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**To:** Honorable Mayor and City Commissioners

**From:** George A. Helm III, Esquire, Worker's Compensation Counsel

**Date:** November 21, 2012

**Re:** Settlement of workers compensation claim regarding Wilmer Bringle

**Introduction:**

This is a request for City Commission and Mayor approval of a workers compensation settlement proposal in the total amount of \$30,000. Of this amount, the claimant will net approximately \$24,750 after he pays attorneys fees of \$3750 and costs of \$1500.

**Background:**

The claimant, Wilmer Bringle, is a 6'1" 380 pound male former City of Key West firefighter hired on September 29, 1981 and who retired on September 30, 2011. The claimant is currently 58 years of age as he was born on July 25, 1954. On June 24, 2003 the claimant filed a claim for workers compensation benefits under the presumption contained in section 112.18, Florida Statutes. The claimant was worked up thoroughly and it ended up that he only had hypertension. The claimant subsequently underwent additional testing that included cardiac catheterization on August 3, 2006. After this catheterization the claimant was diagnosed with torturous coronary arteries. In addition to these two diagnoses the claimant was also diagnosed with hyperlipidemia, diabetes, morbid obesity and hyperuricemia. Subsequent to the initial accident the claimant followed primarily with Dr. Bruce Boros, a Key West cardiologist. By January of 2012 we had paid out a total of approximately \$43,000 in medical benefits on this claim. However, the cost of care was increasing as in the years 2009 and 2010 we paid \$6000 per year. In 2011 we paid approximately \$3162.

We obtained a medical cost projection that indicated future care could cost as much as \$74,504. This potential included exposure for future catheterization procedures necessitated by hypertension.

I also note that Mr. Bringle is receiving Social Security disability benefits and retirement benefits. Because he is receiving Social Security disability there is at least a chance he could be permanently and totally disabled. Although I think we have some strong arguments that any such disability is not related to his hypertension condition, because of the claimant's weight, the existence of diabetes and other co-morbidities, I believe the claimant is at significant risk for a future cardiac event that could be linked to hypertension. If so, our exposure on this claim is potentially catastrophic. Potential PTD exposure is approximately \$439,000 when discounted to present value using a 4% discount factor. We also face exposure to impairment benefits of approximately \$14,000, based on the fact that the claimant obtained an independent medical opinion indicating he had a qualifying impairment.

Overall, we definitely felt it was in the City of Key West's best interests to settle this claim for \$30,000. Not even considering potential indemnity and impairment exposure, the medical exposure alone justifies such a settlement.

The settlement will include a general release of all claims.

**Budget Impact:**

We will need to pay the total sum of \$30,000 within seven days of settlement approval.

**Recommendation:**

That the City Commission and Mayor approve a total settlement of the Wilmer Bringle workers compensation claim for the sum of \$30,000.