



Legislation Details (With Text)

File #: 19-1479 **Version:** 1 **Name:** Worker's Compensation - Rickey Miele
Type: Resolution **Status:** Adopted
File created: 9/16/2019 **In control:** Law
On agenda: 11/7/2019 **Final action:** 11/7/2019

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Workers' Compensation
C.P. No.: 2016-27744
Claimant: Ricky Miele
Claimant's Attorney: Gold Albanese & Barletti, LLC
Attorney's Address: 211 Broad Street, Suite 207, Red Bank, New Jersey 07701
Settlement Amount: \$69,710.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
11/7/2019	1	Municipal Council	Adopt	Pass

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WHEREAS, the Petitioner, Ricky Miele, instituted suit in the Division of Workers' Compensation of New Jersey, County, bearing C.P. Number 2016-27744 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on August 10, 2016 while working as a Firefighter for the City of Newark, Department of Public Safety, Division of Fire; and

WHEREAS, following settlement negotiations through Petitioner's attorneys Gold Albanese & Barletti LLC and/or the designee, Martin M. Glazer, Esq. ("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 Seventy-Five Thousand Five Hundred Sixteen Dollars and Zero Cents (\$75,516.00) with an Abdullah credit of Thirteen Thousand Nine Hundred Twenty Dollars

and Zero Cents (\$13,920.00) for a total settlement value of Sixty-One Thousand Five Hundred Ninety-Six Dollars and Zero Cents (\$61,596.00) subject to statutory deductions of Six Thousand Eight Hundred and Ninety-Five Dollars and Zero Cents (\$6,895.00), for a net award of Fifty-Six Thousand Seven Hundred One Dollars and Zero Cent (\$56,701.00). 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 Twelve Thousand Three Hundred Nineteen Dollars and Zero Cents (\$12,319.00), a medical evaluation fee of Six Hundred Dollars and Zero Cents (\$600.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00), for a total settlement of Sixty-Nine Thousand Seven Hundred Ten Dollars and Zero Cents (\$69,710.00); 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 the 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 correct 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 this resolution; and

WHEREAS, based on 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 Sixty-Nine Thousand Seven Hundred and Ten Dollars and Zero Cents (\$69,710.00).

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY THAT:

1. The settlement of the Workers' Compensation claim matter bearing C.P. Number 2016-27744 is hereby approved. Upon receipt by the Corporation Counsel and /or the Outside Counsel of all supporting Documents, the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows which total of Sixty-Nine Thousand Seven Hundred Ten Dollars and Zero Cents (\$69,710.00):
 - a. \$56,701.00 (Fifty-Six Thousand Seven Hundred One Dollars and Zero Cents), made payable and mailed to Ricky Miele, 48 Orchard Road, West Long Branch, New Jersey 07764. (It is understood pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers Compensation, Four Thousand Five Hundred Ninety-Five Dollars and Zero Cents (\$4,595.00), is being subtracted from the Petitioner's award to pay attorney fees and Three Hundred Dollars and Zero Cents (\$300.00), is being subtracted to pay medical evaluation fees in accordance with the settlement provisions.
 - b. \$12,319.00 (Twelve Thousand Three Hundred Nineteen Dollars and Zero Cents), made

payable to Gold Albanese & Barletti LLC, 211 Broad Street, Suite 207, Red Bank, New Jersey 07701.

- c. \$600.00 (Six Hundred Dollars and Zero Cents), made payable to Regional Independent Medical Evaluation, 201 Woofston Drive, PO Box 909, Morrisville, Pennsylvania 19067.
 - d. \$90.00 (Ninety Dollars and Zero Cents), made payable to J.H.BUEHRER & ASSOCIATES, 884 Breezy Oaks Drive, Toms River, New Jersey 08753.
- 2. Attached hereto is the Certification of the Comptroller of the City of Newark which states that sufficient legally appropriated funds are available for the purpose set forth hereinabove and 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.
 - 3. 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.
 - 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 authorizes the Corporation Counsel or his designee, Martin M. Glazer Esq., 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 brought by Ricky Miele, who suffered injuries arising out of an accident that occurred on August 10, 2016 while he was employed as a Firefighter by the City of Newark, Department of Public Safety, Division of Fire.