



Legislation Text

File #: 16-0931, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2014-19633

Claimant: Albert Sledge

Claimant's Attorney: Manuel Gonzalez, Esquire

Attorney's Address: 400 Market St. 2nd Floor, Newark, New Jersey 07105

Settlement Amount: \$37,817.84

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, June 14, 2016.

WHEREAS, the Petitioner, Albert Sledge, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-19633 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on February 7, 2014 while working as mechanic for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Manuel Gonzalez, Esq., of Ginarte, O'Dwyer, Gonzalez & Winograd, 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. 34:15-22) by payment in the amount of Thirty Three Thousand Five Hundred Seven Dollars and Zero Cents (\$33,507.00). 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 Twenty Dollars and Eighty-Four Cents (\$4,020.84), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) for Dr. Morris Horwitz and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty-Seven Thousand, Eight Hundred Seventeen Dollars and Eighty-Four Cents (\$37,817.84); 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, Eight Hundred Seventeen Dollars and Eighty-Four Cents (\$37,817.84).

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. 2014-19633 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) \$30,826.44 (Thirty Thousand Eight Hundred Twenty-Six Dollars and Forty Four Cents) made payable and mailed to Albert Sledge 32 Reynold Place 1st Fl. Newark, New Jersey 07106. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,680.56 (Two Thousand Six Hundred Eighty Dollars and Fifty-Six 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) \$6,701.40 (Six Thousand Seven Hundred One Dollars and Forty Cents) made payable to Manuel Gonzalez, Esq. of Ginarte, O'Dwyer, Gonzalez & Winograd 400 Market Street. 2nd Fl. Newark, New Jersey 07105

(c) \$200.00 (Two Hundred Dollars and Zero Cents) made payable to Morris Horwitz, MD, 175 Cedar Lane, Teaneck, New Jersey 07666.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting Services PO 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 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.

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 \$37,817.84 brought by Albert Sledge, 32 Reynold Place, 1st Fl. Newark, New Jersey 07106 and represented by Ginarte, O'Dwyer, Gonzalez & Winograd who suffered injuries arising out of an accident that occurred on February 7, 2014 while he was employed by the City of Newark as a mechanic.