

BEFORE THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

**FILED**

WORKERS' COMPENSATION COMMISSION

STATE OF OKLAHOMA

February 27, 2019

Norma McRae

COMMISSION CLERK

CURTIS GARRETT  
Employee-Claimant

CITY OF NORMAN  
Employer-Respondent

CITY OF NORMAN (OWN RISK #10970)  
Insurer

)  
)  
) Commission File No.  
) CM-2018-04775Q  
)  
)

) Claimant's Social Security  
) Number: xxx-xx-0850  
)

**ORDER AWARDING PERMANENT PARTIAL DISABILITY**

Hearing before Administrative Law Judge P BLAIR MCMILLIN on FEBRUARY 25, 2019, in Oklahoma City, Oklahoma.

Claimant appeared by counsel, GARY G PROCHASKA.

Respondent and insurance carrier appeared by counsel, JEANNE SNIDER.

**I.**

**I. FACTS AND STIPULATIONS**

Claimant seeks a finding of compensable work-related injury to left knee on July 31, 2017 and an award of permanent partial disability therefor. Respondent stipulates to jurisdictional issues and admits compensable work-related injury to the left knee. The parties are in agreement that rates for temporary total disability and permanent partial disability can be adjudicated at \$596.03 and \$323.00, respectively, and that the accrual date for permanent partial disability is February 15, 2018.

**II. FINDINGS AND CONCLUSIONS**

The Commission, having considered the evidence and records on file, and being duly advised in the premises, FINDS AND ORDERS AS FOLLOWS:

1. That on July 31, 2017, Claimant sustained compensable work-related injury to the left knee.
2. That Claimant's rates for temporary total disability and permanent partial disability are adjudicated at \$596.03 and \$323.00, respectively.
3. That as a result of said injury, Claimant has sustained 30% permanent partial disability to the left knee (over and above pre-existing 12% disability). At Claimant's rate of compensation, this is equal to an award of \$26,647.50, which shall be paid to Claimant

weekly at the rate of \$323.00 commencing February 15, 2018, until the entire award is paid.

4. That Claimant's attorney is entitled to an attorney fee of 20% of the permanent partial disability award or \$5,329.50 which is due and shall be paid in a lump sum.
5. Pursuant to 40 O.S., §418, the Respondent-Insurer shall pay to the Oklahoma Tax Commission the Special Occupational Health and Safety tax in the amount of \$199.86, representing three-fourths of one percent of the total workers' compensation losses ordered herein, excluding medical payments and temporary total disability compensation.
6. Pursuant to 85A O.S., §122(B)(2), Respondent, if OWN RISK, shall pay a workers' compensation assessment in the amount of \$532.95 to the Oklahoma Tax Commission, representing two percent (2%) of the permanent disability awarded herein
7. Pursuant to 85A O.S., §118(A), a final award fee of One Hundred Forty Dollars (\$140.00) is taxed as costs in this matter, and, unless previously paid, shall be paid by the Respondent to the Workers' Compensation Commission.

**IT IS SO ORDERED.**

DONE this 25th day of FEBRUARY, 2019.

BY ORDER OF:

/s/   
P BLAIR MCMILLIN  
ADMINISTRATIVE LAW JUDGE

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A copy of the above and foregoing Commission Order was mailed, by regular or certified United States Mail, on this filed stamped date to:

Claimant's Attorney: GARY G PROCHASKA  
PO BOX 890008  
OKLAHOMA CITY, OK 73189-

Respondent's Attorney: JEANNE SNIDER  
PO BOX 370  
NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this Commission on this date.

*Norma McRae*



Norma McRae  
Commission Clerk  
February 27, 2019

