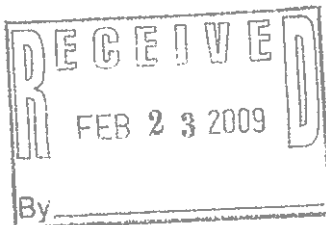


BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

In re claim of:



FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
February 20, 2009
Robert L. Tharp
COURT CLERK
Court Number: 2008-06045R
2008-06081K
Claimant's Social Security
Number

[Redacted]

Claimant

[Redacted]

Respondent

[Redacted]

Ins. Carrier

ORDER DETERMINING COMPENSABILITY AND AWARDED
PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 12th day of FEBRUARY, 2009, this cause came on for consideration pursuant to regular assignment and hearing on FEBRUARY 11, 2009, before JUDGE WILLIAM R FOSTER, at Tulsa, Oklahoma, at which time claimant appeared in person and by counsel, M SCOTT ASH and respondent and insurance carrier appeared by counsel, RANDALL J SNAPP.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT on DECEMBER 20, 2006, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma, and on said date claimant sustained accidental personal injury as a result of cumulative trauma to the RIGHT SHOULDER arising out of and in the course of claimant's employment.

- 2 -

THAT on SEPTEMBER 16, 2007, claimant sustained accidental personal injury to the CERVICAL SPINE arising out of and in the course of claimant's employment.

- 3 -

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at \$297.14 per week for temporary total disability and \$289.00 per week for permanent partial disability.

- 4 -

THAT the issue of 16D benefits is reserved for future hearing.

- 5 -

THAT as a result of said injury, claimant sustained 25 percent permanent partial disability to the WHOLE MAN CERVICAL SPINE and 23 percent permanent partial disability to the WHOLE MAN RIGHT SHOULDER, for which claimant is entitled to compensation for 240 weeks at \$289.00 per week, or the total amount of \$69,360.00 of which 19 weeks have accrued and shall be paid in a lump sum of \$5,491.00.

- 6 -

THAT respondent and/or insurance carrier shall furnish claimant with a Vocational Rehabilitation Evaluation with PROS, for which a separate order will be issued forthwith.

- 7 -

THAT respondent or insurance carrier shall furnish claimant with continuing medical maintenance to include prescription medication (Naproxyn) and office visits with **DR. CRAVEN** or his referral, until further order of this Court.

- 8 -

THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury.

- 9 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$5,491.00 and pay the balance of said award at the rate of \$289.00 per week until the total award of \$69,360.00 (less attorney fee) has been paid to claimant.

- 10 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of \$520.20, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay \$1,387.20 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.


- 11 -

THAT pursuant to Title 85 O.S. Section 93, a filing fee of seventy-five dollars (\$75.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator unless a filing fee was previously paid, within twenty (20) days from the date this order becomes final.

- 12 -

THAT the sum of \$13,872.00 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/s/ 

WILLIAM R FOSTER, JUDGE

co/CRichardson