



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 \$14,850 REGARDING JEFFERSON B. BERNHARDT VS. THE CITY OF NORMAN, OKLAHOMA WORKERS' COMPENSATION COMMISSION CASE 2025-04357 A.

BACKGROUND:

Jefferson B. Bernhardt is a former Fire Captain for the City of Norman Fire Department's suppression division. He was hired April 8, 1985, as a firefighter, promoted July 1, 1994, to Fire Driver Engineer and October 1, 1998, to Fire Captain October 1, 1998, and retired from employment April 1, 2025. Mr. Bernhardt filed claim 2025-04357 A with the Oklahoma Workers' Compensation Commission on August 15, 2025, alleging a single incident injury to the Left Knee and Whole Body while exiting a fire truck on September 23, 2024. Injury to the Left Knee only was admitted and the claim proceeded through the normal litigation process. A trial was held on April 13, 2026, on the issue of nature and extent of permanent disability to the Left Knee. On April 21, 2026, the Court awarded Mr. Bernhardt 15 percent (\$14,850.00) Permanent Partial Disability (PPD) to the LEFT LEG (KNEE), over and above any pre-existing disability, to be paid weekly at the rate of \$360 commencing March 20, 2025, until the entire award is paid in full. It is recommended that the City comply with the Order.

DISCUSSION:

Medical Treatment. Mr. Bernhardt was seen at Immediate Care of Oklahoma on September 27, 2024, and was treated conservatively and directed to follow-up with Norman Regional Occupational Medicine. On September 30, 2024, he was seen by Norman Regional Occupational Medicine and sent for a magnetic resonance imaging (MRI) of the Left Knee due to concerns of a possible meniscal tear. Due to MRI results showing evidence of a medial meniscus tear, he was taken off work and referred for orthopedic evaluation and treatment. On October 29, 2024, he was seen by Dr. Kirkpatrick and reported history of arthroscopic knee surgery 10-15 years prior. He underwent a recommended Left Knee steroid injection; however, due to continued symptomatology and evidence of a meniscus tear, arthroscopic surgery was then recommended. On January 15, 2025, Dr. Kirkpatrick performed left knee

arthroscopy followed by postoperative physical therapy. He continued to follow-up with Dr. Kirkpatrick and on March 20, 2025, was released to regular work without restriction at maximum medical improvement (MMI).

Issues for Trial. The issue tried on April 13, 2026, before the Oklahoma Workers' Compensation Commission was nature and extent of permanent partial disability benefits to the Left Leg (Knee). 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 January 1, 2026, Mr. Bernhardt was rated by Dr. Rosson who opined 39 percent (\$38,610) permanent partial impairment regarding the left knee, over and above any pre-existing condition/impairment, and entitlements to continued medical benefits, in the nature of prescription medications on an as needed bases, as well as other treatment that his treating physician or further selected physicians might deem necessary. The City then had Mr. Bernhardt evaluated by Dr. Jones on March 17, 2026. Dr. Jones opined 8 percent (\$7,920) impairment to the left knee, over and above a pre-existing injury in 2012 and opined ongoing palliative and maintenance medication or physician care would not be required. The City's maximum permanent partial impairment exposure would be \$38,610.

Court Award: The case was heard by the Workers' Compensation Commission on April 13, 2026. After hearing the Claimant's testimony and considering the expert medical evidence, the Court entered its Order on April 21, 2026. The Court found Mr. Bernhardt to have sustained a compensable work-related injury to the Left Leg (Knee) on September 23, 2024.

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

-3.- "That as a result of said injury, claimant has sustained 15% Permanent Partial Disability to the LEFT LEG (KNEE) (over and above any pre-existing disability). At claimant's rate of compensation, this is equal to an award of \$14,850.00, which shall be paid to Claimant weekly at the rate of \$360.00 commencing March 20, 2025, until the entire award is paid in full. Respondent shall pay all accrued benefits in a lump sum within the twenty (20) days of the file-stamped date of this order."

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. Bernhardt's weekly wage PPD rate is \$360.00. In this instance, the award has accrued and is to be paid in a lump sum.

-4.- "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. 5 through 7. Special Occupational Health and Safety Fund Tax in the amount of \$111.38, Workers' Compensation Administration Fund in the amount of \$297.00, 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 \$702.52, which brings the total cost of this Order to \$15,552.52. Adequate funds are available in the Order/Settlements Account (43330102-42131).

-8.- "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 \$445.50, 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. Bernhardt and his attorney would 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 tax.

RECOMMENDATION:

The issues tried on April 13, 2026, were nature and extent of permanent partial disability benefits to the LEFT LEG (KNEE). The Court Award in this case is within the medical evidence submitted. It is not anticipated 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.