

VIRGINIA:

IN THE WORKERS' COMPENSATION COMMISSION

JOHN HURTWORER, Claimant

v.

JCN: 00000000000

UNITED ENGINEERING, INC., Employer

WORKING FOR A SAFE WORKPLACE, Insurer

PETITION

This case is before the Commission upon Petition for Compromise Settlement seeking approval of settlement whereby employee receives \$75,000 and upon payment, the employer and carrier are released from liability from the injury of March 1, 2015, except that the parties have agreed that the insurer will be responsible for payment of reasonable and necessary medical treatment pursuant to Va. Code §65.2-603 Va. Code Annotated, relating to the injury of March 1, 2015, for the period from the date of the accident to the date of entry of the proposed Order.

Your petitioners, John Hurtworker ("claimant"), United Engineering, Inc. ("employer"), and Working for a Safe Workplace ("insurer"), respectfully represent unto the Commission as follows:

1. The claimant sustained an accidental injury on March 1, 2015, while in the course and scope of his employment. At the time of the claimant's injury, his average weekly wage was \$630.67, which provides a compensation rate of \$420.47.
2. The insurer has paid the claimant workers' compensation benefits pursuant to an award of the Commission dated October 9, 2015. As of October 1, 2016, the insurer has paid \$40,000 in indemnity benefits, \$27,000 in medical benefits, and \$5,000 for vocational rehabilitation expenses for a total payment of \$72,000.

3. On March 1, 2015, the claimant was injured when his left foot slipped under the rear tire of a road grader, injuring his left foot and leg. He sought emergency treatment at Greenbirch Hospital, where his open wound was surgically closed. He came under the care of Dr. Stephen Slade, who managed him conservatively. No further surgery is recommended.
4. On January 11, 2016, the claimant reached maximum medical improvement and was given a 10% permanent partial rating to his left leg, and was released from medical care with the work restrictions of no heavy lifting or prolonged standing or walking.
5. The claimant returned to restricted duty with the employer on April 28, 2016. At this time, claimant would prefer to settle his workers' compensation claim, disassociate himself from the employer and insurer carrier, and seek alternative employment on his own.
6. The parties certify that there are no ancillary agreements related to this compromise settlement.

***\*\*\* Alternatively: The parties certify that there in an ancillary agreement to this settlement as the claimant has agreed to resign from his employment.***

7. The anticipated total settlement amount for future medical expenses and disability/lost wages over the life or duration of the settlement agreement is not greater than \$250,000. The parties have been informed by the Center for Medicare Services (CMS) that approval of a workers' compensation settlement by CMS is not necessary unless (1) the claimant is a Medicare recipient and the proceeds of the settlement are greater than \$25,000, or (2) the claimant is reasonable expected to receive Medicare benefits within the next 30 months and the value of the settlement is \$250,000 or more. The claim does not meet Medicare's current review threshold as described in the July 11, 2005 and April 24, 2006 Medicare Policy Memoranda. As such, the claim does not require review and/or approval from CMS.

The parties agree that this settlement of \$75,000 is reasonable compensation for any future medical and indemnity benefits to which the claimant may be entitled for these work injuries.

The parties agree that Medicare's interests have been considered and that this settlement is in no way an attempt by any party hereto to shift the responsibility for any future medical payments to Medicare.

8. The claimant understands that an attorney's fee will be awarded by the Commission and will be deducted from the lump sum payment.
9. All parties are mindful of the uncertainties of litigation, and have agreed upon lump sum compromise settlement for a total payment of \$75,000, less approved attorney's fees. In addition, the parties have agreed that the insurer will be responsible for payment of reasonable and necessary medical treatment pursuant to Va. Code §65.2-603 Va. Code Annotated, relating to the injury of March 1, 2015, for the period from the date of the accident to the date of entry of the proposed Order.

Wherefore, your petitioners respectfully request approval by the Virginia Workers' Compensation Commission of the settlement recited and request that the proposed Order be entered approving the compromise settlement and forever discharging the employer and the insurer from any and all liability as a result of the claimant's compensable accident of March 1, 2015.

We ask for this:

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John Hurtworker  
Address  
Phone Number

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Name of Claimant's Counsel  
Address  
Phone Number  
Counsel for Claimant

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Name of Defense Counsel  
Address  
Phone Number  
Counsel for Employer/Carrier

Employer Name  
Address

Insurer Name  
Address