



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 04/28/2026

REQUESTER: Jeanne Snider, Assistant City Attorney

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A COURT ORDER: A RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE TOTAL AMOUNT OF \$17,424 REGARDING JOHN HAMBRICK VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2023-02469 K.

BACKGROUND:

John Hambrick is a Firefighter for the City of Norman's Suppression Division of the Norman Fire Department. He was hired on February 22, 2021, as a Firefighter recruit and was promoted to Firefighter on February 22, 2022.

Mr. Hambrick filed claim 2023-02469 K with the Oklahoma Workers' Compensation Commission on April 27, 2023, alleging a cumulative trauma injury to the Whole Body with date of awareness of January 26, 2023, from cumulative exposure resulting in cancer. The claim was denied by the City of Norman, and it proceeded through the normal litigation process. A trial was held on March 10, 2026, on the issues of compensability, permanent partial disability (PPD), temporary total disability (TTD), reimbursement of expenses, medical, and continued medical maintenance. On April 13, 2026, the Court found Mr. Hambrick's injury compensable based on the presumption, 11 O.S. §49-110(a), and awarded a total amount of \$17,424, which represents 11 percent (\$14,256) PPD to the WHOLE MAN (goblet cell adenocarcinoma), 2 percent (\$1,584) PPD to the RIGHT HAND, and 2 percent (\$1,584) PPD to the LEFT HAND for consequential injury as a result of chemotherapy. The Court Order ordered the award to be paid to Mr. Hambrick weekly at the rate of \$360 commencing October 22, 2024, until the entire award is paid in full. The Court Order referenced City of Edmond v. Vernon, 2009 OK CIV APP 36, which applied said presumption in a cancer claim filed by a firefighter. Further, since the amount awarded has accrued in full of the commencement date of October 22, 2024, it is recommended that the total award be paid in full. In addition, the court granted Mr. Hambrick continued medical maintenance with his current oncologist Dr. George for blood tests and scans. The court reserved the issues of TTD and reimbursement of out-of-pocket costs for a future hearing. Nunc Pro Tunc Orders were filed April 17, 2026, and April 24, 2026 correcting the name of the treating oncologist, return to work status, and party arguing the cancer presumption in the case. It is recommended that the City comply with

the Order.

DISCUSSION:

Medical Treatment. Due to an appendicitis, Mr. Hambrick underwent a laparoscopic appendectomy on January 16, 2023, by Dr. Goates. Upon biopsy, pathology returned with Grade 3 Goblet Cell Adenocarcinoma of the appendix. On January 30, 2023, he underwent robotic right hemicolectomy followed by a port placement on February 17, 2023, by Dr. Goates. During the Spring/Summer of 2023 he was referred to oncologist, Dr. Najera, and underwent four cycles infusion therapy and eight cycles of pill chemotherapy and port removal by Dr. Goats on August 10, 2023. Reportedly, Mr. Hambrick's siblings underwent prophylactic appendectomies at the recommendation of Dr. Najera due to the increased risk of appendiceal cancers. Mr. Hambrick reports continued loss of sensation in both hands, side effects of chemotherapy. He returned to regular work without restrictions on September 7, 2023. Mr. Hambrick has undergone annual surveillance of goblet cancer, and no new or residual cancer cells have been detected.

Issues for Trial. The issues tried on March 10, 2026, before the Oklahoma Workers' Compensation Commission were compensability, TTD, reimbursement of expenses, medical, PPD, and continued medical maintenance. 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 impairment.

Evaluations. On March 29, 2024 and October 22, 2024, Mr. Hambrick was rated by Dr. Rosson who opined 16 percent (\$20,736) permanent partial impairment to the Colon and 15 percent (\$11,880) to the Left Hand and 15 percent (\$11,880) to the Right Hand as a result of consequential injuries as well as continued medical maintenance and follow-up visits with his treating oncologist. The City then had Mr. Hambrick evaluated by Dr. William Jones on January 23, 2025, and May 22, 2025. Dr. Jones opined 7 percent impairment as a result of appendix cancer; however, 0 percent impairment apportioned to Goblet Cell Cancer from alleged toxic exposures while employed by the City cumulative to January 2023. He reported that chronic bowel diseases and a family history of appendix cancer were known risk factors of the disease. In addition, Dr. Jones opined 0 percent impairment to the Right Hand and 0 percent impairment to the Left Hand as alleged consequential injuries and found no objective evidence to warrant future medical maintenance. The City's maximum permanent partial impairment exposure would be \$44,496.

Court Award: The case was heard by the Workers' Compensation Commission on March 30, 2026. After hearing the Claimant's testimony and considering the expert medical evidence, the Court issued its Order on April 13, 2026. The Court found Mr. Hambrick to have sustained a compensable cumulative trauma injury in the form of GOBLET CELL ADENOCARCINOMA and CONSEQUENTIAL INJURIES TO THE RIGHT AND LEFT HANDS arising in the course and scope of employment with a date of awareness of January 26, 2023.

The Court's findings are set out in the Order as follows:

-3.- "That as a result of said injury, claimant has sustained 11% Permanent Partial Disability to the WHOLE MAN (goblet cell adenocarcinoma), 2% Permanent Partial Disability to the RIGHT HAND and 2% Permanent Partial Disability to the LEFT HAND. At claimant's rate of

compensation, this is equal to an award of \$17,424.00, which shall be paid to claimant weekly at the rate of \$360.00 commencing October 22, 2024, until the entire award is paid in full. All accrued amounts shall be paid in lump sum.”

As can be noted in No. 3 of the Commission’s Order, PPD compensation is expressed in terms of “weeks” of compensation with an accompanying “weekly wage rate.” Workers’ Compensation awards are normally paid at the weekly rates over a period of time. Mr. Hambrick’s weekly wage PPD rate is \$360.00. In this instance, the award has accrued in full of the commencement date of October 22, 2024.

-4.- “That Claimant’s request for continued medical maintenance is GRANTED.”

-5.- “The issues of temporary total disability and reimbursement of out-of-pocket costs are reserved for future hearing.”

-6.- “Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein, pursuant to 85A O.S., §82.”

Further, in complying with the Order, the City will incur additional costs and fees as set out in Paragraph Nos. 7 through 9. Special Occupational Health and Safety Fund Tax in the amount of \$130.68, Workers’ Compensation Administration Fund in the amount of \$348.48, filing fee to the Workers’ Compensation Court in the amount of \$140.00, and filing fee to Cleveland County in the amount of \$154.14. The costs and fees total \$773.30, which brings the total cost of this Order to \$18,197.30. Adequate funds are available in the Order/Settlements Account (43330102-42131).

-10.- “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 \$522.72, representing (3%) of the Claimant’s permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission by the Respondent.

If approved by Council, Mr. Hambrick and his attorney will be paid the accrued lump sum amount. Since the entire portion of the award has accrued, it is recommended that the total award be paid in full less the Multiple Injury Trust Fund Assessment amount.

RECOMMENDATION:

The issues tried on March 10, 2026, were compensability, extent of permanent partial disability benefits to the Whole Body with consequential injuries to Both Hands, temporary total disability, reimbursement of expenses, medical, and continued medical maintenance. Since the Commission and the appellate courts have consistently affirmed Orders of lower courts finding firefighters’ cancer to be job related, it is not anticipated that a more favorable ruling for the City could be achieved by further litigation. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require payments as outlined above. The Order 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 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.