



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 10/14/25

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2526-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY DARIN HIETT UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *DARIN HIETT V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2024-04540 W; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

BACKGROUND:

Darin Hiett is a Heavy Equipment Operator for the City of Norman's Streets Division of Public Works who was hired March 11, 2013 as a Maintenance Worker I and promoted December 9, 2016 to Maintenance Worker II and April 13, 2018 to Heavy Equipment Operator. He filed Workers Compensation Commission Case 2024-04540 W on August 14, 2024, alleging a single incident injury to the Neck, Left Shoulder, and Left Arm on July 22, 2024 while pulling himself up into a tractor. The City of Norman accepted injury to the Neck and Left Shoulder only. The claim proceeded through the normal litigation process.

Prior to a trial being held, Mr. Hiett has agreed to a settlement in the total amount of \$31,012, which represents 20 percent (\$25,920) permanent partial disability (PPD) to the Whole Body regarding the Neck, 2 percent (\$2,592) PPD to the Whole Body regarding the Left Shoulder over and above prior injury, zero percent PPD to the Left Arm, and \$2,500 for future medical maintenance. The settlement is recommended for consideration by the City Council.

DISCUSSION:

Medical Treatment. On July 23, 2024, Mr. Hiett was seen by Norman Regional Occupational Medicine reporting concern of a rotator cuff retearing and was sent for a magnetic resonance

imaging (MRI) of the Left Shoulder on August 1, 2024. He reported of a previous left shoulder injury in 2015 requiring surgical fixation of the rotator cuff/biceps tendon. After reviewing the MRI, a steroid injection to the left shoulder was offered as well as physical therapy; however, the treatment was declined by Mr. Hiatt. A cervical MRI was then ordered to rule out other pathology. On August 12, 2024, he returned to Norman Regional Occupational Medicine and due to continued symptomatology and the August 7, 2024 cervical MRI imaging, he was referred to neurosurgery for a bulging cervical intervertebral disc. Mr. Hiatt was initially seen by Dr. Wiley on September 16, 2024, and a single-level anterior cervical discectomy and fusion at C6-7 was recommended. Pending surgery, Mr. Hiatt requested a change in treating physician to Dr. Hahn which was approved by Court Order September 30, 2024. On November 14, 2024, he was seen by Dr. Hahn and surgical intervention was recommended. Mr. Hiatt underwent a single-level anterior cervical discectomy and fusion at C6-7 on January 10, 2025 followed by physical therapy postoperatively. He underwent a function capacity evaluation ordered by Dr. Hahn on April 29, 2025, and was released to regular work no restrictions at maximum medical improvement on May 8, 2025.

Issues for Trial. There is no question Mr. Hiatt injured his neck and left shoulder in the course of his employment with the City. The primary issues to be tried before the Workers' Compensation Commission are the extent of his injury and whether the injury is permanent in nature. Permanent partial disability is a factual determination made by the Workers' Compensation Commission Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial disability.

Evaluations. Mr. Hiatt was first rated by Dr. Lance Rosson on June 25, 2025 who opined a rating of 27 percent (\$33,696) PPD to the Neck over and above any pre-existing condition/impairment, 19 percent (\$24,624) PPD to the Left Shoulder over and above any pre-existing condition/impairment, entitlements to continuing medical benefits in the nature of prescription medications on an as needed basis, as well as other treatment deemed necessary by his treating physician or further selected physicians, and ongoing and continued medical maintenance indefinitely for implanted medical devices/prosthetic/ instrumentation. The left arm was not rated.

On August 21, 2025, he was rated by the medical expert for the City, William Jones, M.D. Dr. Jones opined 6 percent (\$7,776) PPD to the Cervical Spine, 1 percent (\$1,296) PPD to the Left Shoulder over and above prior 2015 left shoulder injury with surgery, and 0 percent PPD to the Left Arm and elbow. He noted that cervical fusion hardware is not a medical device or prosthetic device and not intended to be repaired, replaced, or removed. The City's maximum exposure for total PPD would be \$58,320.

Trial. The case proceeded through the normal litigation process; however, Mr. Hiatt has agreed to a settlement of the case as outlined below. If a trial was held, the Judge could determine nature and extent to his injury and award PPD.

Proposed Settlement. The proposed settlement closes Workers' Compensation Commission Case 2024-04540 W in a lump sum payment of \$31,012 (less attorney fee) representing the settlement amount discussed above. Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$855.36, representing (3%) of the permanent partial disability award shall be deducted and paid to the

Oklahoma Tax Commission.

It is felt that the settlement is fair and reasonable. A settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims and closes out any continued medical treatment. This settlement is beneficial to Mr. Hiatt in that it provides certainty for an award and would be paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if the case was settled in this manner, the City would incur additional costs and fees of:

Workers' Compensation Administration Fund Tax in the amount of \$570.24; Special Occupational Health & Safety Tax in the amount of \$232.59, and Workers Comp Commission Filing fee in the amount of \$140. In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of \$154.14.

These additional costs and fees total \$1,096.97, which brings the total cost of this settlement to the City to \$32,108.97. Adequate funds are available in the Order/Settlements Account (43330102-42131).

RECOMMENDATION:

For the reasons outlined above, it is believed the settlement is fair, reasonable, and in the best interest of the City. Acceptance of the settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Hiatt and his attorney in a lump sum. The settlement would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85A O.S. § 107, 51 O.S. § 159, and 62 O.S. § 361, *et seq* and 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq*. Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.