$ 50,000.00 | \$ 0.00 | \$ 10,273.75 | \$ 3,436.21 | \$ 85,470.96 |

Accident Description / Nature of Injury:

- While the employee was driving a mower, the blade stopped due to getting wire caught in it. He put the mower out of gear and went to step off the equipment. While doing so he stepped in a deep hole that was covered by the grass. He immediately felt pain in his R ankle area.

Investigation / Compensability:

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

Medical Management:

- Unable to bear weight, an immediate referral was scheduled with Dr. Boone at Central Kansas Orthopedics. Dr. Boone determined the employee indeed had fractured the ankle and tore the peroneal tendon. Surgery was requested and authorized. Post-surgery he developed a blood clot which prolonged his medical care. He was ultimately placed at MMI in August 2021.

Periods of Disability:

- The employee missed 27 weeks of work due to the work event and the employer’s inability to accommodate.

Permanent Partial Impairment / Permanent Disability:

- Dr. Hufford assigned an impairment of 16% to the right lower extremity = \$14,150.88
- Dr. Fanning, court ordered provider, assigned an impairment of 6% to the lower extremity = \$5,302.71
- Dr. Murati report is pending but is reportedly in the 35% range with likely conversion to a body as a whole injury which will be exceedingly higher than all ratings to date.

Subrogation / Other Issues:

- N/A

Plan of Action:

- The employee will require custom orthotics for the duration of his life as well as period medical checks ups. Dr. Fanning indicated he will have functional limitations which increase his exposure to the body above the impairments to date.
- Counsel has requested settlement authority to resolve the claim full and final in an amount of to \$40,000.



Claim Summary – Reserve Advisory

| | | | |
|---------------|---------------------|------------------|--------------------|
| Employer: | Pottawatomie County | Date of Injury: | 07/02/2024 |
| Claim No.: | 241142729 | Job Description: | Equipment Operator |
| Employee Age: | 44 | Updated: | 7/14/2024 |
| AWW: | 935.60 | TTD Rate: | 623.76 |
| Attorneys: | N/A | Employer: | N/A |

Adjuster: Amanda Chamberland

| | Medical | Indemnity | Rehabilitation | Legal | Expense | Total |
|---------------------|--------------|--------------|----------------|-----------|-------------|--------------|
| Reserves: | \$ 61,500.00 | \$ 16,990.08 | \$ 0.00 | \$ 650.00 | \$ 7,000.00 | \$ 86,140.08 |
| Amount Paid: | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| Outstanding: | \$ 61,500.00 | \$ 16,990.08 | \$ 0.00 | \$ 650.00 | \$ 7,000.00 | \$ 86,140.08 |

Accident Description / Nature of Injury:

- The employee was attaching a grapple to an arm of a boom truck. As he leaned over the platform with one foot on the platform and the other on a truck bed, a co-worker pushed a button to go left on the boom and it bumped the clmt. causing him to fall anywhere from 3-4.5 feet based on varying reports.

Investigation / Compensability:

- Although the clmt. was in the course and scope of his employment, he has numerous ISO hits. Under a dual open file from June 2024, there is note of his propensity to falls and breaks resulting in a DEXA exam order which he did not pursue. He may have an underlying condition that is contributory which we will investigate.

Medical Management:

- The employee sought care at the local hospital but was transported to Stormont Vail in Topeka due to the severity of his injuries. He was diagnosed with multiple broken ribs and a left collarbone fracture requiring immediate fixation. He was recently released from the hospital and will follow up with the hospital surgeon for further treatment plans.

Periods of Disability:

- The employee is off work until his recheck with the orthopedic surgeon.

Permanent Partial Impairment / Permanent Disability:

- The employee is estimated to receive an impairment to the body as a whole and the file is reserved for the same.

Subrogation / Other Issues:

- N/A

Plan of Action:

- I will review medical as it is obtained to investigate any pre-existing or underlying health conditions contributory to the extent of his injuries.
- We will work to isolate care to the injured body parts directly related to the work event.
- Once the claimant is at MMI, an IME will be sought to address future medical needs and impairment.
- I will attempt to settle the claim with the claimant, full and final.