



Legislation Details (With Text)

File #: 16-1469 **Version:** 1 **Name:** Workers' Compensation (Antonio Armand)
Type: Resolution **Status:** Adopted
File created: 9/16/2016 **In control:** Law
On agenda: 10/19/2016 **Final action:** 10/19/2016

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2010-7245
Claimant: Antonio Armand
Claimant's Attorney: Jonathan H. Rosenbluth, Esq.
Attorney's Address: 76 South Orange Avenue, Suite 105, South Orange, New Jersey 07079
Settlement Amount: \$45,650.00
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, October 18, 2016

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/19/2016	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Antonio Armand, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2010-7245 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on August 9, 2009, while working for the Newark Police Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Jonathan Rosenbluth, Esq., Corporation Counsel and/or his designee, Chasan Leyner & Lamparello, P.C. ("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 Forty Thousand Two Hundred Thirty Dollars and Zero Cents (\$40,230.00). 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 Eight Hundred Thirty Dollars and Zero Cents (\$4,830.00), a medical evaluation fee of Five Hundred Dollars and Zero Cents (\$500.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Forty Five Thousand Six Hundred Fifty Dollars and Zero Cents (\$45,650.00); 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 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 Municipal Council believes 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 Forty Five Thousand Six Hundred Fifty Dollars (\$45,650.00).

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. No. 2010-7245 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) \$36,437.37 (Thirty Six Thousand Four Hundred Thirty Seven Dollars and Thirty Seven Cents) made payable and mailed to Antonio Armand, 654 North 5th Street, Newark, New Jersey 07107. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$3,292.63 (Three Thousand Two Hundred Ninety Two Dollars and Sixty Three Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$500.00 (Five Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$8,122.63 (Eight Thousand One Hundred Twenty Two Dollars and Sixty Three Cents) made payable to Jonathan H. Rosenbluth, Esq., 76 South Orange Avenue, Suite 105, South Orange, New Jersey 07079.
 - (c) \$1,000.00 (One Thousand 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, P.O. Box 227, Allenhurst, New Jersey 07711.

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 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 Corporation Counsel or his designee, Chasan Leyner & Lamparello, PC, 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 Forty-Five Thousand Six Hundred Fifty Dollars and Zero Cents (\$45,650.00), brought by Antonio Armand, 654 North 5th Street, Newark, New Jersey 07107 and represented by Jonathan Rosenbluth, Esq., who suffered injuries arising out of an accident that occurred on August 9, 2009 while he was employed by the Newark Police Department.