



Legislation Details (With Text)

File #: 16-1324 **Version:** 1 **Name:** Workers' Compensation (Angel Perez)
Type: Resolution **Status:** Adopted
File created: 8/8/2016 **In control:** Law
On agenda: 10/5/2016 **Final action:** 10/5/2016

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2012-15005
Claimant: Angel Perez
Claimant's Attorney: Markman and Canan, LLC.
Attorney's Address: PO Box 1489, Bloomfield, New Jersey 07003
Settlement Amount: \$39,485.25
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, October 4, 2016

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/5/2016	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Angel Perez, instituted suit in the Division of Workers' Compensation of New Jersey, Union County, bearing C.P. Number 2012-15005 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on October 4, 2011 while working for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Markman & Cannan, LLC, Corporation Counsel and/or the designee, Martin M. Glazer, Esq. ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers' Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of Thirty-Four Thousand Six Hundred Thirty-Eight Dollars and Twenty-Five Cents (\$34,638.25). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City of

Newark will also pay an attorney fee of Four Thousand One Hundred Fifty-Seven Dollars and Zero Cents (\$4,157.00), a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty-Nine Thousand Four Hundred Eighty-Five Dollars and Twenty-Five Cents (\$39,485.25); and

WHEREAS, this settlement is subject to approval by the Judge of the Division of Workers' Compensation; and

WHEREAS, the total settlement amount may be subject to minor changes in the amount or distribution at the time the Settlement Agreement is approved and the Settlement Order executed by the Judge of the Division of Workers' Compensation; and

WHEREAS, the Corporation Counsel opines that it is in the best interests of the City of Newark, that minor changes to the amount of the settlement and distribution shall not require subsequent Municipal Council approval provided the settlement amount is not increased or decreased above \$500.00 and all the terms and conditions are substantially the same as authorized by the resolution; and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, Corporation Counsel and/or Outside Counsel deem it is in the best interest of the City of Newark to accept said settlement in the total amount of Thirty-Nine Thousand Four Hundred Eighty-Five Dollars and Twenty-Five Cents (\$39,485.25).

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The settlement of the Workers' Compensation matter bearing C.P. Number 2012-15005 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:
 - (a) \$31,267.25 (Thirty-One Thousand Two Hundred Sixty- Seven Dollars and Twenty-Five Cents) made payable and mailed to Angel Perez, 1101 Sayre Road, Union, New Jersey 07083. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,771.00 (Two Thousand Seven Hundred Seventy-One Dollars) is being subtracted from the Petitioner's award to pay attorney fees and \$600.00 (Six Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.
 - (b) \$6,928.00 (Six Thousand Nine Hundred Twenty-Eight Dollars and Zero Cents) made payable to Markman and Canan, LLC, PO Box 1489, Bloomfield, New Jersey 07003.
 - (c) \$1,200.00 (One Thousand Two Hundred Dollars and Zero Cents) made payable to Sall/Myers Medical Associates, P.O. Box 2947, Paterson, New Jersey 07509.
 - (d) \$90.00 (Ninety Dollars and Zero Cents) made payable to State Shorthand Reporting Services, 212 Monmouth Road, Oakhurst, New Jersey 07755.

3. Attached hereto are the Certifications of the Comptroller of the City of Newark which state that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and which state that the line appropriation of the official budget which shall be charged is Business Unit NW024, Dept. ID 24T, Div. / Proj. 5T24, Account Code 96310. A copy of the Comptroller's Certifications shall be filed by the Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

STATEMENT

This resolution authorizes the Corporation Counsel or his designee, Martin M. Glazer, Esq., on behalf of the City of Newark, to effectuate, settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of Thirty-Nine Thousand Four Hundred Eighty-Five Dollars and Twenty-Five Cents (\$39,485.25) brought by Angel Perez, 1101 Sayre Road, Union, New Jersey 07083 and represented by Markman & Cannan, LLC who suffered injuries arising out of an accident that occurred on October 4, 2011 while he was employed by the City of Newark.