



# City of Broken Arrow

## Request for Action

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**File #: 18-1331, Version: 1**

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**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.