



## Legislation Details (With Text)

**File #:** 13-1795      **Version:** 1      **Name:** Workers' Compensation Settlement: Ismael Gonzalez  
**Type:** Resolution      **Status:** Filed  
**File created:** 9/18/2013      **In control:** Law  
**On agenda:** 10/23/2013      **Final action:** 10/29/2013  
**Title:** Dept/ Agency: Law  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Settlement of Workers' Compensation  
C.P. No.: 2008-27098  
Claimant: Ismael Gonzalez  
Claimant's Attorney: Andrew H. Graulich, Esq.  
Attorney's Address: 17 Academy Street, Suite 1111, Newark, New Jersey 07102  
Settlement Amount: \$29,039.33  
Funding Source: Insurance Fund Trust Account  
Additional Comments:  
Invitation: Corporation Counsel , October 22, 2013  
No Action Taken 7R7-d 102313

### Sponsors:

### Indexes:

### Code sections:

| Date       | Ver. | Action By         | Action          | Result |
|------------|------|-------------------|-----------------|--------|
| 10/29/2013 | 1    | Municipal Council | Adopt           | Pass   |
| 10/23/2013 | 1    | Municipal Council | no action taken |        |

### Dept/ Agency: Law

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

**Purpose:** Settlement of Workers' Compensation

**C.P. No.:** 2008-27098

**Claimant:** Ismael Gonzalez

**Claimant's Attorney:** Andrew H. Graulich, Esq.

**Attorney's Address:** 17 Academy Street, Suite 1111, Newark, New Jersey 07102

**Settlement Amount:** \$29,039.33

**Funding Source:** Insurance Fund Trust Account

### Additional Comments:

**Invitation:** Corporation Counsel , October 22, 2013

**No Action Taken 7R7-d 102313**

**WHEREAS**, the Petitioner, Ismael Gonzalez, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. No. 2008-27098 against the City of Newark seeking Workers' Compensation Benefits, as a result of an accident that he sustained on September 11, 2008 while working for the City of Newark, as a carpenter for the Department of Engineering; and

**WHEREAS**, following settlement negotiations through Petitioner's attorney, Andrew Graulich,

Esq., Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, P.C. ("Outside Counsel"), 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-Four Thousand Three Hundred Twenty-Nine Dollars and Thirty-Three Cents (\$24,329.33). 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 Four Thousand Seventy Dollars (\$4,070.00), a medical evaluation fee of Four Hundred Dollars (\$400.00) and a transcription fee of Two Hundred Forty Dollars (\$240.00); and

**WHEREAS**, the total value of this settlement with the above referred to fees amounts to Twenty-Nine Thousand Thirty-Nine Dollars and Thirty-Three Cents (\$29,039.33); and

**WHEREAS**, based upon all of the facts and circumstances surrounding this matter, Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, P.C., deem it is in the best interest of the City of Newark to accept said settlement in the total amount of Twenty-Nine Thousand Thirty-Nine Dollars and Thirty-Three Cents (\$29,039.33).

**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. 2008-27098 is hereby approved.
2. Upon receipt by the Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, P.C., of all supporting documents, the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:
  - (a) \$21,983.33 (Twenty-One Thousand Nine Hundred Eighty-Three Dollars and Thirty-Three Cents) made payable and mailed to Ismael Gonzalez, 142 Emmet Street, Newark, New Jersey 07114. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, \$1,946.00 (One Thousand Nine Hundred Forty-Six Dollars) is being subtracted from the Petitioner's award to pay attorney's fees, and \$400.00 (Four Hundred Dollars) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.)
  - (b) \$6,016.00 (Six Thousand Sixteen Dollars) made payable to Andrew H. Graulich, Esq., 17 Academy Street, Suite 1111, Newark, New Jersey 07102.
  - (c) \$800.00 (Eight Hundred Dollars) made payable to Sall/Myers Medical Associates, Post Office Box 2947, Paterson, New Jersey 07509.
  - (d) \$240.00 (Two Hundred Forty Dollars) made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.
3. Attached hereto are the Certification of Funds 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 Fund 024, Agency 24T, Orgn 5T24, Object 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 hereby authorizes Corporation Counsel and/or its designee, Chasan Leyner & Lamparello, PC, on behalf of the City of Newark, to effectuate a Settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of Twenty-Nine Thousand Thirty-Nine Dollars and Thirty-Three Cents (\$29,039.33) brought by Ismael Gonzalez, 142 Emmet Street, Newark, New Jersey 07114, represented by Andrew H. Graulich, Esq., 17 Academy Street, Suite 1111, Newark, New Jersey 07102, who suffered injuries arising out of an accident that occurred on September 11, 2008 while he was working as a carpenter for the Department of Engineering.