

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** May 4, 2021

**DEPARTMENT:** Legal/Risk

**TITLE:**

Approval of Settlement with Milton Jackson for \$50,100 (inclusive of attorney's fees and costs)

**SUMMARY:**

This is a request to settle two workers' compensation claims filed by Milton Jackson for injuries he sustained in two accidents while a City employee. If approved, Mr. Jackson will execute a workers' compensation release and general release of non-workers' compensation claims in favor of the City.

**BACKGROUND AND JUSTIFICATION:**

Milton Jackson (the Claimant) is a 60 year old employee who was involved in two separate accidents that occurred on March 3, 2011 and February 18, 2019. In the March 3, 2011 claim, a garbage truck crushed the Claimant between a wall and the garbage truck causing a left fractured hip and a left fractured pelvis. The carrier accepted this claim as compensable and has paid approximately \$65,555.00 in medical benefits. The claim is open and the carrier continues to pay for medical visits and medications. The Claimant hired counsel and this case tentatively settled for \$25,000.00 at mediation.

As for the February 18, 2019, the Claimant was in a garbage truck when a van hit the truck which then caused a neck and right shoulder injury to the Claimant. The carrier accepted the claim as compensable, but the Claimant sought most of his medical care through his third party case. After that case settled, the Claimant asked the Carrier to authorize cervical injections and a pain management specialist for cervical treatment. The carrier disputed these claims and a Final Hearing was set before the Judge of Compensation Claims for April 19, 2021. If the judge ruled in favor of the Claimant, the Carrier would be required to pay for continued medical care for the neck and right shoulder. In addition, the City would owe claimant's counsel's fees which could be as high as \$22,750.00. The Claimant hired a second counsel for this claim. This case tentatively settled for \$25,000.00 at mediation.

In addition, the City will pay \$100.00 consideration for a General Release for non-worker's compensation claims.

**MOTION:**

Move to approve/disapprove the settlement with Milton Jackson in exchange for a workers' compensation release and general release.

**ATTACHMENT(S):**

Fiscal Impact Analysis

