

**RESOLUTION NO. 27-15**

**CAMDEN COUNTY INSURANCE FUND COMMISSION  
AUTHORIZING WORKERS COMPENSATION SETTLEMENT WITH  
LOIS CHAMBERS**

**WHEREAS**, Lois Chambers has filed a claim against the Camden County Insurance Fund Commission with the State of New Jersey, Department of Labor, Division of Workers' Compensation; and

**WHEREAS**, the parties have recommended a resolution for 12.5% of the left hand (\$6,737.50), Section 20 settlement for bilateral knees (\$17,500.00), less a Temporary Disability Benefit lien (\$15,180.00), for a net settlement in the amount of \$9,057.50, plus costs of \$1,347.50; and

**WHEREAS**, the claim so filed has been resolved, now, therefore,

**BE IT RESOLVED**, by the Camden County Insurance Fund Commission that disposition of the claim filed by the above-referenced individual is authorized as follows:

<u>CLAIMANT</u>	<u>PETITION NO.</u>	<u>AMOUNT OF AWARD</u>
Lois Chambers	CP2013-9459	\$9,057.50 (12.5% left hand and Section 20 bilateral knees less TDB lien)
		\$1,347.50 (costs)

**BE IT FURTHER RESOLVED**, that the proper Commission officials and/or their agents, be and are hereby authorized to execute such documents as shall be necessary to effect the disposition set forth above.

**ADOPTED: 4-23-15**

**BY:**

  
\_\_\_\_\_  
**CHAIRPERSON**

**ATTEST:**

  
\_\_\_\_\_  
**VICE-CHAIRPERSON**

**Camden County Insurance Commission  
Settlement Authority Request**

**Claimant:** Lois (Rowland) Chambers  
**CSI File Number #:** 630-113-852  
**CSI Handling Adjuster:** Paulette Kelly  
**CSI Adjuster Phone:** 856-380-6529

**Date :** 3/26/2015  
**Claim Type:** Workers' Compensation  
**Date of Incident/Loss:** 3/10/2013  
**Department:** Health Services-Long Term Care

**Litigation :** Yes  
**CP #:** 2013-9459  
**Defense Attorney:** Ian Zolty  
**Claimant/Plaintiff Attorney:**  
**Claimant/Plaintiff Attorney Firm:** Aronberg,  
Kouser & Paul

**Policy Type :** Workers' Compensation

**DEFENSE COUNSEL RECOMMENDATIONS:** 12.5% of the hand \$6,737.50 and cost \$1,347.50 = \$8,085.00. \$17,500, for Section 20 for the bilateral knees (TDB Lien \$15,180.00 to be deducted from award = \$2,320.00) an overall settlement of \$25,585.00.

1. 12.5% Hand = \$6,737.50 + cost = \$1,347.50 = **\$8,085.00**
2. **\$17,500.00 Sec 20** - \$15,180.00 to be deducted from award = \$2,320.00 to be awarded to petitioner at settlement.
3. **\$8,085.00 + \$17,500.00 = \$25,585.00** would be the total settlement, less lien & cost at settlement.

**SEEKING AUTHORIZATION FOR SETTLEMENT RECOMMENDATIONS IN THE AMOUNT OF : \$25,585.00**

**APPROVAL FROM CCIC :**                      YES                      NO

## Camden County Insurance Commission Payment Authority Request

**Claimant:** LOIS CHAMBERS

**Date of Birth:** 10/11/1954

**Date of Hire:** 1992

**CSI File Number:** 630-113-0000852

**CSI Handling Adjuster:** Paulette Kelly

**CSI Adjuster Phone:** 856-380-6529

**Excess Carrier:** Star/Meadowbrook

**Excess Notice Date:** N/A

**Excess Handling Adjuster:** N/A

**Excess Adjuster Phone:** N/A

**Member Entity SIR:** \$750,000.00

**CIB:** Yes

**Subrogation:** No

**Status as of:** 3/26/2015

**Claim Type:** Indemnity

**Date/Time of Loss:** 03/10/2013 18:0 PM

**Location:** Camden County Health Services Center

**Department:** Health Services Center - Behavioral Heal

**Litigation:** Yes-CP 2013-9459

**Defense Attorney:** Ian Zolty  
Capehart & Scatchard PA

**Claimant/Plaintiff Attorney:**

**Claimant/Plaintiff Attorney Firm:** Aronberg, Kouser  
& Paul PA

**Claimant/Plaintiff Attorney Phone:**  
856-429-1700

**Policy Type:** Workers' Compensation

**CEL-JIF Companion File#:**

**Summary of the Incident Facts:** The petitioner was employed as a full time Certified Nursing Assistant when she was injured. She was walking into work on the side walk; moved aside to allow co-workers to walk pass; lost footing causing her to fall. She sustained injuries to her bilateral knees, left shoulder, elbow and wrist. Witnessed by two co-workers.

She injured worker drove herself to Kennedy Memorial Hospital – x-rays taken, discharged. Followed up at Employee Health Center, Dr. Michael DeShields, who referred her to an Orthopedist. Dr. Kovacs evaluated the injured worker on 3/18/13, recommended physical therapy. Diagnosed Impression: bilateral knee (b/l) contusions, underlying arthritis b/l knees, left upper extremity sprain from shoulder to wrist, history of prior left rotator cuff repair 2008 and multiple pre-existing musculoskeletal complaints possibly secondary to her radiculopathy.

4/23/13 MRI left wrist impression: revealed soft tissue abnormality. Ganglion cyst and partial tear at the triangular fibrocartilage complex (TFCC).

