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

FILED

WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA

July 13, 2017

Katrina Stephenson
COURT CLERK

In re claim of:

TONY MCGILL

Claimant

CITY OF BROKEN ARROW

Respondent

CITY OF BROKEN ARROW (OWN RISK #14157)

Ins. Carrier

Court Number: 2014-08556F

Claimant's Social Security

Number: xxx-xx-0495

**ORDER DETERMINING COMPENSABILITY AND AWARDING
PERMANENT PARTIAL IMPAIRMENT BENEFITS**

Now on this 30th day of JUNE, 2017, this cause came on for consideration pursuant to regular assignment and hearing on JUNE 29, 2017, before JUDGE L BRAD TAYLOR, at Tulsa, Oklahoma, at which time claimant appeared in person and by counsel, MICHAEL R GREEN and respondent and insurance carrier appeared by counsel, LEAH P KEELE.

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 on JUNE 10, 2013, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Code of the State of Oklahoma; and on said date claimant sustained accidental personal injury to the LUMBAR SPINE (WITH RADICULOPATHY TO THE LEFT LEG) arising out of and in the course of claimant's employment.

- 2 -

THAT after review of all the evidence and testimony the Court finds claimant had a single event injury in JUNE 10, 2013 and an aggravation of the JUNE 10, 2013 injury on JULY 14, 2014 lifting weights. The Court does not find the JULY 14, 2014 a new injury. Based on this finding the respondent's jurisdiction defense is denied. The Court notes diagnostic testing, including an MRI dated JUNE 20, 2013 which is after JUNE 10, 2013 and before JULY 14, 2014.

- 3 -

THAT the major cause of claimant's injury is due to a single event on JUNE 10, 2013, as a result of lifting a patient with an aggravation of the JUNE 10, 2013 injury on JULY 14, 2014 as a result of lifting weights.

- 4 -

THAT claimant testified that 75% of complaints are due to JUNE 10, 2013 injury and 25% are due to the JULY 14, 2014 aggravation.

- 5 -

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at \$771.00 per week for temporary total disability and \$323.00 per week for permanent partial impairment.

- 6 -

THAT as a result of said injury, claimant sustained 18 percent permanent partial impairment to the LUMBAR SPINE, for which claimant is entitled to compensation for 90 weeks at \$323.00 per week, or the total amount of \$29,070.00 of which 90 weeks have accrued and shall be paid in a lump sum of \$29,070.00.

- 7 -

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

- 8 -

THAT respondent or insurance carrier shall pay claimant the award herein in lump sum of \$29,070.00 (less attorney fee).

- 9 -

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 \$218.03. 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 \$581.40 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.

- 10 -

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.

- 11 -

THAT the sum of \$5,814.00 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/ 

L BRAD TAYLOR, JUDGE

ca/CRichardson

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: MICHAEL R GREEN
3739 EAST 31ST ST
TULSA, OK 74135-1506

Respondent's Attorney: LEAH P KEELE
10441 S REGAL BLVD STE 200
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.

Katherine Simpson

Court Clerk
July 13, 2017

