



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

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TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 7, 2010

COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Authority to settle the Workers' Compensation Claim of Neshell King-Cooper vs. MWRDGC, Case No. 05 WC 047676, Illinois Workers' Compensation Commission, in the sum of \$192,531.00. Account 901-30000-601090

Dear Sir:

Neshell King-Cooper is an MLAS at the Stickney Plant. On September 25, 2005, while pulling on a rake to level course screen debris in a dumpster, she felt a popping sensation in her right shoulder. She was taken to MacNeal Hospital and diagnosed with a right shoulder strain. She was later diagnosed with a torn labrum in her right shoulder and underwent surgical repair in December of 2005. She developed a frozen shoulder and underwent a second right shoulder surgery in October of 2006.

Ms. King-Cooper has been off work since the original injury date. She was additionally diagnosed with complex regional pain syndrome and received treatment from several pain clinics. She continues to complain of right shoulder pain and recently reported that the entire right side of her body is painful.

The District's evaluating physician did not feel Ms. King-Cooper had complex regional pain syndrome and reported that she was at maximum medical improvement from her work injury. On July 21, 2009, after a comprehensive physical examination and review of surveillance video, he released her with a 25-pound lifting restriction. Ms. King-Cooper was offered work under those restrictions, and she refused. Her temporary total disability benefits were suspended on September 14, 2009.

On September 8, 2009, Ms. King-Cooper's physician reported that she was at maximum medical improvement with regard to her shoulder and released her with restrictions of no overhead lifting, no repetitive lifting over five pounds, and no lifting greater than ten pounds. The District is unable to accommodate these restrictions.

Medical opinion disputes of this nature are arbitrated by the Illinois Workers' Compensation Commission. If the Commission finds for Ms. King-Cooper, the District would be responsible for vocational retraining and a probable wage loss exposure of more than \$750,000.00. Ms. King-Cooper was receiving \$39,709.80 annually in total temporary disability pay.

At this time, Ms. King-Cooper has agreed to accept the sum of \$192,531.00 to close out all issues related to her claim and resign her employment at the District. By agreement, both parties engaged in Voluntary Arbitration under 19(p) of the Illinois Workers' Compensation Act to address Ms. King-Cooper's future medical care. In his decision dated December 14, 2009, Arbitrator DeVriendt concluded, based on the evidence submitted, that Ms. King-Cooper is at maximum medical improvement, and no additional medical treatment is warranted under the Workers' Compensation claim. As such, no Medicare set-aside will be needed to close this claim.

The General Counsel believes this settlement is in the District's best interests and requests payment of that

sum be approved and he be authorized to execute such documents as may be necessary to effect the settlement.

Requested, Frederick M. Feldman, General Counsel, FMF:LAG:VMM:nm

Respectfully Submitted, Terrence J. O'Brien, Chairman Committee on Judiciary

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for January 7, 2010.