

Date June 19, 2006

WHEREAS, John Lumley, a former sewer maintenance worker in the Public Works Department, filed a workers' compensation claim alleging an industrial disability from a shoulder injury on August 15, 2002; and

WHEREAS, following a contested case hearing, a Deputy Workers' Compensation Commissioner awarded Mr. Lumley permanent total disability benefits; and

WHEREAS, the City has appealed the award to the Workers' Compensation Commissioner seeking a reduction of the award; and

WHEREAS, pending a ruling from the Commissioner on the appeal, it is the opinion of the Legal Department that a portion of the award, representing a 25% industrial disability, plus interest, should be voluntarily paid to the Claimant in order for the City to remain in compliance with workers' compensation law; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That payment in the amount of \$53,378.75, plus interest of \$10,880.22, for a total lump sum payment of \$64,258.97, to John Lumley be and is hereby approved, subject to any withholding orders, and the Finance Director is authorized to draw warrants accordingly.

MOVED BY \_\_\_\_\_ TO ADOPT

FORM APPROVED:



Steven C. Lussier  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk