



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0218, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2016-8126

Claimant: Mayrely Arocha, Raymond Arocha and Christian Arocha

Claimant's Attorney: Birkhold & Maider, LLC

Attorney's Address: 189 Franklin Avenue, Suite 1, Nutley, New Jersey 07110

Settlement Amount: \$234,556.55

Funding Source: Insurance Trust Fund

Additional Comments:

Invitation: Corporation Counsel

WHEREAS, the Petitioner's heirs to the decedent, Mayrely Arocha, Raymond Arocha and Christian Arocha, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2016-8126 against the City of Newark seeking workers' compensation benefits due to the decedent suffering a massive, fatal heart attack after struggling with a mental suspect on September 16, 2014, while employed as a police officer by the City of Newark, Department of Public Safety, Police Division; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Birkhold & Maider LLC and Corporation Counsel and/or his designee, The Woolridge Law Firm LLC ("Outside Counsel"), the parties 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 Two Hundred Nine Thousand One Hundred Eighty-Four Dollars and Forty-Two Cents (\$209,184.42). 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 Twenty-Five Thousand One Hundred Two Dollars and Thirteen Cents (\$25,102.13), and a transcription fee of Two Hundred Seventy Dollars and Zero Cents (\$270.00) for a total settlement of Two Hundred Thirty-Four Thousand Five Hundred Fifty-Six Dollars and Fifty-Five Cents (\$234,556.55); and

WHEREAS, since these are Dependency petitions, the settlement calculates weekly payments of \$843.00 per week for the dependents until they reach the age of maturity; and

WHEREAS, benefits for the surviving spouse, Mayrely Arocha, will continue until her death at the rate of \$843.00 per week. Under the Labor Agreement between the City of Newark and the Federation of Police Officers, Lodge No. 12 lifetime health insurance benefits ends if she remarries; 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 Two Hundred Thirty-Four Thousand Five Hundred Fifty-Six Dollars and Fifty-Five Cents (\$234,556.55).

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. 2016-8126 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) \$64,149.89 (Sixty-Four Thousand One Hundred Forty-Nine Dollars and Eighty-Nine Cents) made payable and mailed to Mayrely Arocha, 715 Walnut Street, Roselle Park, New Jersey 07204. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$5,578.25 (Five Thousand Five Hundred Seventy-Eight Dollars and Twenty-Five Cents) is being subtracted from the Petitioner's award to pay attorney's fees, in accordance with the settlement provisions.)

(b) \$64,149.89 (Sixty-Four Thousand One Hundred Forty--Nine Dollars and Eighty-Nine Cents) made payable and mailed to Christian Arocha, 715 Walnut Street, Roselle Park, New Jersey 07204. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation \$5,578.25 (Five Thousand Five Hundred Seventy-Eight Dollars and Twenty-Five Cents) is being subtracted from the Petitioner's award to pay attorney's fees, in accordance with the settlement provisions.)

(c) \$64,149.89 (Sixty-Four Thousand One Hundred Forty--Nine Dollars and Eighty-Nine Cents) made payable and mailed to Raymond Arocha, 715 Walnut Street, Roselle Park, New Jersey 07204. 07017 (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$5,578.25 (Five Thousand Five Hundred Seventy-Eight Dollars and Twenty-Five Cents) is being subtracted from the Petitioner's award to pay attorney's fees in accordance with the settlement provisions.)

(d) \$25,102.13 (Twenty-Five Thousand One Hundred Two Dollars and Thirteen Cents) made payable to Birkhold & Marder, LLC, 189 Franklin Avenue, Suite 1, Nutley, New Jersey 07110.

(e) \$270.00 (Two Hundred Seventy Dollars and Zero Cents), made payable to Jersey Shore Reporting, P.O. Box R, Manasquan, New Jersey 08736.

3. Since this is a dependency claim, the Municipal Council approves any additional weekly payments that may accrue between the time that the Municipal Council approves this settlement and the date that the matter is placed before the Workers' Compensation Court.

4. 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 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.

5. A copy of the Comptroller's certification shall be filed by the Corporation Counsel in the Office of the City Clerk along with a copy of this Resolution.

6. 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 \$234,556.55 brought by Mayrely Arocha, Raymond Arocha and Christian Arocha, heirs to the decedent, Police Officer Reinaldo Arocha, who suffered a fatal, massive heart attack on September 16, 2014, while on duty and while employed by the City of Newark, Department of Public Safety, Police Division.