



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 MARCH 4, 2010

COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Authority to settle the Workers' Compensation Claim of Jafar Rahimi vs. MWRDGC, Case No. 07 WC 35474, Illinois Workers' Compensation Commission, in the sum of \$300,000.00. Account 901-30000-601090

Dear Sir:

Jafar Rahimi is a Hoisting Engineer at the Stickney Water Reclamation Plant. On April 29, 2006, while climbing down an end loader machine, he slipped on a broken step and fell on pavement onto his outstretched hands. As a result of this accident, Mr. Rahimi underwent eight surgeries to his arms including a right rotator cuff tear repair, right carpal tunnel and cubital tunnel releases, left wrist first dorsal compartment release and ulnar cutaneous neuroma excision and burial, left wrist revision of volar carpal tunnel ganglion cyst excision and left carpal tunnel and cubital tunnel releases. Mr. Rahimi had extensive physical and occupational therapy. He has been off work continuously since August 15, 2006.

Mr. Rahimi had a functional capacities evaluation to determine his physical capabilities. The results of this test included permanent restrictions that the District is unable to accommodate. Mr. Rahimi was sent to a vocational expert to assess his job skills and potential for vocational retraining or alternative job placement. Our vocational expert estimates that Mr. Rahimi has a wage earning potential in the range of \$10.00 to \$14.00 per hour. Pursuant to Section 8(d-1) of the Illinois Workers' Compensation Act, Mr. Rahimi would be eligible for a wage differential equal to 66-2/3% of the difference between the wages in his hoisting position and wages in employment he can perform post-injury. Even if Mr. Rahimi secured new employment in the ranges estimated by our vocational expert, he would still qualify for the maximum wage differential of \$822.20 per week. Based on a life expectancy of 17 years, the District's exposure for a wage loss claim would be \$726,825.00. Mr. Rahimi presently receives \$54,634.58 annually in temporary total disability ("TTD") pay.

At this time, Mr. Rahimi has agreed to accept \$300,000.00 to close out all issues related to his claim and conclude his employment. TTD payments would end upon approval of this settlement.

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 March 4, 2010