

**RESOLUTION NO.: 52-23**

**CAMDEN COUNTY INSURANCE FUND COMMISSION  
AUTHORIZING WORKERS COMPENSATION SETTLEMENT WITH  
KYLE ABELE**

**WHEREAS** Kyle Abele has filed a claim against the Camden County Insurance Fund Commission with the State of New Jersey, Department of Labor, Division of Workers' Compensation; and

**WHEREAS** the parties have recommended a resolution for 22.5% of the right arm in the amount of \$19,156.50, plus costs of \$2,299.00 for a total settlement in the amount of \$21,455.50; and

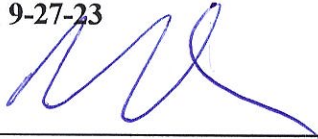
**WHEREAS** the claim so filed has been resolved, now, therefore,

**BE IT RESOLVED**, by the Camden County Insurance Fund Commission that disposition of the claim filed by the above-referenced individual is authorized as follows:

<u>CLAIMANT</u>	<u>PETITION NO.</u>	<u>AMOUNT OF AWARD</u>
Kyle Abele	CP2021-29810	\$19,156.50 (22.5% of right arm)
		\$2,299.00 (costs)

**BE IT FURTHER RESOLVED** that the proper Commission officials and/or their agents be and are hereby authorized to execute such documents as shall be necessary to affect the disposition set forth above.

**ADOPTED: 9-27-23**

**BY:**   
\_\_\_\_\_  
**CHAIRPERSON**

**ATTEST:**   
\_\_\_\_\_  
**VICE-CHAIRPERSON**

## Camden County Insurance Commission Settlement Authority Request

**Claimant:** KYLE ABELE  
**Date of Birth:** 05/31/1979  
**Date of Hire:** 01/05/2004  
**CSI File Number:** 630-121-0003083  
**CSI Handling Adjuster:** Linda Tinsley-Page  
**CSI Adjuster Phone:** 856- 380-6548  
**Excess Carrier:** CEL  
**Excess Notice Date:** N/A  
**Excess Handling Adjuster:**  
**Excess Adjuster Phone:**  
**Member Entity SIR:** \$300,000  
**CIB:** Yes -  
**Subrogation:** No – he was restraining an inmate.  
**Medicare Recipient:** No

**Status as of:** 8/7/2023  
**Claim Type:** Indemnity  
**Date/Time of Loss:** 05/09/2021 11:00 PM  
**Location:** Camden County  
**Department:** Jail  
**Litigation:** Yes – CP 2021- 29810  
**Defense Attorney:**  
PIETRAS SARACINO SMITH & MEEKS LLP  
**Claimant/Plaintiff Attorney:** JOHN EICHMANN, ESQ.  
**Claimant/Plaintiff Attorney Firm:**  
**Claimant/Plaintiff Attorney Phone:**  
**Policy Type:** Workers' Compensation  
**CEL-JIF Companion File#:**  
**AWW** = \$2,377.29 **TTD**= \$969.00  
**Work Status:** He is working.

**Summary of the Incident Facts:** While attempting to restrain an inmate another officer fell onto his right arm. The injured worker initially complained of pain and numbness from his elbow to fingers. He was sent to Urgent Care and taken off work. A CT scan of his right arm/elbow was ordered, and it revealed no acute fracture. His care was transferred to Rothman (Dr. Gupta-Sports Medicine) on 06/29/21. An MRI was ordered as well. It revealed moderate common extensor tendinopathy w/ partial thickness tear. The Dr. ordered physical therapy.

-The injured worker has been working modified duty since 06/30/21.

At the 09/17 exam, Dr. Gupta noted that he was still symptomatic and referred him to Dr. Austin (surgeon). He saw Dr. Austin on 10/01/21 and the Dr. could not find anything orthopedically to explain his symptoms. He was then referred to Dr. Molter (pain management) on 11/17/21. The Dr. ordered an EMG/NCS. This study was completed on 12/07/21 and it revealed borderline right ulnar neuropathy -right elbow. He returned to the Dr. on 01/12 and was referred to a hand specialist.

A Claim Petition was received 12/10/2021. It has been forwarded to defense counsel.

### **August 2023 Update**

The injured worker saw Dr. Strohl (Hand Center) on 02/01/22 and he underwent a right elbow cubital tunnel release / transposition surgery on 02/24/22. The post-op exam was on 03/08/22. At the 04/25/22 exam, the IW was cleared to RTW, full duty & discharged.

Perm exams have been completed. The defense examiner (Dr. Stackhouse) found 0% permanent disability. The PA's examiner (Dr. Cataldo) found a 40% permanent disability. The PA made a demand of 40% of the arm (\$37,410) + fees. The case was conferenced with Judge Borucki on 07/03/23 and he felt the case had a value of 22.5% of the arm (\$19,156.50) + fees. The case will be listed again on 09/25/23.

**Strategy/Action Plan:**

1. Review hearing updates
2. Review medical updates & send to defense counsel
3. Pursue MMI
4. Schedule perm exams and exchange reports

<u>Financial Summary:</u>	<u>Indemnity</u>	<u>Medical</u>	<u>Legal</u>	<u>Other</u>	<u>Total</u>
Paid:	\$14,396.56	\$41,839.36	\$3,392.06	\$3,240.00	\$62,867.98
Outstanding:	\$32,252.72	\$13,160.64	\$3,107.94	\$6,760.00	\$55,281.30
Total Incurred:	\$46,649.28	\$55,000.00	\$6,500.00	\$10,000.00	\$118,149.28
<b><u>Proposed Reserve Increase</u></b>	\$-10,000.00	\$0.00	\$0.00	\$0.00	\$-10,000.00
<b><u>Total Proposed Authority</u></b>	\$36,649.28	\$55,000.00	\$6,500.00	\$10,000.00	\$108,149.28

**Reserve Rationale:**

IND = reduced by \$10,000

**Last committee meeting date and amount authorized:** \$118,149.28 (02/24/2023)

**Payment authority requested up to:** \$108,149.28

**Settlement Authority Request –**

**Total Authorization SAR request:** \$21,455.50

We are seeking authority for 22.5% of the arm in the amount of \$19,156.50 plus costs of \$2,299 for a total settlement in the amount of \$ 21,455.50.

<b>Prior Claims for this Claimant</b>					
<u>DOI</u>	<u>Body Part/Acc Desc</u>	<u>Claim Type</u>	<u>Status</u>	<u>Paid</u>	<u>Incurred</u>

2020-12-16	BODY SYSTEM/MULT BODY SYSTEM COVID19 EXPOSURE	I	C	\$2,314	\$2,314
2020-12-16	BODY SYSTEM/MULT BODY SYSTEM COVID19 EXPOSURE	M	C	\$0	\$0
2016-10-14	LEFT HAND C/O ABELE WAS REMOVING AN ELECTRIC MONITOR BRACLETE OFF	I	C	\$0	\$0
2009-04-01	WRIST(S) & HAND(S) JAIL/2S A BLOCK RT HAND/FRACTURE/AS	I	C	\$31,637	\$31,637
2004-05-30	KNEES 3RD FLOOR SOUTH SIDE A BLOCK RIGHT KNEE; ABRASIO	I	C	\$1,018	\$1,018
2002-07-04	MULTIPLE BODY PARTS MULTIPLE,DEATH,FIRE/BLD COLLAP	M	C	\$1,650	\$1,650
<b>Claim Count: 6</b>				<b>36,619</b>	<b>36,619</b>