

**LA WORKERS' COMPENSATION SECOND INJURY BOARD**

**Meeting of December 6, 2012**

The regular meeting of the Second Injury Board convened at 2:06p.m.

The following were present:

Mr. Charles Hansberry, representing Commission of Insurance, Chairman

Ms. Lynette Mack, representing State Treasurer

Mr. Wes Hataway, OWCA/Director

Ms. Shendelle T. Polk, observer representing Duplass, Zwain, Bourgeois, Pfister & Weinstock

Pauline Williams, SIB Director

Michelle Sumrall, Compliance Supervisor

Meridith Trahant, General Counsel

Will Green, General Counsel

Karl Scott, General Counsel

Megan Lobell, SIB Administrative Assistant

Mr. Charles Hansberry, Chairman, called the meeting to order and asked for Ms. Megan Lobell to read the minutes of the previous meeting, the first item on the agenda. Ms. Lynette Mack moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Wes Hataway and passed unanimously.

The Chairman called for the second item, being hearings on pending claims on the August 9, 2012 agenda. Hearing #1, Claim# 12-0163, PeopLease Corporation and Arch Insurance Company. Mr. Rabalias was unable to attend the meeting. Ms. Michelle Sumrall reviewed the basis of the claim to the board and recommended the claim be denied. Mr. Wes Hataway moved to accept the recommendation of the Ms. Sumrall. The motion was seconded by Ms. Mack and passed unanimously.

Hearing #2, Claim #12-0283, Baillio Construction and Louisiana Construction & Industry. Mr. Kern was unable to attend the meeting. The board postpones the hearing to the end of the meeting for discussion.

Hearing #3, Claim #12-0314, Century Ready Mix, LLC, and Louisiana Construction & Industry. Mr. Kern was unable to attend the meeting. Ms. Sumrall discussed the claim was settled and recommended to deny this claim. Ms. Mack moved to accept the recommendation Ms. Sumrall. The motion was seconded by Mr. Hataway and passed unanimously.

Hearing #4, Claim #12-0414, Lafitte Frozen Foods and Lumbermens Underwriting Alliance. Mr. Kern was unable to attend the meeting. The board postpones the hearing to the end of the meeting for discussion.

The Chairman moved to Item 3 of the agenda. Being the recommendation of Ms. Williams to approve reimbursement on the following claims; filed number 1 thru 16 beginning with Claim #11-0062 and ending with Claim #12-0639. Mr. Hataway moved to accept the recommendation of the Director and approve reimbursement of these claims. The motion was seconded by Ms. Mack and passed unanimously.

1.	Travelers Indemnity of America	#11-0062	104 weeks ded.
2.	Louisiana Auto Dealers Association	#11-0543	104 weeks ded.
3.	LA Workers' Compensation Corporation	#11-0546	104 weeks ded.
4.	LUBA Casualty Insurance Company	#11-0627	104 weeks ded.
5.	LA Safety Association of Timbermen	#11-0799	104 weeks ded.
6.	Diocese of Baton Rouge	#11-0874	104 weeks ded.
7.	LA Workers Compensation Corporation	#11-0927	104 weeks ded.
8.	Ace American Insurance Company	#12-0077	104 weeks ded.
9.	LA Workers' Compensation Corporation	#12-0135	104 weeks ded.
10.	Ochsner Clinic	#12-0166	104 weeks ded.
11.	Louisiana Loggers SIF	#12-0168	104 weeks ded.
12.	LA Workers' Compensation Corporation	#12-0262	104 weeks ded.
13.	Ace American Insurance Company	#12-0349	104 weeks ded.
14.	Our Lady of the Lake, Inc.	#12-0390	104 weeks ded.
15.	Ace American Insurance Company	#12-0584	104 weeks ded.
16.	City of Baton Rouge	#12-0639	104 weeks ded.

The Chairman moved to the fourth item, being the recommendation of the director to deny for reimbursement the following claims: files were numbered 1 through 76 beginning with Claim #11-0384 and ending with Claim #12-0837. Mr. Hawkland moved to accept the recommendation of the director to deny these claims. The motion was seconded by Ms. Mack and passed unanimously.

