| WORKERS' COMPENSATION COUR |
|------------------------------|
| STATE OF OKLAHOMA |
| August 21, 2013 |
| Joyce Sanders |
| COURT CLERK |
|) |
|) Court Number: 2007-07275Y |
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| ,) |
|) Claimant's Social Security |
|) Number: xxx-xx-5548 |
|) |
| |

MINE BILL

ORDER DETERMINING COMPENSABILITY AND AWARDING PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 20th day of AUGUST, 2013, this cause came on for consideration pursuant to regular assignment and hearing on AUGUST 19, 2013, before JUDGE OWEN T EVANS, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, DAVID B CUSTAR 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 in 2002, claimant became aware he had sustained accidental personal injury as a result of cumulative trauma to the LEFT HAND, RIGHT HAND, RIGHT ARM (ELBOW), and LEFT ARM (ELBOW), arising out of and in the course of claimant's employment. Claimant's last injurious exposure to said trauma was on MARCH 21, 2007.

-2-

THAT the major cause of compensable cumulative trauma injury to all body parts listed was repetitive use of hands and arms over several years of employ as a heavy equipment operator for respondent.

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at \$577.00 per week for temporary total disability and \$289.00 per week for permanent partial disability.

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THAT as a result of said injury, claimant sustained 26 percent permanent partial disability to the RIGHT HAND (pain, numbness, weakness, reduced dexterity); 22 percent permanent partial disability to the LEFT HAND (swollen sensation, some weakness, minor pain and numbness); 16 percent permanent partial disability to the RIGHT ARM (weakness, pain with extension) and 18 percent permanent partial disability to the LEFT ARM (numbness, weakness, reduced range of motion), for which claimant is entitled to compensation for 199.1 weeks at \$289.00 per week, or the total amount of \$57,539.90 of which 21 weeks have accrued and shall be paid in a lump sum of \$6,069.00.

- 5 -

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

- 6 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$6,069.00 and pay the balance of said award at the rate of \$289.00 per week until the total award of \$57,539.90 (less attorney fee) has been paid to claimant.

- 7 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of \$431.55, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay \$1,150.80 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

-8-

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 to the Court Administrator.

-9-

THAT the sum of \$11,507.98 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:

OWEN TEVANS, JUDGI

km/BWhite

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

PO BOX 1529

NORMAN, OK 73070-1529

Respondent's Attorney:

R BLAINE NICE

PO BOX 370

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

August 21, 2013