

RESOLUTION NO. 2023-

A RESOLUTION APPROVING THE JOINT PETITION SETTLEMENT AND MAKING PAYMENT OF THE SETTLEMENT IN THE WORKERS' COMPENSATION CASE OF JOSHUA BURKHALTER FOR THE AMOUNT OF TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00) INCLUDING AN ATTORNEY'S FEE PAYMENT IN THE AMOUNT OF FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00); DIRECTING THREE PERCENT (3%) OF SAID JUDGMENT, IN THE AMOUNT OF SIX HUNDRED AND NO/100 DOLLARS (\$600.00), TO BE PAID DIRECTLY TO THE OKLAHOMA TAX COMMISSION AS A MULTIPLE INJURY TRUST FUND TEMPORARY ASSESSMENT IN ACCORDANCE WITH 85A OKLA. STAT. SECTION 31.A.7; AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSE OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

WHEREAS, Joshua Burkhalter has filed an injury claim with the Workers' Compensation Commission for disability benefits as a result of an injury to his right shoulder, which occurred on February 7, 2022, after slipping on the ice, while on duty as a Firefighter for the City of Lawton, Fire Department; and,

WHEREAS, a Joint Petition Settlement has been reached in the amount of Twenty Thousand and No/100 Dollars (\$20,000.00), including an attorney's fee payment in the amount of Four Thousand and No/100 Dollars (\$4,000.00); and,

WHEREAS, pursuant to Title 85A Okla. Stat. Section 31.A.7., for injuries occurring on or after July 1, 2019, the Oklahoma Tax Commission shall assess and collect from claimants a Multiple Injury Trust Fund temporary assessment in the amount of three percent (3%) of the total award or settlement for permanent partial disability or permanent total disability; and,

WHEREAS, in the Joint Petition Settlement filed with the Workers' Compensation Commission, the claimant agreed that said assessment, representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability, shall be deducted from the settlement amount and paid by the employer; and,

WHEREAS, the above referenced Multiple Injury Trust Fund Assessment representing three percent (3%) of the joint petition settlement amount attributable to permanent partial disability or permanent total disability is Six Hundred and No/100 Dollars (\$600.00); and,

WHEREAS, the amount due to Joshua Burkhalter will be Twenty Thousand and No/100 Dollars (\$20,000.00), including an attorney's fee payment in the amount of Four Thousand and No/100 Dollars (\$4,000.00) and including a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Six Hundred and No/100 Dollars (\$600.00).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Lawton, that the City Council approves the Joint Petition Settlement and filing of a foreign judgment for purposes of placing said judgment on the tax rolls and making payment of Twenty Thousand and

No/100 Dollars (\$20,000.00), including an attorney's fee payment in the amount of Four Thousand and No/100 Dollars (\$4,000.00) and a Multiple Injury Trust Fund Assessment to be paid to the Oklahoma Tax Commission in the amount of Six Hundred and No/100 Dollars (\$600.00), in the workers' compensation case of Joshua Burkhalter.

PASSED and APPROVED by the Mayor and Council of the City of Lawton, Oklahoma this 9th day of May 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 3rd of May 2023.



TIMOTHY E. WILSON, DEPUTY CITY ATTORNEY