1.	Travelers Indemnity Company	#11-0384
2.	LUBA Casualty Insurance Company	#11-0666
3.	Louisiana Office of Risk Management	#11-0717
4.	LA Workers' Compensation Corporation	#11-0742
5.	LUBA Casualty Insurance Company	#11-0752
6.	Louisiana Commerce & Trade Association	#11-0773
7.	Louisiana Office of Risk Management	#11-0779
8.	LUBA Casualty Insurance Company	#11-0780
9.	Louisiana Safety Association of Timbermen	#11-0802
10.	LA Workers' Compensation Corporation	#11-0822
11.	Jefferson Parish School Board	#11-0857
12.	National Union Fire Insurance – Pittsburg, PA	#11-0946
13.	Louisiana Office of Risk Management	#12-0047
14.	LA Workers' Compensation Corporation	#12-0057
15.	City of Lake Charles	#12-0070
16.	City of New Orleans	#12-0128
17.	LA Workers' Compensation Corporation	#12-0136

18.	Louisiana Commerce & Trade Association	#12-0139
19.	Louisiana Office of Risk Management	#12-0162
20.	PA Manufacturers Association Insurance Company	#12-0191
21.	American Interstate Insurance Company	#12-0196
22.	City of New Orleans	#12-0197
23.	Lowe's Home Center, Inc.	#12-0199
24.	City of New Orleans	#12-0206
25.	Bridgefield Casualty Insurance Company	#12-0209
26.	West Jefferson Medical Center	#12-0211
27.	Ace American Insurance Company	#12-0212
28.	American Casualty of Reading, PA	#12-0214
29.	Ochsner Clinic	#12-0223
30.	National Union Fire Insurance Company	#12-0226
31.	LA Workers' Compensation Corporation	#12-0229
32.	Liberty Mutual Insurance Company	#12-0235
33.	Bridgefield Casualty Insurance Company	#12-0238
34.	Not documented	#12-0242
35.	Louisiana Home Builders Association	#12-0244
36.	Lafayette Parish School Board	#12-0247
37.	LUBA Casualty Insurance Company	#12-0250
38.	Albertson's Inc.	#12-0254
39.	Not documented	#12-0256
40.	Old Republic Insurance Company	#12-0260
41.	Louisiana Retailers Mutual Insurance Company	#12-0265
42.	Insurance Company of the State of PA	#12-0268
43.	LA Workers' Compensation Corporation	#12-0269
44.	Louisiana Hospital Association	#12-0274
45.	Ace Property & Casualty Insurance Company	#12-0280
46.	Louisiana Office of Risk Management	#12-0286
47.	Ace American Insurance Company	#12-0296
48.	Not documented	#12-0300
49.	Recreation & Park Commission of E.B.R.	#12-0307
50.	Ace American Insurance Company	#12-0309
51.	Not documented	#12-0311
52.	Jefferson Parish School Board	#12-0312
53.	City of Shreveport	#12-0315
54.	LA Workers' Compensation Corporation	#12-0317
55.	Not documented	#12-0324
56.	Louisiana Healthcare SIF	#12-0373
57.	Zurich America Insurance Company	#12-0375
58.	Bridgefield Casualty Insurance Company	#12-0384
59.	Landmark Insurance Company	#12-0407
60.	LEMIC Insurance Company	#12-0411
61.	LEMIC Insurance Company	#12-0423
62.	Louisiana Commerce & Trade Association	#12-0429
63.	Continental Casualty Company	#12-0432
64.	Hartford Casualty Insurance Company	#12-0435
65.	Not documented	#12-0437

66.	Zurich American Insurance Company	#12-0440
67.	Terrebonne Parish School Board	#12-0442
68.	LEMIC Insurance Company	#12-0454
69.	Indemnity Insurance Company of N. America	#12-0548
70.	LUBA Casualty Insurance Company	#12-0572
71.	Archdiocese of New Orleans	#12-0646
72.	Louisiana Office of Risk Management	#12-0651
73.	LEMIC Insurance Company	#12-0652
74.	LEMIC Insurance Company	#12-0687
75.	LUBA Casualty Insurance Company	#12-0724
76.	LA Municipal Risk Management Agency	#12-0837

