



Legislation Details (With Text)

File #: 18-0457 **Version:** 1 **Name:** Workers Compensation Settlement - Michael Bellina
Type: Resolution **Status:** Adopted
File created: 4/2/2018 **In control:** Law
On agenda: 4/24/2018 **Final action:** 4/24/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2015-26899
Claimant: Michael Bellina
Claimant's Attorney: David Lande, Esquire
Attorney's Address: Gill and Chamas, LLC., 655 Florida Grove Road, P.O. Box 760, Woodbridge, New Jersey 07095
Settlement Amount: \$22,287.12
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Acting Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------|--------|
| 4/24/2018 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, the Petitioner, Michael Bellina, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2015-26899 against the City of Newark seeking workers' compensation benefits due to injuries to his right wrist that he injured as a result of rescuing a family out of a burning building on August 7, 2015 while employed by the Fire Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, David Lande, Esq. and Acting 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 Nineteen Thousand, Five Hundred Fifty-One Dollars and Zero Cents (\$19,551.00). 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 Two Thousand Three Hundred Forty-Six Dollars and Twelve Cents (\$2,346.12), a medical evaluation fee of Three Hundred Dollars and Zero Cents (\$300.00) for Dr. Sidney Tobias, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty-Two Thousand Two Hundred Eighty-Seven Dollars and Twelve Cents (\$22,287.12); 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, Acting 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 Twenty-Two Thousand Two Hundred Eighty-Seven Dollars and Twelve Cents (\$22,287.12).

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. 2015-26899 is hereby approved.
2. Upon receipt by the Acting 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) \$17,686.92 (Seventeen Thousand Six Hundred Eighty-Six Dollars and Ninety-Two Cents) made payable and mailed to Michael Bellina, 73 Isabelle Street, Metuchen, New Jersey 08840 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,564.08 (One Thousand Five Hundred Sixty-Four Dollars and Eight Cents), is being subtracted from the Petitioner's award to pay attorney's fees, and \$300.00 (Three Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$2,346.12 (Two Thousand Three Hundred Forty-Six Dollars and Twelve Cents) made payable to Gill and Chamas, LLC, 655 Florida Grove Road, P.O. Box 760, Woodbridge, New Jersey 07095.

(c) \$300.00 (Three Hundred Dollars and Zero Cents) made payable to Dr. Sidney Tobias, 1301 Corlies Avenue, Suite 5E, Neptune, New Jersey 07753

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien Associates, 525 Boulevard, Kenilworth, New Jersey 07033.

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 Acting 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 Acting Corporation Counsel.

STATEMENT

This resolution authorizes Acting 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 \$22,287.12, brought by Michael Bellina, 73 Isabelle Street, Metuchen, New Jersey 08840 and represented by Gill and Chamas, LLC, 655 Florida Grove Road, P.O. Box 760, Woodbridge, New Jersey 07095, who suffered injuries while rescuing a family out of a burning building on August 7, 2015, while he was employed as a City of Newark firefighter.