



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: GID-1516-23**

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<b>File ID:</b> GID-1516-23	<b>Type:</b> Court Order	<b>Status:</b> Consent Item
<b>Version:</b> 2	<b>Reference:</b> Item 33	<b>In Control:</b> City Council
<b>Department:</b> Legal Department	<b>Cost:</b> \$15,988.50	<b>File Created:</b> 10/13/2015
<b>File Name:</b> Workers Comp Court Order - Jason Houser	<b>Final Action:</b>	

**Title:** CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$15,988.50 REGARDING JASON S. HOUSER VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE WCC 2015-02969A.

**Notes:** ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and if approved, authorize compliance with the Workers' Compensation Order and direct payment of claims in the amount of \$15,988.50 which will constitute judgment against the City of Norman.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 10/27/2015

**Agenda Number:** 33

**Attachments:** Court Order Houser, PR's Houser

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** deedra.vice@normanok.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1516-23

Body

**BACKGROUND:** Jason S. Houser is a Master Police Officer with the Norman Police Department who filed Workers' Compensation Case No. 2015-02969 A alleging on June 24, 2013 a single incident injury to the left knee due to a strenuous training activity. He underwent conservative treatment to include a knee brace, physical therapy, medications, and a steroid injection. On October 24, 2013 he underwent arthroscopy with synovectomy, excision of plica, chondroplasty of the patella, and partial lateral meniscectomy followed by a course of post-operative physical therapy, ongoing medications, and a Platelet rich plasma injection. Mr. Houser was released without restrictions on December 8, 2014. The case has proceeded through the normal litigation process. A trial was held on September 30, 2015. On October 7, 2015 the Court awarded Mr. Houser 18% permanent partial impairment to the Left Leg (Knee) (Arthroscopic Surgery) for the total sum of \$15,988.50.

**DISCUSSION:** Mr. Houser is a six (6) year employee of the City of Norman hired on January 23, 2009 as a police officer for the Police Department and on July 23, 2013 reclassified as a master police officer.

Issues for Trial. The issue tried on September 30, 2015 before the Workers' Compensation Court was permanent partial disability. Permanent partial disability is a factual determination made by the Workers' Compensation Court Trial Judge based on doctors' opinions regarding the extent of permanent partial impairment.

Evaluations. Mr. Houser was evaluated on March 24, 2015 by Lance E. Rosson, D.O. Dr. Rosson opined 38% permanent partial impairment to the left knee to include continuing medical benefits in the nature of prescription medications on an as-needed basis, as well as other treatment that his treating physician or future physician might deem necessary in regard to his work related injury. The City's maximum permanent partial impairment exposure would be \$33,753.50.

The City had Mr. Houser evaluated by Kent Housley, M.D. on July 7, 2015 who opined 12% (\$10,659.00) permanent partial impairment to the left leg as a result of the left knee injury. The Workers' Compensation Court Trial Judge is free to make a ruling within the range of medical evidence presented at the time of trial.

Court Award: The case was heard by the Workers' Compensation Court on September 29, 2015. After hearing the Claimant's testimony and considering the expert medical evidence, the Court entered its Order on October 7, 2015, awarding permanent partial impairment of 18% to the Left Leg (Knee) (Arthroscopic Surgery) for the total sum of \$15,988.50. 18% to the left leg (knee) (arthroscopic surgery) represents less than one-third the difference in medical opinions.

The Court's findings are set out in Paragraph Nos. 3 and 4 of the Order, as follows:

-3- "THAT as a result of said injury, claimant sustained 18 percent permanent partial impairment to the LEFT LEG (KNEE)(ARTHROSCOPIC SURGERY), for which claimant is entitled to compensation for 49.5 weeks at \$323.00 per week, or the total amount of \$15,988.50 of which 42 weeks have accrued and shall be paid in a lump sum of \$13,566.00."

-4- "THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury."

As can be noted in Paragraph No. 3 of the Court's Order, PPI compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Mr. Houser's weekly wage PPI rate is \$323.00. In this instance, the entire portion of the award has accrued less the claimant's attorney fee and is to be paid in a lump sum.

If approved by Council, Mr. Houser and his attorney will be paid the full amount of the award of \$15,988.50 which includes his attorney fees.

Further, in complying with the Order, the City will incur additional costs and fees as set out in Paragraph Nos. 6 and 7. Special Occupational Health and Safety Fund Tax in the amount of \$119.91, Workers' Compensation Administration Fund in the amount of \$319.77, filing fee to the Workers' Compensation Court in the amount of \$140.00; and Cleveland County filing fee in the amount of \$125.70. The costs and fees total \$705.38.

The total cost of this Order is \$16,693.88.

**RECOMMENDATION:** The issue tried on September 30, 2015 was permanent partial disability to the left leg (knee) due to the June 24, 2013 injury. The Court Award in this case is within the medical evidence submitted in that the PPD award is less than one-third the difference between the medical evaluations. It is not anticipated a more favorable ruling for the City could be achieved by further litigation. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined above. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

