



City of Broken Arrow

Legislation Details (With Text)

File #:	18-1331	Name:	
Type:	Consent Item	Status:	Passed
File created:	11/13/2018	In control:	Broken Arrow City Council
On agenda:	11/20/2018	Final action:	11/20/2018
Title:	Ratification of Workers' Compensation Settlement for Charles A. Misener, former Fire Department employee		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Joint Petition - 792698, 2. Joint Petition - 792699		

Date	Ver.	Action By	Action	Result
11/20/2018	1	Broken Arrow City Council	approved	Pass

Broken Arrow City Council Meeting of: 11-20-18

Title:

Ratification of Workers' Compensation Settlement for Charles A. Misener, former Fire Department employee

Background:

On September 19, 2017, City Council authorized staff to settle two workers' compensation claims for Charles A. Misener, a former employee of the Fire Department. The settlement of both claims is presented for the City Council's ratification.

On August 5, 2015, while working as a firefighter, Mr. Misener sustained a shoulder injury when lifting a cooler above his head. On February 15, 2016, Mr. Misener was released at maximum medical improvement with no restrictions. On March 8, 2016, while working as a firefighter, Mr. Misener sustained a lower back injury while lifting a patient. On November 28, 2016, Mr. Misener was released at maximum medical improvement with no restrictions. On November 7, 2017, the City authorized a settlement offer of \$16,957.50 in each case. The claimant never responded to the offers.

In April 2018, the City was advised that the claimant wanted to go to mediation stating that he had several reimbursements that he wanted to submit in addition to an award of permanent partial disability. Upon review, it was discovered that many of the reimbursements predated both of the claimant's injuries. As such, the claimant's attorney was advised that the no additional funds would be available and the aforementioned offers were a "take it or leave it" amount. The claimant accepted the settlement amounts and the City proceeded with a Joint Petition, rendering a full and final settlement on both claims.

The sum of \$16,957.50 was paid to the claimant and claimant's attorney for each claim, totaling \$33,915.00. The sum of \$140.00 was paid to the Workers' Compensation Commission for each claim, totaling \$280.00. The sum of \$127.18 was paid to the Oklahoma Tax Commission for the Special Occupational Health and Safety Tax for each claim, totaling \$254.36. The sum of \$339.15 was paid to the Oklahoma Tax Commission for the Own

Risk Tax for each claim, totaling \$678.30.

Cost: \$35,127.66

Funding Source: Workers' Compensation Fund

Requested By: Jannette McCormick, Human Resources Director

Approved By: Michael L. Spurgeon, City Manager

Attachments: Joint Petition - 792698, Joint Petition - 792699,

Recommendation:

Ratify the Workers' Compensation Settlement for Charles A. Misener, a former Fire Department employee.