



## Legislation Details (With Text)

**File #:** 13-0531      **Version:** 1      **Name:** Settlement of Workers' Compensation - Jose Rivera  
**Type:** Resolution      **Status:** Filed  
**File created:** 3/13/2013      **In control:** Law  
**On agenda:** 3/20/2013      **Final action:** 3/20/2013  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2008-282  
Claimant: Jose Rivera, 161 Lincoln Avenue, Apt. B8, Newark, New Jersey 07104  
Claimant's Attorney: Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd  
Attorney's Address: 400 Market Street, Newark, New Jersey 07105  
Settlement Amount: \$23,816.00  
Funding Source: Insurance Fund Commission  
Additional Comments:  
Invitation: Corporation Counsel, March 19, 2013

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/20/2013	1	Municipal Council	Adopt	Pass

**Dept/ Agency:** Law

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**Claimant's Attorney:** Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd

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**WHEREAS**, the Petitioner, Jose Rivera, instituted suit in the Division of Workers' Compensation of New Jersey, Essex County, bearing C.P. No. 2008-282 against the City of Newark seeking workers' compensation benefits, as a result of an accident he suffered on October 22, 2007, while working for the Department of Engineering; and

**WHEREAS**, said Jose Rivera, through his attorney, has 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 Twenty One Thousand Six Dollars (\$21,006.00). 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's fee of Two Thousand Five Hundred Twenty Dollars (\$2,520.00), a medical evaluation fee of Two Hundred Dollars (\$200.00) and a transcription fee of Ninety Dollars (\$90.00);

and

**WHEREAS**, the total value of this Settlement with the above referred to fees amounts to Twenty Three Thousand Eight Hundred Sixteen Dollars (\$23,816.00); and

**WHEREAS**, based upon all the facts and circumstances surrounding the matter it is deemed in the best interest of the City of Newark to accept said Settlement in the total amount of Twenty Three Thousand Eight Hundred Sixteen Dollars (\$23,816.00).

**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. 2008-282 is hereby approved.
2. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Nineteen Thousand One Hundred Twenty Five Dollars (\$19,125.00) made payable and mailed to: Jose Rivera, 161 Lincoln Avenue, Apt. B8, Newark, New Jersey 07104. (It is understood that pursuant to the terms of the Order to be entered by the Judge of the Division of Workers' Compensation, One Thousand Six Hundred Eighty One Dollars (\$1,681.00) is being subtracted from the Petitioner's award to pay attorney's fees, and Two Hundred Dollars (\$200.00) is being subtracted to pay for medical evaluations in accordance with the Settlement provisions).
3. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Four Thousand Two Hundred One Dollars (\$4,201.00) made payable and mailed to: Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, 400 Market Street, Newark, New Jersey 07105.
4. Upon receipt by the Corporation Counsel of all supporting documents, the Director of Finance is hereby authorized to issue a check in the amount of Four Hundred Dollars (\$400.00) made payable and mailed to: Dr. Morris Horwitz, 175 Cedar Lane, Suite 4, Teaneck, New Jersey 07666.
5. Upon receipt by the Corporation Counsel of all supporting documents the Director of Finance is hereby authorized to issue a check in the amount of \$90.00 (Ninety dollars), made payable and mailed to: William C. O'Brien & Associates, Post Office Box 428, Kenilworth, New Jersey 07033.
6. Attached hereto is the Certification of the Comptroller of the City of Newark, which states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove under the line appropriation of the official budget, which shall be charged: Fund 024, Agency 24T, Organization 5T24, Object 96310.
7. 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 Mayor and/or his designee, the Corporation Counsel on behalf of the City of Newark to enter into and execute an Order Approving Settlement of a Workers' Compensation claim with Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd of 400 Market Street, Newark, New Jersey 07105, on behalf of the Petitioner, Jose Rivera of 161 Lincoln Avenue, Apt. B8, Newark, New Jersey 07104, who suffered injuries arising out of an accident that occurred on October 22, 2007 in the settlement amount of \$23,816.00.