

BEFORE THE WORKERS' COMPENSATION COURT OF EXISTING CLAIMS
STATE OF OKLAHOMA

FILED

WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA

March 6, 2017

Katrina Stephenson
COURT CLERK

In re claim of:

TABITHA NATION)	
Claimant)	
)	Court Number: 2014-04282L
CITY OF NORMAN)	
Respondent)	
)	Claimant's Social Security
CITY OF NORMAN (OWN RISK #10970))	Number: xxx-xx-9281
Ins. Carrier)	

ORDER DETERMINING COMPENSABILITY AND AWARDED
PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 15th day of FEBRUARY, 2017, this cause came on for consideration pursuant to regular assignment and hearing on FEBRUARY 14, 2017, before JUDGE L BRAD TAYLOR, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, GREG A BARNARD and respondent and insurance carrier appeared by counsel, JEANNE SNIDER.

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

- 1 -

THAT on FEBRUARY 2, 2011, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Code of the State of Oklahoma; and on said date claimant sustained accidental personal injury to the LEFT SHOULDER arising out of and in the course of claimant's employment.

- 2 -

THAT the major cause of claimant's injury is due to a single event on FEBRUARY 2, 2011, as a result of falling on ice.

- 3 -

THAT respondent admits the accident and injury to the LEFT SHOULDER.

- 4 -

THAT at time of injury, claimant's wages were sufficient to establish the rate of compensation at \$323.00 per week for permanent partial disability.

- 5 -

THAT MR arthrogram found that claimant had a labral tear according to claimant's treating physician.

- 6 -

THAT respondent did authorize surgery which was declined by claimant.

- 7 -

THAT as a result of said injury, claimant sustained 15 percent permanent partial disability to the LEFT SHOULDER, for which claimant is entitled to compensation for 75 weeks at \$323.00 per week, or the total amount of \$24,225.00 of which 51 weeks have accrued and shall be paid in a lump sum of \$16,473.00.

- 8 -

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

- 9 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$16,473.00 and pay the balance of said award at the rate of \$323.00 per week until the total award of \$24,225.00 (less attorney fee) has been paid to claimant.

- 10 -

THAT Respondent shall pay court costs; Special Occupational Health and Safety Fund Tax of three-fourths of one percent (0.75%) of the amounts paid in lump sum of. Pursuant to 85 O.S., Section 407, as amended by Laws 2013, HB 2201, c. 254, Section 49, eff. January 1, 2015, Respondent, if Own Risk, shall pay \$484.50 to the Workers' Compensation Administration Fund created by 85 O.S. Section 407, to be used for the costs of administering the Workers' Compensation Code as applicable to the Oklahoma Workers' Compensation Court of Existing Claims, representing two percent (2%) of the permanent disability award herein.

- 11 -

THAT pursuant to Title 85 O.S. Section 368, a final award fee of one hundred forty dollars (\$140.00) is taxed as a cost in this matter, and shall be paid by respondent.

- 12 -

THAT the sum of \$4,845.00 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/s/ 

L BRAD TAYLOR, JUDGE

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

Claimant's Attorney: GREG A BARNARD
225 N PETERS
NORMAN, OK 73069-7232

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 court on this date.

Kathrina Sepulson

Court Clerk
March 6, 2017

