

SETTLEMENT REQUEST

Employee: Skelton, Jason	Employer: City of Elk Grove
Loss Date: 1/12/2022; 05/06/2022; 05/10/2022; 03/10/2020	Carrier: LWP Claim Solutions
Claim No: 2296610125; 2296610343;2296610353;2096610073	Injury: Bi-lateral hands, arms, and wrists, heart/circulatory system, right knee, neck, back and psyche (PTSD); Circulatory/heart attack; Stress/Psych; Right Knee
Date of Hire: 3/20/2016	Date of Birth: 7/31/1981
Occupation: Police Officer	Current Age: 42.00 Life Expectancy: 35.30

Description of Accident/Body Part(s) Injured:

Claim 2296610125 involves a 42-year-old police officer claiming continuous trauma to his bilateral hands, arms, wrists, right knee, neck, back, heart, and psyche. The left thumb and bilateral hands are accepted, all other body parts remain denied. Claim 2296610343 for the heart attack is denied, as is claim 2296610353 for psyche. Claim 2096610073 is currently accepted with stipulated award for the right knee, with future medical.

Employment Status: Resigned 5/10/2022

MSA apply? If so, value and date procured? N/A based on age.

Reserves	INCURRED	PAID	OUTSTANDING
MEDICAL	\$66,800.00	\$6,676.94	\$60,123.06
INDEMNITY	\$72,240.00	\$2,235.00	\$70,005.00
4850	\$0.00	\$0.00	\$0.00
EXPENSE	\$29,450.00	\$27,589.69	\$1,860.31
TOTAL	\$168,490.00	\$36,501.63	\$131,988.37

Defense Attorney: Yolanda S.G. Tuckerman, Esq. (Lenahan, Slater, Pearse & Majernik, LLP)

Applicant Attorney: David Witkin, Esq (Mastagni)

PD Advanced to Date: 0.00	Rate being advanced at: NA
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Apportionment: No apportionment anticipated: any injury found to the back, heart, and psych/PTSD may qualify for presumption of industrial injury and anti-attribution preventing non-industrial apportionment.

Final PD Rating(s): (after apportionment and 15% increase/decrease)

Rating String:

Doctor	(Tx, AME or QME)	Report Date	String Rating	\$ Amount
Dr. Moore	QME	01/13/2023	Not MMI	0.00
Dr. Meredith Tallman	Tx	09/16/2020	0%	0.00

Future Medical Details (outline anticipated treatment for all covered body parts and cost of the treatment):

Claim 2296610125:

Indemnity:

Permanent Partial Disability:

Estimated PD at 45% compensable bi-lateral hands/wrists and left thumb; potential heart/HBP and psyche under presumptions \$290.00/week X 236 weeks = \$68,440.00

Total: \$68,440.00

Medical:

Potential bi-lateral CTS surgery \$4,250.00 x 2 = \$8,500.00

Diagnostics for bilateral hands, wrists, arms, neck, back - One MRI per body part (\$400 each), with potential for additional MRI and/or EMG/NCS (\$400 each) \$1,200.00 x 4 (each body part) = \$4,800.00

Physical Therapies estimated \$125.00 per session with 12 sessions per therapy per year for five years \$125.00 x 12 = \$1500 x 3 (upper extremities, neck, back) = \$4,500.00 x 5 years = \$22,500.00

Medication and DME \$3000.00

Medical Mileage 0.655/mile x 500 = \$327.50

Total: \$36,127.50

Expense:

AA deposition fees \$1,800

Medical-Legal Evaluations: Orthopedic – Upper Extremities, Orthopedic - Spine, Psyche, Cardiovascular \$6250.00 per Evaluation x 4 = \$25,000

Litigation Discovery and Defense (Deposition, DOR, MSC, etc) \$9,500.00

Total: \$36,300.00

Claim Total: \$140,867.50

Claim 2096610073:

Medical:

Orthopedic Follow-Ups: \$3,750.00

\$125.00 per visit, 3 visits per flare up, 2 flare-ups per year for 5 years

Physical Therapy: \$7,500.00

\$125.00 per session, 6 session per flare up, 2 flare-ups per year for 5 years

Claim Total: \$11,250.00

Total Exposure for all claims: \$152,117.50

Settlement Recommendation: (outline claim facts, issues, disputes and basis for recommendation. If C&R is not being recommended, state reasons why. If C&R is being recommended, can it be structured?)

