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

In re claim of:	WORKERS' COMPENSATION COURT STATE OF OKLAHOMA
KENT D MOSLEY Claimant	July 6, 2015 Katrina Stephenson COURT CLERK
CITY OF NORMAN) Court Number: 2014-09203A
Respondent) Claimant's Social Security
CITY OF NORMAN (OWN RISK #10970) Ins. Carrier) Number: xxx-xx-1878

OUTH THEFT

ORDER AWARDING THE NATURE AND EXTENT OF PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 23rd day of JUNE, 2015, this cause came on for consideration pursuant to regular assignment and hearing on JUNE 18, 2015, before JUDGE MICHAEL W MCGIVERN, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, NICOLE LYNN BELL appearing for RICHARD A BELL 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 claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma; and on NOVEMBER 6, 2009, claimant became aware he had sustained accidental personal injury as a result of cumulative trauma to the LOW BACK arising out of and in the course of claimant's employment. Claimant's last injurious exposure to said trauma was on OCTOBER 9, 2014.

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THAT at time of injury, claimant's wage were sufficient to establish the rate of compensation at \$359.00 per week for permanent partial disability.

THAT determination of the rate of temporary total disability of compensation is reserved for future hearing.

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THAT as a result of said injury, claimant sustained 30 percent permanent partial disability to the LOW BACK (injections, surgeries- 1st - L4-5 laminectomy and discectomy; 2nd- posterior interbody fusion at L4-5 and repeat decompression of left L4-5 with resection of scar tissue, range of motion loss, weakness, neuropathy), for which claimant is entitled to compensation for 150 weeks at \$359.00 per week, or the total amount of \$53,850.00 of which 46 weeks have accrued and shall be paid in a lump sum of \$16,514.00.

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THAT the Court finds claimant's need for prescription medication is due to a subsequent injury and not as a result of this injury.

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

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THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$16,514.00 and pay the balance of said award at the rate of \$359.00 per week until the total award of \$53,850.00 (less attorney fee) has been paid to claimant.

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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 \$403.88 is levied against the Respondent; three-fourths of one percent of the continuing benefits awarded in this case shall be computed and paid as the same comes due. 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 \$1,077.00 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.

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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.

THAT the sum of \$10,770.00 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:

MICHAEL W MCGIVERN, JUDGE

pg/FBennett

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:

RICHARD A BELL

3151 W TECUMSEH RD SUITE 100

NORMAN, OK 73072-

Respondent's Attorney:

JEANNE SNIDER

PO BOX 370

attina Suplenson

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.

Court Clerk

July 6, 2015