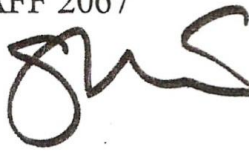


Date: December 22, 2009

To: Butch Crawford, President IAFF 2067

From: Steve Lewis, City Manager



Subject: Mark Castell Grievance

I have received and reviewed a grievance concerning a request to reopen Firefighter Mark Castell's OJI claim from May 2006. The grievance states the following:

Filed on behalf of Mark Castell for being denied On the Job accident leave pay and benefits in accordance with Oklahoma State Statutes and the Collective Bargaining Agreement.

Reopen Marks OJI case and allow him to receive the appropriate medical attention to repair the injury.

On November 6, 2009 Firefighter Castell submitted a request to reopen his original OJI claim from May 2006 for a right shoulder injury. This request was denied by the City and a grievance was subsequently filed on Firefighter Castell's behalf. On December 10, 2009, Firefighter Castell re-submitted a request for OJI benefits based upon cumulative trauma to the right shoulder from performing the repetitive duties of a firefighter. This request was denied by the City. Firefighter Castell has retained counsel and will seek OJI benefits through the Workers' Compensation Court. Both parties have agreed to hold the grievance in abeyance pending a decision by the Workers' Compensation Court as to whether Firefighter Castell's injury is compensable. As such, I am postponing my decision pending a determination from the Workers' Compensation Court.

cc: James Fullingim, Fire Chief
Gala Hicks, Director of Human Resources
Jeff Bryant, City Attorney
Rick Knighton, Assistant City Attorney
R. Blaine Nice, Assistant City Attorney