Given the applicant's resignation in 2022 a compromise and release of the claim file is the best course of action. The motivating factors for seeking early settlement include the risk of exposure, given that any injury found to the back, heart, and psych/PTSD may qualify for presumption of industrial injury and anti-attribution preventing non-industrial apportionment. Medical-legal evaluation costs are anticipated to equal \$25,000 or greater as supplemental, re-evaluation, and deposition costs are expected to be incurred as discovery continues. The current settlement value would resolve all four claims to include a previously stipulated right knee claim. DA Yolanda Tuckerman has had multiple communications with AA. At first it appeared that applicant was inflexible and would not agree to lower his demand. However, applicant's

current attorney, with some motivating pressure on my part, has worked to applicant down to what I believe is a true bottom-line figure of **\$90,000 for a C&R**, (with entitlement to a SJDB/V –would be for accepted body parts).

Liens: (outline all liens on file (or anticipated to be filed) and recommendations for settlement)

No liens currently indicated.

Address additional items to be resolved including SJD Benefits, penalties, 132(a) claims, etc.:

SJDV indicated

Claims Examiner:

Ashley Rosario

Date:

8/7/2023

Claims Supervisor:

Katherine Zeibert

Date:

8/7/2023

SETTLEMENT REQUEST

Employee: Eliseo M. Arias	Member: City of Anderson
Loss Date: 11/15/2017	TPA: LWP Claims Solutions
Claim No.: NCWA-557695	Injury: Low back and internal
Date of Hire: 06/06/2011	Date of Birth: 06/16/1978
Occupation: Custodian	Current Age: 44 Life Expectancy: 35.1

Description of Accident/Body Part(s) Injured:

A 39 year old Custodian injured his back while dumping garbage bags in the dumpster. Application filed on 5/3/2019 for upper extremities, back, lower extremities, excretory system, other body systems

Mr. Arias had a PQME examination with Dr. Raye Bellinger (Internalist) on 05/21/22 and provided several diagnoses. Dr. Bellinger indicated the claimant was at Maximum Medical Improvement as of 05/21/22. The doctor further stated the claimant has NSAID induced constipation, there is 50% apportionment to non-industrial conditions and has a 2%WPI and should have conservative future medical treatment to his low back and constipation.

Employment/Retirement Status:

Mr. Arias last day of employment with the City of Anderson was 12/18/18.
He now resides in Riverside, CA

MSA apply? If so, value and date procured? An MSA would not be necessary based on his age.

Reserves	Paid To Date	Future	Total Incurred
TD	44,789.68	0.00	44,789.68
PD	5,916.00	2,856.50	8,772.50
4850	0.00	0.00	0.00
Medical	42,173.70	27,527.40	70,250.00
Expenses	56,699.08	7,958.77	64,657.85
VR/SJDB	0.00	6,000.00	6,000.00
Total	\$150,127.36	44,342.67	\$194,470.03

Defense Attorney: Cuck Templeton **Applicant Attorney:** Seamus Hanrahan (dismissed by applicant)

Apportionment: There is 50% apportionment per Dr. Bellinger's medical report.

Final PD Rating: 10%

The rating is based on the PQME report of Dr. Bellinger dated 05/21/22, which finds 5% PD to the back and 2% for constipation. After adjusting for age, apportionment, and occupation the combined final rating is:

15.03 – 5 – 7 – 340G – 8 – 8
.5(06.02- 2- 3- 340F- 3 – 3) 2

CV 8+2 = Final 10% (\$8,772.50)

Future Medical Details:

Dr. Bellinger indicates a diet change for the constipation and possible medications. Future medical treatment is conservative for the low back with no outline of surgery.

Settlement Recommendations:

We are requesting settlement authority to resolve the claim via Compromise and Releases in the amount of \$20,916.00 less permanent disability advances in the amount of \$5,916 for a total payout of \$15,000 new money. The settlement would include permanent disability in the amount of \$8,772.50 and the remaining amount of \$12,143.50 to buy out future medical treatment and the right to re-open for new and further disability. A resolution via Compromise and Release at \$15,000 new money would mitigate the high costs of litigation and future medical exposure. The employee is agreeable to this settlement.

Member Contact:

TPA Examiner: Ashley Rosario

TPA Manager/Supervisor: Stacey Bean/Kathy Zeibert

Date:

Date: 9/13/23

Date: 9/13/23