



Legislation Details (With Text)

File #: 16-0454 **Version:** 1 **Name:** Workers' Compensation Settlement (Jerry Younger)
Type: Resolution **Status:** Adopted
File created: 3/7/2016 **In control:** Law
On agenda: 4/6/2016 **Final action:** 4/6/2016

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2011-21011
Claimant: Jerry Younger
Claimant's Attorney: Edward Colligan, Esq.
Attorney's Address: 17 Academy Street, Suite 510, Newark, New Jersey 07102
Settlement Amount: \$35,593.00
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, April 5, 2016

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
4/6/2016	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation

C.P. No.: 2011-21011

Claimant: Jerry Younger

Claimant's Attorney: Edward Colligan, Esq.

Attorney's Address: 17 Academy Street, Suite 510, Newark, New Jersey 07102

Settlement Amount: \$35,593.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, April 5, 2016

WHEREAS, the Petitioner, Jerry Younger, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2011-21011, against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained to his shoulder on January 13, 2011 while working for Newark Fire Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Edward Colligan, 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. 34:15-22) by payment in the amount of Thirty One Thousand Five Hundred Eighteen Dollars and Zero Cents (\$31,518.00). 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 Seven Hundred Eighty Five Dollars and Zero Cents (\$3,785.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) for Dr. Kulkarni and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Thirty Five Thousand Five Hundred Ninety Three Dollars and Zero Cents (\$35,593.00); 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 Five Thousand Five Hundred Ninety Three Dollars and Zero Cents(\$35,593.00).

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. 2011-21011 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) \$28,800.00 (Twenty Eight Thousand Eight Hundred Dollars and Zero Cents) made payable and mailed to Jerry Younger, 37 Wakeman Avenue, Newark, New Jersey 07104. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$2,518.00 (Two Thousand Five Hundred Eighteen Dollars and Zero 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) \$6,303.00 (Six Thousand Three Hundred Three Dollars and Zero Cents) made payable to Edward Colligan, Esq., 17 Academy Street, Suite 510, Newark, New Jersey 07102.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Vijaykumar Kulkarni, MD, 100 Hamilton Plaza, Paterson, New Jersey 07509.

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to William C. O'Brien, Inc., Post Office Box 428, Kenilworth, New Jersey 07033.

3. Attached hereto are the Certifications of Funds from 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.

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 \$35,593.00, brought by Jerry Younger 37 Wakeman Avenue, Newark, New Jersey 07104, and represented by Jerry Younger, Esq. who suffered injuries arising out of an accident that occurred on January 13, 2011 while he was employed by the City of Newark Fire Department.