



Legislation Details (With Text)

File #: 19-1518 **Version:** 1 **Name:** Worker's Compensation - Mark Armstead
Type: Resolution **Status:** Adopted
File created: 9/24/2019 **In control:** Law
On agenda: 11/7/2019 **Final action:** 11/7/2019

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2016-28053
Claimant: Mark Armstead
Claimant's Attorney: Christopher Perez, Esq.
Attorney's Address: 260 Columbia Avenue, Suite 20-21, Fort Lee, New Jersey 07024
Settlement Amount: \$91,543.05
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/7/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Mark Armstead, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2016-28053 against the City of Newark seeking workers' compensation benefits as a result of an injury of the right elbow, right knee, left eye, chest, road rash to both arms, cervical spine and both shoulders and right hand, while in the course of duty, on June 12, 2016, while employed by the City of Newark as a Police Officer for the Department of Public Safety, Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Christopher Perez Esquire, of Hanna Perez, P.C., and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel") have agreed to amicably resolve and settle this matter under Section 22 of the Workers Compensation Act (N.J.S.A. 34:15-20) by payment in the amount of Eighty-One

Thousand One Hundred Eighteen Dollars and Eighty Cents (\$81,118.80). 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's fee of Nine Thousand Seven Hundred Thirty-Four Dollars and Twenty-Five Cents (\$9,734.25), a medical evaluation fee of Three Hundred Dollars and Zero cents (\$300.00), payable to Dr. Morris Horwitz, M.D., 175 Cedar Lane, Teaneck, New Jersey 07666 and a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00), payable to Dr. Ana Miguel Komotar, M.D., 175 Cedar Lane, Teaneck, New Jersey 07666, a transcription fee of Ninety Dollars and Zero Cents (\$90.00) made payable to Jersey Shore Reporting, P.O. Box R, Manasquan, New Jersey 08736, for a total settlement of Ninety-One Thousand Five Hundred Forty-Three Dollars and Five Cents (\$91,543.05); 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, the 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 Ninety-One Thousand Five Hundred Forty-Three Dollars and Five Cents (\$91,543.05).

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. 2016-28053 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) \$74,029.30 (Seventy-Four Thousand Twenty-Nine Dollars and Thirty Cents) made payable and mailed to Mark Armstead, 69 West Milton Ave, Rahway, New Jersey 07065 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$6,489.50 (Six Thousand Four Hundred Eighty-Nine Dollars and Fifty Cents) is being subtracted from Petitioner's award to pay for attorney's fees, and \$600.00 (Six Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.); and
 - (b) \$16,223.75 (Sixteen Thousand Two Hundred Twenty-Three Dollars and Seventy-Five Cents); to pay for attorney's fees, made payable to Hanna Perez, P.C., 260 Columbia

Avenue, Suite 20-21, Fort Lee, New Jersey 07024; and

(c) \$600.00 (Six Hundred Dollars and Zero Cents) to pay for medical evaluations in accordance with the settlement provisions, and made payable to Dr. Morris Horwitz, M.D., 175 Cedar Lane, Teaneck, New Jersey 07666; and

(d) \$600.00 (Six Hundred Dollars and Zero Cents) to pay for medical evaluations in accordance with the settlement provisions, and made payable to Dr. Ana Miguel Komotar, M.D., 175 Cedar Lane Teaneck, New Jersey 07666; and

(e) \$90.00 (Ninety Dollars and Zero Cents), made payable to Jersey Shore Reporting., P.O. Box R, Manasquan, New Jersey 08736; and

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.

4. A fully executed copy of the Order Approving Settlement shall be filed in the Office of the City Clerk by the Corporation Counsel.

STATEMENT

This resolution authorizes the Corporation Counsel or his designee, The Woolridge Law Firm LLC, 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 \$91,543.05 brought by Police Officer Mark Armstead, who suffered injuries on June 12, 2016 while employed by the City of Newark, Department of Public Safety, Police Division.