



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: GID-1415-9**

**File ID:** GID-1415-9                      **Type:** Court Order                      **Status:** Consent Item

**Version:** 1                                      **Reference:** Item No. 38                      **In Control:** City Council

**Department:** Legal Department                      **Cost:** \$13,501.40                      **File Created:** 07/11/2014

**File Name:** WCC Court Order Eddie Richmond                      **Final Action:**

**Title:** CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$13,501.40 REGARDING EDDIE H. RICHMOND VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2013-08821 L

**Notes:** ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and if approved, authorize compliance with the Workers' Compensation Order and direct payment of claims in the amount of \$13,501.40, which will constitute judgment against the City of Norman.

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

**Agenda Date:** 07/22/2014

**Agenda Number:** 38

**Attachments:** Text File Richmond.pdf, Court Order, PRs

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

**Entered by:** denise.johnson@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File GID-1415-9

Body

**BACKGROUND:** Eddie H. Richmond was a Supervisor in the Maintenance Division of the Parks & Recreation Department who filed Workers' Compensation Case WC 2013-08821 L on August 20, 2013, alleging a single incident injury on March 21, 2012. The case has proceeded through the normal litigation process. A trial was held on June 23, 2014 and on July 10, 2014, the Court awarded Mr. Richmond the sum of \$13,501.40. It is recommended this settlement offer be accepted.

**DISCUSSION:** Mr. Richmond was hired on May 16, 1973 as a summer laborer. He was transferred to a permanent position as Maintenance Worker I on June 1, 1973 and promoted on July 30, 1976 to Equipment Operator I and promoted again on January 23, 1981 to Equipment Operator II. On September 27, 1985, he was transferred/promoted to Parks and Recreation as a Park Foreman and was reclassified on July 1, 1992 to Park Maintenance Supervisor. He separated from employment on July 7, 2014.

**Nature of Claim.** Mr. Richmond was injured in a single incident on March 21, 2012 when using a drill he accidentally punctured his left thumb with the drill. He filed this Workers' Compensation claim alleging injury to

his left hand.

Issues for Trial. There is no question that Mr. Richmond's injury arose out of and in the course of his duties. The issue to be tried before the Workers' Compensation Court was the nature and extent of Mr. Richmond's injury or the Permanent Partial Disability (PPD) to Mr. Richmond. Permanent partial disability is a factual determination made by the Workers' Compensation Court Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial impairment.

Evaluations. Mr. Richmond was evaluated by Dr. M. Stephen Wilson who opined impairment to Mr. Richmond for left hand with a surgery at 30% PPD or \$21,318. The City had Mr. Richmond evaluated by Dr. Kent Hensley who opined 20% PPD impairment to the left hand or \$14,212. Both doctors also rated scar and joint impairment, however, because these ratings are not provided for under the statute, they are not addressed.

Court Order. This case was heard by the Workers' Compensation Court on June 23, 2014. After hearing the Claimant's testimony and considering the expert medical evidence, the Court opined that Claimant sustained permanent partial impairment as set out in paragraph 6 of the Order:

"THAT as a result of said injury, claimant sustained 19 percent permanent partial impairment to the LEFT HAND, for which claimant is entitled to compensation for 41.8 weeks at \$323.00 per week, or the total amount of \$13,501.40 of which 41.8 weeks have accrued and shall be paid in a lump sum of \$13,501.40."

As can be noted in Paragraph No. 6 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Mr. Richmond's weekly wage PPD rate is \$323. The total amount of the award has accrued and will be paid in a lump sum.

Further, in paragraphs 3 and 4 of the Order, the Court noted that Mr. Richmond has a surgical scar extending down the left thumb onto the palmar aspect of the left hand. Mr. Richmond had physical therapy to the left hand and thumb. However, the scar and disfigurement to the left hand is denied per statute.

Further, in complying with the Order, the City will incur additional costs and fees: Special Occupational Health and Safety Fund Tax in the amount of \$101.26; Workers' Compensation Administration Fund in the amount of \$270.03; filing fee to the Workers' Compensation Court in the amount of \$140.00; and Cleveland County filing fee in the amount of \$125.70. The costs and fees total \$636.99.

The total cost of this Order is \$14,138.39.

**RECOMMENDATION:** Acceptance of this Court Award would require the payments as outlined above. It is not anticipated a more favorable ruling for the City could be achieved by further litigation. The Court Award in this case is less than one-third the difference in the medical evidence. The award is less than one-third the difference in the medical evidence. The Court Award 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 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.