The Chairman moved to the fifth item, being the recommendation of the Director to approve reimbursement of the partial payments beginning with Claim #05-0869 AAA Cooper Transportation and ending with Claim #09-0571 Recreation & Park Commission of East Baton Rouge. Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of the partial payments (231) as submitted on the agenda of December 6, 2012. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to the sixth item on the agenda, being approval of quarterly payments due beginning with Claim #00-0532 Louisiana Office of Risk Management and ending with Claim #98-1277 Bellsouth Telecommunications. Ms. Mack moved to accept the recommendation of the director and approve reimbursement of quarterly payments (75) as submitted on the agenda of December 6, 2012. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman then moved to Item #7 of the agenda, public comment. Shendelle T. Polk who was observing the meeting then left the room. The Chairman moved to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hataway moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

Upon returning from Executive Session, the Chairman made a motion to move out of Executive Session and back to regular session. The Chairman then moved to have the agenda amended to remove and delete Item 8a. #10 Claim #07-0422. Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hataway and passed unanimously. Also, the chairman moved to amend the agenda to remove Item 8a. #18 Claim #10-0069. Mr. Hataway moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman then made a motion to review of settlements to be paid as discussed and to extend settlement authority as recommended by the Director and discussed in Executive Session to be paid on quarterly basis.

Claim #97-0537  
Claim #98-0212  
Claim #00-1224  
Claim #04-0292  
Claim #05-0263  
Claim #05-0910  
Claim #06-0442  
Claim #07-0373  
~~Claim #07-0422~~  
Claim #08-0268  
Claim #08-0346  
Claim #08-0406  
Claim #08-0913  
Claim #09-0200  
Claim #09-0753  
Claim #09-0934  
~~Claim #10-0069~~  
Claim #10-0500  
Claim #10-0800  
Claim #11-0371  
Claim #11-0631

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hataway and passed unanimously.

The following claims were denied to be paid on an on-going basis:

Claim #02-0588  
Claim #11-0221

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hataway and passed unanimously.

On Item 8 B of the agenda, Second Injury Board litigation; The Chairman made a motion to accept the recommendation of the Director and pay the claims as follows:

Claim #04-0724; recommended by General Council for settlement authority.  
Claim #11-0339; recommended by General Council to continue litigation.  
Claim #09-0738; recommended by General Council for settlement authority.  
Claim #10-0923; recommended by General Council for settlement authority.  
Claim #09-0236; recommended by General Council for settlement authority.  
Claim #11-0973; recommended by General Council to continue litigation.  
Claim #10-0976; recommended by General Council for settlement authority.  
Claim #09-0851; recommended by General Council to continue litigation.  
Claim #11-0130; recommended by General Council to continue litigation.  
Claim #06-0044; deleted from the agenda.  
Claim #10-0152; recommended by General Council for settlement authority.

Claim #10-0995; recommended by General Council for settlement authority.  
Claim #08-0522; recommended by General Council for settlement authority.  
Claim #11-0186; recommended by General Council for settlement authority.  
Claim #11-0027; recommended by General Council for settlement authority.  
Claim #11-0108; recommended by General Council for settlement authority.  
Claim #09-0138; recommended by General Council to continue litigation.  
Claim #10-0374; recommended by General Council to continue litigation.  
Claim #06-0232; recommended by General Council for settlement authority.

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hatway and passed unanimously.

The Chairman moved to discuss Hearing #2. Ms. Sumrall reviewed the basis of the claim and recommended the claim be denied. Mr. Hataway moved to accept the recommendation of Ms. Sumrall. The motion was seconded by Ms. Mack and passed unanimously. The Chairman moved to discuss Hearing #4. Ms. Sumrall reviewed the basis of the claim and recommended the claim be denied. Ms. Mack moved to accept the recommendation of Ms. Sumrall. The motion was seconded by Mr. Hataway and passed unanimously.

On Item 9 of the agenda, any other matters requiring attention; there was not any.

There being no further business to discuss, the Chairman moved to adjourn. Mr. Hataway moved to accept the chairman's recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 3:04 p.m.  
Recording Secretary: Megan Lobell