



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: R-1920-68

File ID: R-1920-68	Type: Resolution WCC	Status: Agenda Ready
Version: 2	Reference: Item 21	In Control: City Council
Department: Legal Department	Cost: \$11,236.26	File Created: 11/18/2019
File Name: Workers Comp Settlement-Kyle Ray Honeycutt	Final Action:	

Title: RESOLUTION R-1920-68: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY KYLE RAY HONEYCUTT UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *KYLE RAY HONEYCUTT V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NO. 2018-06808 H; 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-1920-68; and, if adopted, direct payment of claims in the amount of to \$11,236.26 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Agenda Date: 11/26/2019

Agenda Number: 21

Attachments: Honeycutt-R-1920-68-cc11-26-19

Project Manager: Jeanne Snider

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-1920-68

Body

BACKGROUND: Kyle Honeycutt, a former firefighter for the City of Norman Fire Department, filed Workers Compensation Commission Case No. 2018-06808 H on October 24, 2018 alleging a single incident injury to the right thumb during an on duty athletic activity on April 21, 2018. The claim was admitted by the City of Norman and it proceeded through the normal litigation process. Prior to a trial being held, Mr. Honeycutt has agreed to settle this claim in the total amount of \$10,659, which represents 15 percent permanent partial disability to the right hand. The settlement offer is being recommended and is being presented to the City Council for consideration.

DISCUSSION: Mr. Honeycutt was a six (6) year employee of the City of Norman who was hired September 12, 2012. He separated from employment with the City of Norman on October 23, 2018.

Medical Treatment. Mr. Honeycutt was initially treated at Immediate Care of Oklahoma the day of his injury and placed in a splint. On April 25, 2018, he was treated at Norman Occupational Medicine and sent for a magnetic resonance imaging (MRI) exam of the right thumb on May 2, 2018. The MRI revealed a volar plate tear of the right thumb. He was then referred to hand surgeon Dr. Vogel with Orthopaedic & Sports Medicine. On July 19, 2018, he was sent for a repeat MRI which revealed a high-grade sprain of radial collateral ligament at the metacarpophalangeal joint and suspicion of a volar plate tear. Conservative treatment was elected with casting/immobilization. After six months of conservative treatment, surgical options were discussed. He underwent a steroid injection October 23, 2018.

Issues for Trial. Since there is no question Mr. Honeycutt's injury to his right thumb occurred while in the course of his employment with the City, the primary issues to be tried in this case before the Workers' Compensation Commission are the extent of Mr. Honeycutt's injury and whether the injury to the right thumb 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. Both parties have agreed to settle the case prior to obtaining medical ratings and have agreed to stipulate that medical reports would support the settlement.

Trial. This case proceeded through the normal litigation process; however, Mr. Honeycutt has agreed to a settlement of this case as outlined below. If a trial was held in this case, the Judge could determine nature and extent of the injury to the right thumb and/or right hand and award permanent partial disability.

Proposed Settlement. The proposed settlement to close this case on a "Joint Petition" basis is for a lump sum payment of \$10,659 (less attorney fee) representing 15 percent permanent partial disability to the right hand.

It is felt that this settlement closing of 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 these Workers' Compensation cases. This settlement is beneficial to Mr. Honeycutt 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 \$213.18; Special Occupational Health & Safety Tax in the amount of \$79.94; and Workers Comp Commission Filing fee in the amount of \$140. In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of \$144.14.

These additional costs and fees total \$577.26, which brings the total cost of this settlement to the City to \$11,236.26.

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. Honeycutt 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.* Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.