

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO NEGOTIATE A GLOBAL SETTLEMENT AND RELEASE BETWEEN THE CITY AND CARL PUSKARCIK FOR WORKERS' COMPENSATION CLAIMS IN AN AMOUNT NOT TO EXCEED \$125,000.00.

WHEREAS, the City of Hollywood (the "City") has been advised by Andrew Borah, its workers' compensation attorney, that the best course of action would be to resolve Carl Puskarcik's (the "Claimant") workers' compensation claims relating to injuries that occurred on September 7, 2007 & November 20, 2013 as well as an April 8, 2015 claim, which was found to be non-compensable; and

WHEREAS, on September 7, 2007, Mr. Puskarcik injured his right knee during his morning workout as a Marine Safety Officer. The injury was found to be compensable and he treated the injury conservatively. The claimant's doctor has recommended knee replacement surgery which Mr. Puskarcik has chosen to undergo in the near future. Petitions for Benefits have been filed on this claim throughout the years; and

WHEREAS, on November 20, 2013, Mr. Puskarcik then injured his left knee when he slipped and fell on the ramp of his lifeguard station. This injury was also found to be compensable and has been treated conservatively as well. The doctor has also recommended replacement of this knee. Petitions for Benefits have been filed on this claim throughout the years; and

WHEREAS, on April 8, 2015, Mr. Puskarcik filed a workers' compensation claim for a melanoma diagnosis. This injury was denied as personal in nature. A Petition for Benefit was filed on this claim but has since been withdrawn; and

WHEREAS a Medicare Set Aside (MSA) study was conducted, submitted and approved by the Centers for Medicare & Medicaid Services (CMS), in the amount of \$93,895.00. The MSA takes into account the right knee replacement surgery but not the left knee replacement surgery, as that was recommended after CMS approved the MSA. The MSA also accounts for future medicals and prescription costs; and

WHEREAS, Mr. Borah is requesting authorization to negotiate a global settlement with the claimant not to exceed \$125,000.00. This amount would include the MSA, attorney fees, costs, a global release and that the claimant cannot treat his work related conditions under the retiree health insurance; and

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WHEREAS, it is recommended that the City Commission authorize an amount not to exceed \$125,000.00 in an attempt to reach a global settlement with the claimant;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the above-described settlement is hereby approved, payable from the City's self-insurance fund.

Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY