

BEFORE THE WORKERS' COMPENSATION COURT OF EXISTING CLAIMS STATE OF OKLAHOMA

FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
September 7, 2023
Katrina Stephenson
COURT CLERK

RICHARD NEWELL)
Claimant)
) CEC-2022-15014H
CITY OF NORMAN)
Respondent) Claimant's Social Security
) Number: xxx-xx-2634
CITY OF NORMAN (OWN RISK))
Ins. Carrier)

ORDER AWARDING THE NATURE AND EXTENT OF PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 5th day of SEPTEMBER, 2023, this cause came on for consideration pursuant to regular assignment and hearing on September 5, 2023, before JUDGE MARGARET BOMHOFF, at OKLAHOMA CITY, Oklahoma. Claimant appeared by counsel, JEFFREY M COOPER. Respondent CITY OF NORMAN and CITY OF NORMAN (OWN RISK) appeared by counsel, BRADLEY J MCCLURE.

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

- 1 -

THAT on JULY 17, 2009, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma; and on said date Claimant sustained accidental personal injury to the RIGHT KNEE arising out of and in the course of Claimant's employment.

- 2 -

THAT at time of injury, Claimant's wage were sufficient to establish the rates of compensation at \$342.00 per week for permanent partial disability.

-3 -

THAT the issue of temporary total disability rate is reserved for future hearing.

- 4 -

THAT as a result of said injury, Claimant sustained 25% Permanent Partial Disability to the RIGHT KNEE, (total knee replacement over and above pre-existing 6 percent due to injuries and surgeries in 1980 and 1995) for which Claimant is entitled to compensation in the amount of \$23,512.50.

- 5 -

THAT continuing medical maintenance in the form of annual office visits and x-rays is authorized with Dr. McGinnis.

- 6 -

THAT Claimant injured his RIGHT KNEE on the job on JULY 17, 2009. He was provided medical treatment by the City of Norman, including arthroscopic surgery on FEBURARY 4, 2010, and a total knee replacement on DECEMBER 18, 2012. Claimant received post-operative therapy and returned to work in APRIL, 2013.

-7-

THAT Claimant attended yearly follow up visits with Dr. McGinnis on DECEMBER 15, 2014, DECEMBER 7, 2015, DECEMBER 5, 2016, DECEMBER 4, 2017, DECEMBER 3, 2018, DECEMBER 2, 2019, DECEMBER 7, 2020, and SEPTEMBER 13, 2021. At the SEPTEMBER 13, 2021 visit, Claimant's RIGHT KNEE was aspirated and injected.

- 8 -

THAT all treatment and visits with Dr. McGinnis were paid through Claimant's open Workers' Compensation Claim with the City of Norman.

- 9 -

THAT Respondent's statute of limitations defense is denied.

-10-

THAT Respondent and/or Insurance Carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury through Claimant's date of maximum medical improvement.

-11-

THAT Respondent or Insurance Carrier shall pay Claimant the award herein in lump sum of \$23,512.50. (less attorney fee).

-12-

THAT pursuant to Title 85 O.S. Section 368, 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.


-13-

THAT Respondent shall pay court costs; Special Occupational Health and Safety Fund Tax of three-fourths of one percent (0.75%) of the amounts paid in lump sum of \$176.34 is levied against the Respondent; three-fourths of one percent of the continuing benefits awarded in this case shall be computed and paid as the same comes due. Pursuant to 85 O.S., Section 407, as amended by Laws 2013, HB 2201, c. 254, Section 49, eff. January 1, 2015, Respondent, if Own Risk, shall pay \$470.25 to the Workers' Compensation Administration Fund created by 85 O.S. Section 407, to be used for the costs of administering the Workers' Compensation Code as applicable to the Oklahoma Workers' Compensation Court of Existing Claims, representing two percent (2%) of the permanent disability award herein.

-14-

Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein.

BY ORDER OF:



MARGARET BOMHOFF
JUDGE

msr/FBennett

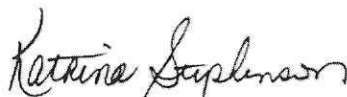
A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: JEFFREY M COOPER
415 NW 11TH STREET
OKLAHOMA CITY, OK 73103

Respondent's Attorney: JEANNE SNIDER
PO BOX 370
NORMAN, OK 73070

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 court on this date.



Katrina Stephenson
Court Clerk
September 7, 2023

