



The Workers' Compensation
Law Seminar

Live Mediation

Narrator: Lindsey Mills

Mediator: Debra Dubik

The Parties

Claimant: Kathy Jones (*played by Attorney Britney Steele*)

Claimant's Husband: Steve Jones (*played by Attorney Skylar Limkemann*)

Claimant attorney: Cynthia Sueppel

Defense Attorney: Kent Smith

Claims Adjuster: Sarah Denial (*played by Attorney Sasha Monthei*)

Background Facts

DOI: 10/1/17

INJURY: Low back

INCIDENT: Claimant alleges to have fell on a carpeted breakroom floor for unexplained reasons.

LIABILITY: Accepted

PETITION: Yes (no hearing date yet scheduled)

DEPUTY: Unknown

Occupation: CNA

Background Facts

EMPLOYER: Assisted Living Inc.

LOCATION: Fort Dodge

INSURANCE CARRIER: XYZ Insurance Carrier

SELF-INSURED: NO

HIGH DEDUCTIBLE POLICY: NO

RENEWED: YES

Claimant Background Information: Employment

Kathy is employed as a CAN.

56 years old.

High School Graduate and obtained certified nursing assistant certificate.

Worked for 6 years at Assisted Living Inc.

Earning \$14 an hour.

Worked the last 20 years as a CAN for last 20 years. Prior to that, Kathy worked as a waitress, for a gas station, and at a grocery store.

Lives in Fort Dodge.

Claimant Background: Medical

Surgical laminectomy.

Has reached MMI.

Has ongoing pain complaints. Claimant's IME doctor recommended pain management and Defendants' denied.

Claimant is receiving prescription pain medication from PCP at the cost of \$200 per month.

13% impairment from Claimant IME doctor.

7% impairment from treating surgeon

Claimant Background: Restrictions

Released without restrictions by treating surgeon.

Provided restrictions by FCE Claimant attorney arranged.

- FCE indicated no lifting more than 20lbs.
- FCE restrictions adopted by Claimant's IME doctor

Employer offered Claimant same position based upon treating surgeon's release without restrictions. Employer cannot accommodate Claimant's claimed restrictions.

Claimant is currently out on medical leave.

Background: Benefits Paid

All healing period benefits have been paid. No disputes.

Defendants' have voluntary paid 7% BAW.

No pre-mediation settlement demand.

Settlement Chart: Rate \$544.10

%	Weeks	Credit	Total	Total (less credit)
10	50	\$16,997.05	\$27,205.00	\$10,207.50
20	100	\$16,997.05	\$54,410.00	\$37,412.50
30	150	\$16,997.05	\$81,615.00	\$64,617.50
35	175	\$16,997.05	\$95,217.50	\$78,220.00
40	200	\$16,997.05	\$108,820.00	\$91,822.50
45	225	\$16,997.05	\$122,422.50	\$105,425.00
50	250	\$16,997.05	\$136,025.00	\$119,027.50
55	275	\$16,997.05	\$149,627.50	\$132,630.00
60	300	\$16,997.05	\$163,230.00	\$146,232.50
65	325	\$16,997.05	\$176,832.50	\$159,835.00
70	350	\$16,997.05	\$190,435.00	\$173,437.50
75	375	\$16,997.05	\$204,037.50	\$187,040.00

Settlement Chart: Rate \$485.63

%	Weeks	Credit	Total	Total (less credit)
10	50	\$16,997.05	\$24,281.50	\$7,284.45
20	100	\$16,997.05	\$48,563.00	\$31,565.95
30	150	\$16,997.05	\$72,844.50	\$55,847.45
35	175	\$16,997.05	\$84,985.25	\$67,988.20
40	200	\$16,997.05	\$97,126.00	\$80,128.95
45	225	\$16,997.05	\$109,266.75	\$92,269.70
50	250	\$16,997.05	\$121,407.50	\$104,410.45
55	275	\$16,997.05	\$133,548.25	\$116,551.20
60	300	\$16,997.05	\$145,689.00	\$128,691.95
65	325	\$16,997.05	\$157,829.75	\$140,832.70
70	350	\$16,997.05	\$169,970.50	\$152,973.45
75	375	\$16,997.05	\$182,111.25	\$165,114.20

Claimant's First Offer

75% new money (\$204,037.50)

Agreement for Settlement

Authorize PCP

Pay past medical and prescriptions by PCP

Reimburse IME

Defendants' First Counter Offer

10% less credit (\$10,20750)

Full and Final per Iowa Code Section 85.35(3)

Reimburse IME

Global Release with voluntary resignation and no re-apply language

Claimant's Second Offer

0% new money (\$204,037.50)

Agreement for Settlement

Authorize PCP

Pay past medical and prescriptions by PCP

Reimburse IME

Defendants' Second Counter Offer

0% less credit (\$10,20750)

Full and Final per Iowa Code Section 85.35(3)

Reimburse IME

Global Release with voluntary resignation and no re-apply language