

223961

**BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 508
COUNTY OF COOK AND STATE OF ILLINOIS**

RESOLUTION

AUTHORIZE SETTLEMENT OF LITIGATION

JOSE CHAVEZ

v.

BOARD OF TRUSTEES

WHEREAS, Jose Chavez and City Colleges of Chicago are in litigation before the Illinois Industrial Commission in Case No. 00 WC 07689; and

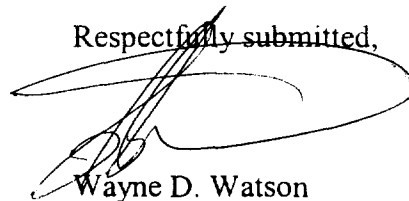
WHEREAS, the Office of the General Counsel and outside counsel recommend settlement of this matter; and

WHEREAS the Chancellor recommends payment of this settlement;

NOW THEREFORE BE IT RESOLVED,

THAT the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois, hereby approves payment to Jose Chavez in an amount not to exceed \$14,356.72, upon Chavez's execution of the lump sum settlement agreement in Case No. 00 WC 07689.

Respectfully submitted,



Wayne D. Watson
Chancellor

CONFIDENTIAL WORK PRODUCT/PRIVILEGED

PETITIONER: Jose Chavez **SETTLEMENT AMOUNT:** \$14,356.72

REASONS FOR SETTLING: The Office of General Counsel recommends approval of the proposed settlement for the following reasons. First, the proposed settlement would close out all future medical expenses related to this injury for which the Industrial Commission could hold the City Colleges of Chicago liable. Second, as evidenced from the Q-Dex comparison, the Industrial Commission could award the Petitioner a sum greatly exceeding the amount of the proposed settlement if this matter proceeded to trial. Finally, Petitioner has agreed to voluntarily resign which limits future liability from an employee who is likely to injure himself or claim injury in the future.

Q-DEX COMPARISON: The proposed settlement represents approximately 3% loss of the man as a whole ($\$301.20 \times 15$ weeks), 4 weeks of disputed TTD benefits ($\$334.68 \times 4$) (TTD benefits were discontinued 4 months prior to his return to work), \$3,500 in outstanding medical expense (compromise of a disputed \$7,000 medical bill) and \$5,000 for a letter of voluntary resignation. A review of similar litigated cases in the Q-DEX reveals a potential trial exposure of up to 7.5% of a man as a whole ($\$ 301.20 \times 37.5 = \$11,295$) added to \$8,338.72 (Total outstanding medical expense-\$7,000 + total outstanding TTD-1,338.72).

PETITIONER'S ATTORNEY: Lawrence Gordon

OUTSIDE COUNSEL: Slavin & Slavin **CASE NO.:** 00 WC 07689

DATE OF ACCIDENT: 01/21/00

PETITIONER'S AGE: 58

COLLEGE: Wright

JOB DESCRIPTION: Project Janitor

EMPLOYMENT STATUS: Has not returned to work

ACCIDENT DESCRIPTION: Petitioner allegedly slipped on ice while replacing a trash can liner outside of Wright College at approximately 5 p.m. in the evening on January 21, 2000.

ACCIDENT LOCATION: Wright College-North

WITNESSES: None

NATURE OF INJURY: Cervical Spine Strain and Head Contusion

Independent Medical Evaluations (IME)**Dr. Robert Gettleman**

Dr Gettleman examined the Petitioner on May 3, 2000, at our request. Petitioner complained of neck pain with noise on movement and occasional headaches. An MRI of the brain was normal. There were no obvious objective findings, but Dr. Gettleman could not put the Petitioner at Maximum Medical Improvement (MMI). Dr. Gettleman recommended a work capacity evaluation which was done at Athletico on May 30, 2000, at which time he was classified as capable of doing medium-heavy work with a lifting maximum of 35 pounds. He was recommended for work hardening. He completed a three and a half week work hardening program at Athletico.

He was again re-examined on August 16, 2000, at which time Petitioner continued to complain of noise in his head and headaches. Dr Gettleman could not explain the headaches, but felt with regard to the neck injury, Petitioner could return to full duty work.

COMPENSATION:

TTD Rate:	\$ 334.68
TTD Paid:	\$ 10,204.33
AWW:	\$ 502.00
PPD:	\$ 301.20
Dates Off Work:	1/21/00 - 9/06/00

MEDICAL EXPENSES: \$ 11,198.34

THIRD PARTY LITIGATION: None