



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: R-1819-91

File ID: R-1819-91

Type: Resolution WCC

Status: Consent Item

Version: 4

Reference: Item 15

In Control: City Council

Department: Legal Department

Cost: \$14,156.83

File Created: 03/05/2019

File Name: Workers' Comp Settlement-Jason Houser
CM-15-02888Y

Final Action:

Title: RESOLUTION R-1819-91: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY JASON HOUSER UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *JASON HOUSER V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NO. 2015-02888 Y; 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-1818-91; and, if adopted, direct payment of claims in the amount of \$14,156.83 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Agenda Date: 03/12/2019

Agenda Number: 15

Attachments: Houser-R-1819-91 Resolution, Houser - PR - Sttlmt
cc3-12-19

Project Manager: Jeanne Snider, Assistant City Attorney

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-1819-91

Body

BACKGROUND: Jason Houser, a Master Police Office for the City of Norman Police Department, filed Workers Compensation Commission Case No. 2015-02888 Y on April 30, 2015 alleging a single incident injury to the right wrist while dealing with an unruly suspect on August 7, 2014. The claim was admitted by the City of Norman and it proceeded through the normal litigation process. Prior to a trial being held, Mr. Houser has agreed to settle this claim in the amount of \$13,501.40 which represents 19% permanent partial disability regarding the right wrist. The settlement offer is being recommended and is being presented to the City Council for consideration.

DISCUSSION: Mr. Houser is a 10 year employee of the City of Norman who was hired as a police officer on January 23, 2009 and then reclassified as a master police officer July 23, 2013.

Medical Treatment. Mr. Houser was initially seen by Dr. Penwell and treated conservatively with a splint and steroid/non-steroidal anti-inflammatory medications. He was sent for a magnetic resonance imaging (MRI) exam of the right wrist with arthrogram on August 21, 2014 which revealed tearing of the radial attachment of the triangular fibrocartilage. He was referred to Dr. Vogel for orthopedic evaluation and was casted; however, due to continued symptomology, he underwent right wrist arthroscopy with triangular fibrocartilage complex debridement/repair by Dr. Vogel on November 17, 2014. Postoperatively his right wrist was immobilized and he was treated with non-steroidal anti-inflammatory medication followed by physical therapy/home exercise program. Mr. Houser received a full work release on April 30, 2015 and reached maximum medical improvement on July 2, 2015.

Issues for Trial. The primary issues to be tried in this case before the Workers' Compensation Commission are the extent of Mr. Houser's injury and whether the injury to right wrist 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.

Mr. Houser was rated by Lance E. Rosson, D.O. on May 11, 2015 who opined 35% (\$24,871) permanent partial impairment to the right hand as well as entitlements to continued medical benefits, in the nature of prescription medications on an as needed basis, as well as other treatment that his treating physician or future selected physicians might deem necessary, with respect to this job-related injury.

On September 22, 2015, the medical expert for the City, Kent Hensley, M.D. opined 4% (\$4,974.20) permanent partial impairment to the left upper extremity and entitlements to continuing medical maintenance would not be required. The City's maximum exposure for total PPD would be \$24,871.

Trial. This case proceeded through the normal litigation process; however, Mr. Houser 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 back and award permanent partial disability within a range of the doctors' opinions.

Proposed Settlement. The proposed settlement to close this case on a "Joint Petition" basis is for a lump sum payment of \$13,501.40 (less attorney fee) representing 19% permanent partial disability to the right wrist.

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. Houser in that it provides certainty for an award.

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 \$270.03; Special Occupational Health & Safety Tax in the amount of \$101.26; and Workers Comp Commission Filing fee in the amount of \$140.00. 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 \$655.43, which brings the total cost of this settlement to the City to \$14,156.83.

Adequate funds are available in the Order/Settlements Account (043-3002-415.21-31).

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. Houser 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.