



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: GID-1415-5

File ID: GID-1415-5 **Type:** Court Order **Status:** Consent Item

Version: 1 **Reference:** Item No. 37 **In Control:** City Council

Department: Legal Department **Cost:** \$29,070.00 **File Created:** 07/09/2014

File Name: Workers Comp Court Order Frank Crawley **Final Action:**

Title: CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$29,070 REGARDING FRANK Q. CRAWLEY VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2013-04986 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 \$29,070, which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Agenda Date: 07/22/2014

Agenda Number: 37

Attachments: Text File Crawley.pdf, Payment Schedule, Court Award, PRs

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: denise.johnson@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 GID-1415-5

Body

BACKGROUND: Frank Q. Crawley is a Fire Captain for the City of Norman who filed Workers' Compensation Case No. WCC 2013-04986 L on May 9, 2013, alleging right shoulder injury in a single incident on May 1, 2013. The case has proceeded through the normal litigation process. A trial was held on June 25, 2014 and on July 8, 2014, the Court awarded Mr. Crawley the sum of \$29,070. It is recommended this settlement offer be accepted.

DISCUSSION: Mr. Crawley was hired as a firefighter on May 13, 1985. He was promoted to Fire Driver Engineer on November 18, 1994 and the final promotion to Fire Captain was on September 8, 2002.

Nature of Claim. Mr. Crawley was injured in a single incident on May 1, 2013 when burning debris fell on his right shoulder while fighting a fire. He filed this Workers' Compensation claim alleging right shoulder injury from this incident.

Issues for Trial. There is no question that Mr. Crawley's injury arose out of and in the course his duties with the Fire Department. The issue to be tried before the Workers' Compensation Court was the nature and extent of

Mr. Crawley's injury or the Permanent Partial Disability (PPD) to Mr. Crawley. 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. Crawley was evaluated by Dr. J. Arden Blough who opined impairment to Mr. Crawley for right shoulder injury with surgery at 39% PPD or \$62,989. The City had Mr. Crawley evaluated by Dr. LeRoy Young who opined 11% PPD impairment to the right shoulder or \$17,765.

Court Order.

This case was heard by the Workers' Compensation Court on June 25, 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 4 of the Order:

"THAT as a result of said injury, claimant sustained 18 percent permanent partial impairment to RIGHT SHOULDER (ARTHROSCOPIC DEBRIDEMENT AND LYSIS OF ADHESIONS, ACROMIOPLASTY AND DISTAL CLAVICLE EXCISION), for which claimant is entitled to compensation for 90 weeks at \$323 per week, or the total amount of \$29,070 of which 24 weeks have accrued and shall be paid in a lump sum of \$7,752."

As can be noted in Paragraph No. 4 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. Crawley's weekly wage PPD rate is \$323. The accrued 24 weeks in the sum of \$7,752, plus 3 weeks of processing time in the amount of \$969, plus the attorney fee in the amount of \$5,814 will be paid in a lump sum of \$14,535. The balance of the award, \$14,535 will be paid in weekly payments of \$323 until paid in full.

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 \$218.03; Workers' Compensation Administration Fund in the amount of \$581.40; 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 \$1,065.13.

The total cost of this Order is \$30,135.13.

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 Court Award in the total amount of \$29,070 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.