



City of Hollywood

Hollywood City Hall
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Hollywood, FL 33020
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Legislation Text

File #: R-2018-254, **Version:** 1

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Negotiate A Settlement For Attorney's Fees For Mark McCann For A Workers' Compensation Claim In An Amount Not To Exceed \$26,000.00.

Staff Recommends: Approval of the attached Resolution

Explanation:

The City of Hollywood has been advised by its workers' compensation attorney, Andrew Borah, that there are attorney's fees/costs due and owing to Mark McCann for his workers' compensation claim that occurred on September 25, 2015.

On September 25, 2015, Mr. McCann experienced symptoms that would be diagnosed as a stroke. Because Mr. McCann was a firefighter at the time of the diagnoses, there existed the possibility that the stroke could be compensable under Florida Statute 112.18 commonly referred to as the Heart/Lung Bill. During the 120 day investigative period, the City felt it had sufficient medical information to deny the claim which it did on March 31, 2016.

Mr. McCann appealed the denial. Based on additional medical information gathered during the appeal, Mr. Borah advised that the City needed to accept compensability of Mr. McCann's illness. The City rescinded its denial on November 1, 2016 and stipulated to attorney's fees and costs.

Mr. McCann worked for the City until he was granted a duty disability retirement on August 31, 2017 and continues to receive treatment.

To date, the City of Hollywood has paid out \$170,211.06 for this claim.

It is recommended that the City Commission authorize an amount not to exceed \$26,000.00 to resolve the fees and costs associated with Mr. McCann overcoming the denial of benefits. This amount does not settle the claim; it only settles what is currently due and owing for attorney's fees and costs.

Recommended for inclusion on the agenda by:

Dr. Wazir Ishmael, City Manager

Adam Reichbach, Assistant City Manager for Finance and Administration

Tammie Hechler, Director, Human Resources