

0107 LPK

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

FILED

WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA

March 22, 2017

Katrina Stephenson
COURT CLERK

In re claim of:

KEVIN EASTERWOOD
Claimant

CITY OF BROKEN ARROW
Respondent

CITY OF BROKEN ARROW (OWN RISK #14157)
Ins. Carrier

)
)
) Court Number: 2014-10409K

)
) Claimant's Social Security
) Number: xxx-xx-6759
)

**ORDER AWARDING THE NATURE AND EXTENT OF
PERMANENT PARTIAL IMPAIRMENT BENEFITS**

Now on this 10th day of MARCH, 2017, this cause came on for consideration pursuant to regular assignment and hearing on MARCH 7, 2017, before JUDGE MICHAEL W MCGIVERN, at Tulsa, Oklahoma, at which time claimant appeared in person and by counsel, JEFFREY M COOPER and respondent and insurance carrier appeared by counsel, TRAVIS R COLT appearing for 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 NOVEMBER 14, 2012 with aggravation on DECEMBER 20, 2012, 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 RIGHT SHOULDER arising out of and in the course of claimant's employment.

- 2 -

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.

- 3 -

THAT wages were paid in lieu of temporary total disability.

- 4 -

THAT as a result of said injury, claimant sustained 20 percent permanent partial impairment to the RIGHT SHOULDER (surgery-arthroscopic, subacromial decompression, extensive intra-articular debridement, biceps tenodesis, range of motion loss, weakness), for which claimant is entitled to compensation for 100 weeks at \$323.00 per week, or the total amount of \$32,300.00 of which 55 weeks have accrued and shall be paid in a lump sum of \$17,765.00.

- 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 \$17,765.00 and pay the balance of said award at the rate of \$323.00 per week until the total award of \$32,300.00 (less attorney fee) has been paid to claimant.

- 7 -

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 \$242.25 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 \$646.00 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.

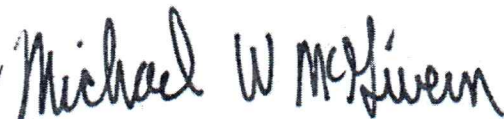
- 8 -

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.

- 9 -

THAT the sum of \$6,460.00 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/ 

MICHAEL W MCGIVERN, JUDGE

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: JEFFREY M COOPER
415 NW 11TH STREET
OKLAHOMA CITY, OK 73103-

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.

Kathina Saplerson

Court Clerk
March 22, 2017



