



Legislation Details (With Text)

File #: R-2019-145 **Version:** 1 **Name:** Herbert Helfen Attorney's Fees
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Title: A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Herbert Helfen Regarding A Workers' Compensation Claim For Attorney's Fees And Costs In An Amount Not To Exceed \$5,000.00.

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Attachments: 1. Resolution 2019 Herbert Helfen Attorney's Fees.pdf, 2. Helfen, Herbert DOI 102805 Attorney's Fees & Costs.pdf, 3. BIS 19-167.pdf

Date	Ver.	Action By	Action	Result
6/5/2019	1	Regular City Commission Meeting	adopt	Pass

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Herbert Helfen Regarding A Workers' Compensation Claim For Attorney's Fees And Costs In An Amount Not To Exceed \$5,000.00.

Staff Recommends: Approval of the attached Resolution.

Explanation:

Attorney's fees and costs are due and owed to the attorney representing Herbert Helfen (the Claimant) for his workers compensation claim. This October 28, 2005 claim, which the third party administrator found to be compensable, is for multiple injuries which resulted when Mr. Helfen fell several feet to the ground from the back of a moving fire truck. Mr. Helfen returned to light duty on August 07, 2006 and continued to work in a light duty position until his normal retirement on May 30, 2009. On June 26, 2018, Mr. Helfen filed a Petition for Workers' Compensation Benefits requesting treatment with a "fellowship trained adult reconstructive orthopedic surgeon" which was deemed medically necessary by his authorized workers' compensation physician. Due to this very specific referral, and the complex nature of Mr. Helfen's injuries, neither the workers' compensation third party administrator (TPA) nor workers' compensation attorney were able to locate an orthopedic surgeon, with the recommended requirements, willing to take on this type of case within 30 days as required by the State of Florida. Due to the difficulty in getting the claimant an appointment within the State required 30 days, attorney's fees and costs are due and owed. The City's workers' compensation attorney was able to resolve the fees and costs for \$5,000.00.

Because the amount paid out on this claim, \$678,859.43, exceeds the City's self -insurance retention

level for this date of injury (\$400,000.00), the City's TPA will submit for reimbursement from the excess workers' compensation carrier (SunPoint Insurance Service Corporation/SunPoint Holdings).

Authorizing the payment of attorney's fees and costs would not settle Mr. Helfen's workers' compensation claim.

Funding has been identified in the fiscal year 2019 budget in the City's Self Insurance Fund (Fund 58).

Recommended for inclusion on the agenda by:

Peter Junker, Risk Manager

Tammie L. Hechler, Director of Human Resources

Adam S. Reichbach, Assistant City Manager for Finance & Administration