



Legislation Details (With Text)

File #: 18-1327 **Version:** 1 **Name:** Workers Compensation Settlement - Ana Colon
Type: Resolution **Status:** Adopted
File created: 8/15/2018 **In control:** Law
On agenda: 4/17/2019 **Final action:** 4/17/2019

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2014-35567
Claimant: Ana Colon
Claimant's Attorney: John P. McGovern, Esq.
Attorney's Address: 45 Bleeker Street, Newark, New Jersey 07102
Settlement Amount: \$37,038.32
Funding Source: Insurance Commission Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors: Council of the Whole

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Code sections:

Date	Ver.	Action By	Action	Result
4/17/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Ana Colon, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-35567 against the City of Newark seeking workers' compensation benefits due to injuries to her neck, back and right shoulder that she sustained as a result of a Motor Vehicle Accident on December 31, 2013 while employed by the Department of Public Safety, Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, John P. McGovern, Esq. 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 Thirty-Two Thousand, Eight Hundred Eleven Dollars and Zero Cents (\$32,811.00). 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 Three Thousand Nine Hundred Thirty-Seven Dollars and Thirty-Two Cents (\$3,937.32), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00), for Dr. Iqbal Ahmad, and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), for a total settlement of Thirty-Seven Thousand, Thirty-Eight Dollars and Thirty-Two Cents (\$37,038.32); 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 Thirty-Seven Thousand, Thirty-Eight Dollars and Thirty-Two Cents (\$37,138.32).

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. 2014-35567 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) \$29,986.12 (Twenty-Nine Thousand Nine Hundred Eighty-Six Dollars and Twelve Cents) made payable and mailed to Ana Colon, 71 Suydam Avenue, Edison, New Jersey 08817 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,624.88 (Two Thousand Six Hundred Twenty-Four Dollars and Eighty-Eight Cents) is being subtracted from the Petitioner's award to pay attorney's fees, and \$200.00 (Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
 - (b) \$3,937.32 (Three Thousand Nine Hundred Thirty-Seven Dollars and Thirty-Two Cents) made payable to John P. McGovern, Esquire, 45 Bleeker Street, Newark, New Jersey 07102.
 - (c) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Dr. Iqbal Ahmad, 45 Academy Street, Suite 203, Newark, New Jersey 07102.

(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 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 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 \$37,038.32 brought by Ana Colon, who suffered injuries during a Motor Vehicle Accident on December 31, 2013 while she was employed for the City of Newark, Department of Public Safety, Police Division.