Dr. Kovacs recommended an EMG to rule out radiculopathy and left carpal tunnel syndrome. EMG performed on 5/9/13 revealed mild Carpal Tunnel Syndrome (CTS), no evidence of radiculopathy.

6/17/13 IME with Dr. Peacock impression was the left CTS was not related to the work incident.

Dr. Kovacs evaluated the injured worker on 6/27/13, placed the injured worker at MMI but would not place work restrictions on the injured worker. He did recommend an FCE.

FCE was performed on 8/1/2013 - Impression: demonstrated mild sub-maximum effort in relevant FCE protocols. Coefficient of variation results are compatible with a symptom magnification component to the examinee's complaints and work ability. She demonstrated light category work. Unable to perform pre-injury occupation.

Temporary Total Disability (TTD) benefits stopped based on the FCE report, 8/1/13.

On 4/17/2013 we received Claim Petition (CP) seeking residuals for Bilateral knees, Bilateral arms, Left Wrist.

Dr. Meeteer re-evaluated petitioner on 3/24/14. He indicated that petitioner's left shoulder disability was still at 7.5%. There were no new findings to suggest any objective increase in her left shoulder. There was no disability of the bilateral knee contusions and left upper extremity sprain that occurred on 3/10/15. He also found 2.5% of the left hand.

Dr. David examined the petitioner 7/214. The petitioner noted a prior med history of right knee surgery some 13 years ago. She complained of pain in both knees and left wrist, aggravated by anything strenuous. Dr. David noted the recommendation for bilateral total knee replacement. He diagnosed acute and chronic strain/sprain of the left wrist with rule out TFCC tear; acute and chronic sprain/strain with aggravation of pre-existing asymptomatic degenerative arthritis of both knees. He estimated 35% of the left hand and 50% of each knee.

The petitioner's attorney (PA) originally made a demand of 37.62% of partial total disability (PTD), less an Abdullah credit of 21% (\$69,446.52), plus payment of the TDB lien of \$15,180.00. After some discussions with the PA, he lowered his demand to 17.5% of the hand (\$9,432.50) and \$30,000 under Section 20 for the b/l knees and the state TDB lien.

Judge Cox reviewed the permanency reports and the treating records. He noted that our exposure should the petitioner's total knee replacements be found related would be around \$65,000, assuming he finds 50%, credit 40% of each knee. However, he agrees that there are serious causation issues with regard to the knees and accepted defense counsels (DC) that a portion of the Total Disability Benefits (TDB) lien is completely unrelated. As such, Judge Cox recommends a Section 20 settlement of \$17,500 on the knees, with the petitioner paying the entire TDB lien of \$15,180 out of her award. This will close the knee cases out for good. The PA felt the recommendation was low as his client would only net around \$7,000. However, he eventually agreed to recommend it to his client after further negotiations and the Judge explaining that what his client nets is not the issue.

**Strategy/Action Plan:**

1. Resolve claim as recommended
2. Review for Order approving settlement and pay as allowed until pay in full.
3. Review for closure once paid in full.

<u>Financial Summary:</u>	<u>Indemnity</u>	<u>Medical</u>	<u>Legal</u>	<u>Other</u>	<u>Total</u>
Paid:	\$13,186.22	\$6,029.99	\$2,173.00	\$5,445.80	\$26,835.01
Outstanding:	\$25,585.00	\$0.00	\$2,827.00	\$744.20	\$29,429.20
Total Incurred:	\$39,044.22	\$6,029.99	\$5,000.00	\$6,190.00	\$56,264.21

**Reserve Rationale:** 12.5% of the hand \$6,737.50 and cost \$1,347.50 = \$8,085.00. Plus \$17,500, for Section 20 for the bilateral knees (TDB Lien \$15,180.00 to be deducted from award = \$2,320.00) an overall settlement of \$25,585.00.

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2. \$17,500.00 Sec 20 - \$15,180.00 to be deducted from award = \$2,320.00 to be awarded to petitioner at settlement.
3. \$8,085.00 + \$17,500.00 = \$25,585.00 would be the total settlement, less lien & cost at settlement.

Indemnity - \$39,044.22, 12.5% of the hand, plus cost. Sec 20 of the b/l knees \$17,500.00. (decrease in reserve of \$13,766.34)

Medical - \$6,029.99, (decreased in reserve of \$8,420.01)

Expense - \$6,190.00, no change.

Legal - \$5,000.00, no change

Total - \$56,264.21

**Last committee meeting date and amount authorized: \$78,450.56**

**Payment authority requested up to: \$56,264.21 (decrease in reserve of \$22,186.35)**

<b>Prior Claims for this Claimant</b>					
<b><u>DOI</u></b>	<b><u>Body Part/Acc Desc</u></b>	<b><u>Claim Type</u></b>	<b><u>Status</u></b>	<b><u>Paid</u></b>	<b><u>Incurred</u></b>
2008-09-14	MULTIPLE BODY PARTS REAR ENTRY TO BUILDING MULTI B-PRTS/MULTI	I	C	\$100,229	\$100,229
2001-12-02	KNEES HIT BY PT'S WHEELCHAIR RT KNEE CONTUSION	M	C	\$40,757	\$40,757
1998-02-19	SHOULDERS ASSISTING PATIENT LEFT SHOULDER	I	C	\$352	\$352
1995-07-03	KNEES LIFTING PATIENT CONTUSION RIGHT KNEE	M	C	\$0	\$0
1994-01-26	KNEES RT KNEE TRYING TO OPEN CAR	I	C	\$43	\$43
<b>Claim Count: 5</b>				<b>141,381</b>	<b>141,381</b>