



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: R-2021-62**

**File ID:** R-2021-62

**Type:** Resolution WCC

**Status:** ATS Review

**Version:** 2

**Reference:** Item 24

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$27,800.00

**File Created:** 10/21/2020

**File Name:** Worker's Compensation Joint Petition Settlement -  
Edward McGrane

**Final Action:**

**Title:** RESOLUTION R-2021-62: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY EDWARD McGRANE UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *EDWARD McGRANE V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NO. 2018-03311 J; 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-2021-62; and, if adopted, direct payment of claims in the amount of to \$27,800 which will constitute judgment against the City of Norman.

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

**Agenda Date:** 10/27/2020

**Agenda Number:** 24

**Attachments:** Resolution, Calculations

**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:
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### Text of Legislative File R-2021-62

Body

**BACKGROUND:** Edward McGrane is a former firefighter for the City of Norman Fire Department. On May 24, 2018, he filed Workers' Compensation Commission Case No. 2018-03311 J, alleging on March 19, 2018, a single incident injury to the left shoulder/arm when he was pulling equipment off an engine. The claim was admitted by the City of Norman and the case proceeded through the normal litigation process. He then amended the claim on September 26, 2018 to include the cervical spine which was denied.

Prior to a Court Ordered mediation, Mr. McGrane has agreed to settle his claim in the amount of \$27,800 which represents approximately 24 percent permanent partial disability to the whole body regarding the left shoulder/arm and cervical spine. The settlement offer is recommended and is being presented to the City Council for consideration.

**DISCUSSION:** Mr. McGrane was a two year (2) year employee of the City of Norman who began his employment with the Fire Department on July 5, 2016, as a firefighter.

Medical Treatment. He was initially treated at Norman Regional Occupational Medicine and was treated conservatively to include a course of physical therapy. Due to continued symptomatology, on April 10, 2018 he was sent for a magnetic resonance imaging (MRI) of the left shoulder and was further referred to Orthopaedic and Sports Medicine Center for orthopedic evaluation. He underwent arthroscopic surgery on April 27, 2018 followed by postoperative physical therapy. Postoperatively Mr. McGrane's left shoulder pain improved; however, he reportedly had radiating pain from the lateral side of the left neck down the anterior arm into the radial forearm. Mr. McGrane was released back to work on April 4, 2018 with temporary restrictions; however, he was unable to return to work reportedly due to continued neck pain. On July 19, 2018, he was sent for a MRI of the cervical spine and was recommended interventional pain management, which was denied by the City of Norman. On March 7, 2019, Mr. McGrane was sent to an orthopedic spine surgery specialist for evaluation to address causation. It was opined that Mr. McGrane's current pathology and symptoms and need for further treatment were a result of the March 19, 2018 on the job injury and recommended interventional pain management in the form of epidural steroid injections at C6-7 and cervical spine focused physical therapy transitioning to a home exercise program. On February 27, 2020, Mr. McGrane underwent a cervical translaminar epidural injection at C6-7.

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. McGrane's injury and whether the injury to his left shoulder/arm and cervical spine were 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. Mr. McGrane was not sent for permanent partial impairment ratings. The parties are stipulating that the settlement offer of approximately 24 percent would be within a reasonable range of permanent partial disability.

Proposed Settlement. The proposed settlement to close this case on a "Joint Petition" basis is for a lump sum payment of \$27,800 (less attorney fee) representing approximately 24 percent permanent partial disability to the whole man regarding the left shoulder/arm and cervical spine.

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. McGrane 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 \$556.00; Special Occupational Health & Safety Tax in the amount of \$208.50; 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 \$1,058.64, which brings the total cost of this settlement to the City to \$28,858.64.

Adequate funds are available in the 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. McGrane 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.