

BEFORE THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

ORDER FILED

July 14, 2023

**WORKERS'
COMPENSATION COMMISSION**

MALIA JESSIE ADAMS (ROSS))
Claimant) Commission File No.
) CM3-2020-01069Q
) CM3-2021-02000A
CITY OF NORMAN)
Employer-Respondent) Claimant's Social Security
) Number: xxx-xx-8474
CITY OF NORMAN (OWN RISK))
Insurer)

ORDER AWARDING PERMANENT PARTIAL DISABILITY BENEFITS

Hearing before Administrative Law Judge P BLAIR MCMILLIN on July 12, 2023, in OKLAHOMA CITY, Oklahoma.

Claimant appeared by counsel, EMILY BISCONI for JOSEPH C BISCONI II.

Respondent and insurance carrier appeared by counsel, BRADLEY J MCCLURE.

I. FACTS AND STIPULATIONS

Claimant seeks a finding of compensable work-related injury to the THORACIC SPINE, LUMBAR SPINE and RIGHT HIP for injuries sustained on February 23, 2019 and December 10, 2020, and an award of permanent partial disability therefor. Respondent stipulates to jurisdictional issues and admits compensable work-related injury to the LUMBAR SPINE, THORACIC SPINE and RIGHT HIP. The parties are in agreement that rates for temporary total disability and permanent partial disability can be adjudicated at \$607.40 and \$323.00, respectively, and that the accrual date for permanent partial disability is December 9, 2022.

II. FINDINGS AND CONCLUSIONS

The Commission, having considered the evidence and records on file, and being duly advised in the premises, FINDS AND ORDERS AS FOLLOWS:

1. That on February 23, 2019 and December 10, 2020, Claimant sustained compensable work-related injury to the THORACIC SPINE, LUMBAR SPINE and RIGHT HIP.
2. That Claimant's rates for temporary total disability and permanent partial disability are adjudicated at \$607.40 and \$323.00, respectively.
3. That as a result of said injury, Claimant has sustained 4% Permanent Partial Disability to the THORACIC SPINE, 8% Permanent Partial Disability to the LUMBAR SPINE and 18% Permanent Partial Disability to the RIGHT HIP. At Claimant's rate of compensation, this is equal to an award of \$33,915.00, which shall be paid to Claimant weekly at the rate of \$323.00 commencing December 9, 2022, until the entire award is paid in full.

4. Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein, pursuant to 85A O.S., §82.
5. That pursuant to Title 85A O.S., §118, a final award fee of one hundred forty dollars (\$140.00) is taxed as a cost in this matter, and shall be paid by respondent to the Workers' Compensation Commission if not previously paid.
6. Pursuant to 40 O.S., §418, the Respondent-Insurer shall pay to the Oklahoma Tax Commission the Special Occupational Health and Safety tax in the amount of \$254.36, representing three-fourths of one percent of the total workers' compensation losses ordered herein, excluding medical payments and temporary total disability compensation.
7. Pursuant to 85A O.S., §122(B)(2), Respondent, if OWN RISK, shall pay a workers' compensation assessment in the amount of \$678.30 to the Oklahoma Tax Commission, representing two percent (2%) of the (permanent disability benefits) herein.

IT IS SO ORDERED.

DONE this 12th day of JULY, 2023.

BY ORDER OF:

P. Blair McMillin

P BLAIR MCMILLIN
ADMINISTRATIVE LAW JUDGE

km/SCox

A copy of this order was sent by electronic mail or registered mail on this file stamped date to:

Claimant's Attorney: JOSEPH C BISCONI II
105 N HUDSON AVE STE 100
OKLAHOMA CITY, OK 73102-4801

Respondent's Attorney: BRADLEY J MCCLURE
1327 N ROBINSON
OKLAHOMA CITY, OK 73103-4848

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this Commission on this date.

Norma McRae

Norma McRae
Commission Clerk
July 14, 2023

