

Robert P. Astorino
County Executive

Department of Finance

Ann Marie Berg
Commissioner

18902

DATE: May 3, 2011

TO: HONORABLE MEMBERS OF THE BOARD OF
ACQUISITION AND CONTRACT

FROM: Ann Marie Berg
Commissioner of Finance

Robert F. Meehan
County Attorney

RE: REQUEST FOR AUTHORIZATION TO SETTLE WORKERS'
COMPENSATION CASE NOS. WC950383, WC230168 AND WC250257
FOR THE TOTAL SUM OF \$24,900 FOR MICHAEL RENNALLS, A FORMER
EMPLOYEE OF THE WESTCHESTER COUNTY DEPARTMENT OF
ENVIRONMENTAL FACILITIES

The Department of Finance, as administrators of the Westchester County Workers' Compensation Program, has in the past, with the cooperation of the County Attorney's Office negotiated lump sum settlements with attorneys of current or former injured County Employees for final approval by the New York State Workers' Compensation Board in the interest of justice. These settlements are based on the following criteria:

1. The degree of disability
2. The estimated life expectancy of the claimant
3. The settlement amount proposed by the claimant's attorney

In the above referenced matter, the following facts are relevant to consideration of this resolution.

1. Mr. Rennalls was injured on March 1, 1995, February 21, 2003 and May 12, 2005. He has already received indemnity awards per New York State Workers' Compensation Board for a total of \$88,934.00.
2. Under Section 32 Workers' Compensation Law WCL, a settlement agreement signed and agreed to by the parties affirms that the agreement if approved by the Workers' Compensation Board is conclusive, final and binding on all parties involved.
3. Age of claimant is fifty-three (53) years. Estimated life expectancy for males age 53 is 77 years. The remaining period of life expectancy for Mr. Rennalls is 24 years.
4. The total payments made for medical to date has been \$168,672. According to Triad we continue to make approximately \$25,000 worth of medical payments annually. Approving this settlement agreement will permanently close out all three claims.

SETTLEMENT PROPOSAL

1. Amount proposed and accepted by claimant's attorney \$24,900.
2. Triad Group, which provides claims review and other services for The Workers' Compensation Program to the Department of Finance and the County, has recommended the lump sum settlement in the amount of \$24,900.

This settlement serves a public purpose by bringing permanent closure to all three named workers' compensation claims thereby relieving the County of Westchester from making any further medical payments. The prior indemnity awards of permanency from the Workers' Compensation Board has already relieved the County of Westchester from making any further indemnity payments. The negotiated amount is therefore in the best interest of the County.

We hereby recommend that the Board of Acquisition and Contract approve this Settlement agreement in the amount of \$24,900, as it appears to be in the best interest of the County, and falls within the parameters of the criteria discussed above.

RESOLUTION

UPON A COMMUNICATON FROM THE COMMISSIONER OF FINANCE AND THE COUNTY ATTORNEY, BE IT HEREBY

RESOLVED that the County of Westchester is hereby authorized to settle subject to the approval of the Workers' Compensation Board the Workers' Compensation case with Michael Rennalls compensation Case Nos. WC950383, WC230168 and WC250257 for a lump sum of \$24,900.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
613	57	0003	4280		\$8,300
613	57	0005	4280		\$8,300
613	57	0450	4280		\$8,300

Budget Funding Year(s) 1995, 2003 and 2005 Start Date N/A End Date N/A
 (must match resolution)

Funding Source Tax Dollars \$24,900
 State Aid _____
\$24,900 Federal Aid _____
 (must match resolution) Other 6J