



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: R-2021-11**

**File ID:** R-2021-11

**Type:** Resolution WCC

**Status:** Consent Item

**Version:** 2

**Reference:** Item 41B

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$20,020.00

**File Created:** 07/02/2020

**File Name:** Workers Compensation Settlement - Frank Crawley

**Final Action:**

**Title:** RESOLUTION R-2021-11: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY FRANK CRAWLEY UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *FRANK CRAWLEY V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NO. 2019-07594 Y; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

**Notes:** ACTION NEEDED: Motion to adopt or reject Resolution R-2021-11; and, if adopted, direct payment of claims in the amount of to \$20,020 which will constitute judgment against the City of Norman.

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

**Agenda Date:** 07/14/2020

**Agenda Number:** 42

**Attachments:** Crawley R-2021-11 CC 7-14-20

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

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

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	City Council	07/14/2020					

## Text of Legislative File R-2021-11

Body

**BACKGROUND:** Frank Crawley is a fire captain for the City of Norman Fire Department. He filed a Workers' Compensation Commission Case No. 2019-07594 Y on December 3, 2019 alleging an injury to his right ankle from jumping over a flooded street due to a downed power line on or about June 9, 2019. The claim was admitted by the City of Norman and the case proceeded through the normal litigation process. Prior to a Court Ordered mediation, Mr. Crawley has agreed to settle his claim regarding the right ankle in the amount of \$20,020, which represents 26 percent permanent partial disability to the foot. The settlement offer is recommended and is being presented to the City Council for consideration.

**DISCUSSION:** Mr. Crawley is a thirty-five (35) year employee of the City of Norman who began his employment with the Fire Department on May 13, 1985, as a firefighter and was promoted November 18, 1994 to fire driver and September 8, 2002 to fire captain.

**Medical Treatment.** He was initially evaluated at Immediate Care of Oklahoma the day following his injury and was diagnosed with a possible fracture of the right calcaneus and placed in a walking boot and crutches. On June 13, 2019, Mr. Crawley subsequently followed up with Norman Occupational Medicine due to continued pain and inability to ambulate and was sent for a magnetic resonance imaging (MRI) of the right foot/ankle. The MRI performed June 25, 2019 revealed small areas of bone contusion at the talar dome with additional cartilaginous injury. Mr. Crawley was treated conservatively to include a course of physical therapy and continued immobilization. Due to continued symptomatology, Mr. Crawley was referred to Dr. Ringus for orthopedic evaluation. On August 16, 2019, he was diagnosed by Dr. Ringus with an osteochondritis dissecans of the lateral talus and surgery was recommended. Mr. Crawley underwent arthroscopic surgery of the right ankle on September 3, 2019 followed by postoperative physical therapy. He reached maximum medical improvement (MMI) on November 25, 2019 and was released back to work full duty without restriction.

**Issues for Trial.** This case proceeded through the normal litigation process. If a trial was held in this case, the Judge could determine the extent of Mr. Crawley's injury and whether the injury to his right ankle was permanent in nature. Permanent partial disability is a factual determination made by the Workers' Compensation Commission Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial impairment. In lieu of a Trial, both parties have agreed to a settlement as outlined below.

On February 5, 2020, Mr. Crawley was rated by Lonnie Litchfield, M.D., who opined 44 percent (\$33,880) permanent partial impairment to the foot regarding the right ankle. He also opined entitlements to continued medical benefits in the nature of prescription medications on an as-needed basis, as well as other treatment that his treating physician or further selected physicians might deem necessary, with respect to this job-related injury.

Mr. Crawley was then rated on March 19, 2020, by Kent Hensley, M.D., the medical expert for the City. Dr. Hensley opined 4 percent (\$3,850) permanent partial impairment to the foot regarding the right ankle and that continuous medical maintenance would not be required. The

City's maximum exposure for total PPD would be \$33,880.

Proposed Settlement. The proposed settlement to close this case on a "Joint Petition" basis is for a lump sum payment of \$20,020 (less attorney fee) representing 26 percent permanent partial disability to the foot regarding the right ankle.

It is felt that the settlement to close the case is fair and reasonable. A settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims and closes out any continued medical treatment in the Workers' Compensation case. This settlement is beneficial to Mr. Crawley in that it provides certainty for an award and would be paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if the case is settled in this manner, the City would incur additional costs and fees of Workers' Compensation Administration Fund Tax in the amount of \$400.40; Special Occupational Health & Safety Tax in the amount of \$150.15; and Workers Comp Commission Filing fee in the amount of \$140.00. In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of \$154.14.

These additional costs and fees total \$844.69, which brings the total cost of this settlement to the City to \$20,864.69.

Adequate funds are available in the Risk Management Fund, Order/Settlements Account (43330102-42131).

**RECOMMENDATION:** For the reasons outlined above, it is believed this settlement is fair, reasonable, and in the best interest of the City. Acceptance of the settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Crawley and his attorney in a lump sum. The settlement 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 85A O.S. § 107, 51 O.S. § 159, and 62 O.S. § 361, *et seq* and 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.