



Legislation Details (With Text)

File #: 17-0023 **Version:** 1 **Name:** Workers' Compensation (Kashif Barnes)
Type: Resolution **Status:** Adopted
File created: 1/10/2017 **In control:** Law
On agenda: 3/15/2017 **Final action:** 3/15/2017

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation Claim
C.P. No.: 2014-7835
Claimant: Kashif Barnes
Claimant's Attorney: Lord, Kobrin, Alvarez & Fattell, L.L.C.
Attorney's Address: 1283 Route 22 East, Mountainside, New Jersey 07092
Settlement Amount: \$27,587.00
Funding Source: Insurance Fund Trust
Additional Comments:
Invitation: Corporation Counsel, March 14, 2017

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/15/2017	1	Municipal Council	Adopt	Pass

Dept/ Agency: Law

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

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2014-7835

Claimant: Kashif Barnes

Claimant's Attorney: Lord, Kobrin, Alvarez & Fattell, L.L.C.

Attorney's Address: 1283 Route 22 East, Mountainside, New Jersey 07092

Settlement Amount: \$27,587.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, March 14, 2017

WHEREAS, the Petitioner, Kashif Barnes, instituted suit in the Division of Workers Compensation of New Jersey, Essex County, bearing C.P. Number 2014-7835 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on October 17, 2013, while working for the Newark Sanitation Department; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Lord, Kobrin, Alvarez & Fattell, L.L.C., Corporation Counsel and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C. ("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 Twenty Four Thousand Three Hundred Eighty Seven Dollars and Zero Cents (\$24,387.00). 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 Two Thousand Nine Hundred Ten Dollars and Zero Cents (\$2,910.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty Seven Thousand Five Hundred Eighty Seven Dollars and Zero Cents (\$27,587.00); 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 Twenty Seven Thousand Five Hundred Eighty Seven Dollars and Zero Cents (\$27,587.00).

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. 2014-7835 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) \$22,247.00 (Twenty Two Thousand Two Hundred Forty Seven Dollars and Zero Cents) made payable and mailed to: Kashif Barnes 100 Chadwick Avenue Apt. 2J Newark, New Jersey 07102. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,940.00 (One Thousand Nine Hundred Forty 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) \$4,850.00 (Four Thousand Eight Hundred Fifty Dollars and Zero Cents) made payable to Lord, Kobrin, Alvarez & Fattell, L.L.C. 1283 Route 22 East Mountainside, New Jersey 07092.
 - (c) \$400.00 (Four Hundred Dollars and Zero Cents) made payable to Dr. David Weiss 1460 Livingston Avenue Bldg. 400 North Brunswick, New Jersey 08902

(d) \$90.00 (Ninety Dollars and Zero Cents), made payable to State Shorthand Reporting, P.O. 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 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 and/or his designee, Chasan Lamparello Mallon & Cappuzzo, P.C., 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 Twenty Seven Thousand Five Hundred Eighty Seven Dollars and Zero Cents (\$27,587.00) brought by Kashif Barnes, 100 Chadwick Avenue Apt. 2J Newark, New Jersey 07108, who suffered injuries arising out of an accident that occurred on October 17, 2013 while he was employed by the Newark Sanitation Department.