



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 04/28/2026

**REQUESTER:** Jeanne Snider

**PRESENTER:** Jeanne Snider, Assistant City Attorney

**ITEM TITLE:** CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2526-138: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY BILLY McCRAWLEY UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *BILLY McCRAWLEY V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2025-03486 L; 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.

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### **BACKGROUND:**

Billy McCawley is a former 34 year Fire Driver Engineer for the City of Norman's Suppression Division of the Fire Department. He was hired on September 16, 1991, as a Firefighter Recruit and promoted to firefighter September 16, 1992 and Fire Driver Engineer March 5, 2005. Mr. McCawley filed workers compensation case CM3-2025-03486 L with the Oklahoma Workers' Compensation Commission on July 2, 2025 alleging a single incident on the job injury to the Right Shoulder from a lifting injury on April 13, 2025. The City admitted the injury and the case proceeded through the normal litigation process.

Prior to a trial being held, Mr. McCawley has agreed to a settlement in the total amount of \$28,278 over and above any pre-existing condition/impairment, which represents 18 percent (\$23,328) permanent partial disability (PPD) to the Right Shoulder (Whole Body) and 5 percent (\$4,950) PPD to the Right Arm (Arm). The settlement is recommended for consideration by the City Council.

### **DISCUSSION:**

Medical Treatment.

Mr. McCawley was seen by Norman Regional Occupational Medicine on the day following his injury and sent for a magnetic resonance imaging (MRI) of the Right Shoulder. The MRI was performed on April 17, 2025 showing a partial to near full thickness rotator cuff tear involving supraspinatus and infraspinatus insertional tendinosis of subscapularis and biceps tendon. On April 23, 2025, he was referred to Dr. Bond for orthopedic evaluation and treatment due to MRI imaging. He was seen by Dr. Bond on May 7, 2025 and after review of imaging, surgical intervention was recommended. Mr. McCawley reported of a previous injury to the Right Shoulder which required arthroscopic surgery approximately 15 year prior. On May 20, 2025, Mr. McCawley underwent Right Shoulder arthroscopic surgery followed by physical therapy postoperatively. He continued to follow-up with Dr. Bond and was released without restrictions and at maximum medical improvement (MMI) on October 30, 2025. Mr. McCawley retired from the City of Norman on July 31, 2025.

Issues for Trial. Since there is no question Mr. McCawley's injury occurred while 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 PPD.

#### Evaluations.

Mr. McCawley was evaluated by Lance Rosson, D.O., on December 23, 2025, and opined an impairment rating of 28 percent (\$36,288) PPD to the Right Shoulder (Whole Body) over and above any pre-existing condition/impairment and 28 percent (\$27,720) PPD to the Right Arm/Elbow (Arm). In addition, Dr. Rosson opined that Mr. McCawley would need continued medical benefits in the nature of prescription medication on an as needed basis, as well as other treatment that his treating physician or further selected physicians might deem necessary. On March 5, 2026, Mr. McCawley was then evaluated by the City's medical expert, William Jones, M.D., MPH, and opined 6 percent (\$7,776) to the Right Shoulder (Whole Body) and zero percent to the Right Arm (Arm) and opined future medical treatment including would not be required. The City's maximum exposure for total PPD would be \$36,288.

Trial. The case proceeded through the normal litigation process; however, Mr. McCawley has agreed to settlement as outlined below. If a trial were held, the Judge could determine nature and extent to his injury and award permanent partial disability as well as continued medical maintenance.

Proposed Settlement. The proposed settlement closes Workers' Compensation Commission Case 2025-03486 L in a lump sum payment of \$28,278 (less 20% attorney fee). Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the total amount of \$848.34, representing (3%) of the permanent partial disability awards 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 cases and closes out any continued medical treatment. The settlement is beneficial to Mr. Mohrmann 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 \$565.56; Special Occupational Health & Safety Tax in the amount of \$212.09; and Workers Comp Commission Filing fee in the amount of \$140.00.

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 \$1,071.79, which brings the total cost of the settlement to the City to \$29,349.79.

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 payments as outlined above. If approved, the settlement amount would be paid to Mr. McCawley 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. Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.