

No. 26
BCC 10-20-15
2:02 P.M. ABBOTT/Masinovsky

#26 Settlement demand accepted in the case of Kristopher Kugler versus Pinellas County, Florida – Workers’ Compensation Case No. 13-001052SLR, in accordance with the confidential memorandum from County Attorney James L. Bennett dated October 20, 2015.

Motion - Commissioner Welch
Second - Commissioner Long
Vote - 5 – 0



Pinellas County

315 Court Street, 5th Floor
Assembly Room
Clearwater, Florida 33756

Staff Report

File #: 15-338, **Version:** 1

Agenda Date: 10/20/2015

Subject:

Settlement demand in the Workers' Compensation claim of Kristopher Kugler v. Pinellas County, Florida

Recommended Action:

Approval to accept a settlement demand in the Workers' Compensation claim of Kristopher Kugler v. Pinellas County, Florida - Case Number 13-001052SLR

Discussion:

It is recommended that the Board of County Commissioners accept the settlement demand in the Workers' Compensation claim of Kristopher Kugler v. Pinellas County, Florida as outlined in the confidential memo of October 20, 2015.

Staff Member Responsible:

James L. Bennett, County Attorney
Nancy S. Meyer, Sr. Assistant County Attorney



Pinellas County

Staff Report

File #: 15-338, **Version:** 1

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Recommended Action:

Approval to accept a settlement demand in the Workers' Compensation claim of Kristopher Kugler v. Pinellas County, Florida - Case Number 13-001052SLR

Discussion:

It is recommended that the Board of County Commissioners accept the settlement demand in the Workers' Compensation claim of Kristopher Kugler v. Pinellas County, Florida as outlined in the confidential memo of October 20, 2015.

Staff Member Responsible:

James L. Bennett, County Attorney
Nancy S. Meyer, Sr. Assistant County Attorney

RELEASED 12-18-15

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Settlement demand in the Workers' Compensation claim of Kristopher Kugler v.
Pinellas County, Florida

DATE: October 20, 2015

Recommended Action: Approval to accept a \$75,000.00 settlement demand, inclusive of attorney's fees and costs, in the Workers' Compensation claim of Kristopher Kugler v. Pinellas County, Florida - Case Number 13-001052SLR.

Discussion: This claim involves a 38-year old former employee of Pinellas County. He was working as a spray tech for vegetation management on August 20, 2012, when he fell in a ditch. After his fall, he was treated for back pain. On November 20, 2012, he was terminated for excessive absenteeism.

After his termination from Pinellas County, he went to work for AutoNation. On February 2, 2013, he was involved in a motor vehicle accident. After that incident, he reported neck pain. He testified he had neck pain after his fall with the County and the motor vehicle accident with Auto Nation only made it worse. Pinellas County took the position that the neck injury was not related to his accident with Pinellas County; however, the authorized treating physician for Pinellas County related the claimant's neck injury and need for treatment to his fall at Pinellas County.

His treatment has included back surgery which he has been slow to recover from. There is a request for radiofrequency ablation for his neck and a surgical recommendation is expected. This claim has averaged \$44,874.89 per year since 2012. The claimant's life expectancy is 43.8 additional years. That equals approximately \$1 million. It is not anticipated that his costs will stay that high; however, even with a conservative estimate of \$5,000.00 per year, the County's exposure for future medical treatment is over \$200,000.00.

In addition to future medical expenses, the Claimant will be entitled to additional wage loss benefits when he is taken out of work for surgery and/or future treatment. He is still eligible for \$30,781.05 in wage loss benefits.

Based on the foregoing, I recommend the settlement demand be accepted.

JLB:NSM

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