

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

FILED

WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
April 21, 2016
Katrina Stephenson
COURT CLERK

In re claim of:

MARK JACKSON)	
Claimant)	
)	Court Number: 2012-02696A
CITY OF BROKEN ARROW)	
Respondent)	
)	Claimant's Social Security
CITY OF BROKEN ARROW (OWN RISK #14157))	Number: xxx-xx-4490
Ins. Carrier)	

ORDER AWARDING THE NATURE AND EXTENT OF
PERMANENT PARTIAL IMPAIRMENT BENEFITS

Now on this 19th day of APRIL, 2016, this cause came on for consideration pursuant to regular assignment and hearing on APRIL 12, 2016, before JUDGE MICHAEL W MCGIVERN, at Tulsa, Oklahoma, at which time claimant appeared in person and by counsel, PHILLIP C HAWKINS and respondent and insurance carrier appeared by counsel, JOHN G BARNHART.

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 FEBRUARY 23, 2012, claimant became aware he had sustained accidental personal injury as a result of cumulative trauma to the RIGHT HAND and RIGHT ARM (ELBOW) arising out of and in the course of claimant's employment. Claimant's last injurious exposure to said trauma was on JULY 8, 2015.

- 2 -

THAT at time of injury, claimant's wage were sufficient to establish the rate of compensation \$323.00 per week for permanent partial impairment.

- 3 -

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

- 4 -

THAT wages were paid in lieu of temporary total disability.

- 5 -

THAT as a result of said injury, claimant sustained 20 percent permanent partial impairment to the RIGHT HAND (injections, surgeries- 1st - open carpal tunnel release; 2nd- A-1 pulley release, range of motion loss, weakness), 18 percent permanent partial disability to the RIGHT ARM (ELBOW) (injections, surgery-fasciotomy and osteotomy for lateral epicondylitis, crepitanace, weakness), for which claimant is entitled to compensation for 93.5 weeks at \$323.00 per week, or the total amount of \$30,200.50 of which 41 weeks have accrued and shall be paid in a lump sum of \$13,243.00.

- 6 -

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

- 7 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$13,243.00 and pay the balance of said award at the rate of \$323.00 per week until the total award of \$30,200.50 (less attorney fee) has been paid to claimant.

- 8 -

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 \$226.50 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 \$604.01 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.

- 9 -

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.

- 10 -

THAT the sum of \$6,040.10 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:

/s/ Michael W McGivern

MICHAEL W MCGIVERN, JUDGE

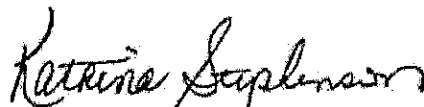
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A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: PHILLIP C HAWKINS
1811 S BALTIMORE AVE STE 200
TULSA, OK 74119-5223

Respondent's Attorney: JOHN G BARNHART
7711 E 111 ST STE 104
TULSA, OK 74133-

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
April 21, 2016

