




# Workers' Compensation Section

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## MEMORANDUM

**TO:** The Board for Administration of Subsequent Injury Account for Self-Insured Employers

**FROM:** Charles J. Verre, Chief Administrative Officer, Workers' Compensation Section 

**SUBJECT:** Administrator's Recommendation on Request for Reimbursement from the Subsequent Injury Account Pursuant to NRS 616B.557

Claim No: 88D13B575167  
Date of Injury: 9/23/1988  
Insurer: Boyd Gaming Corp  
Employer: Sam's Town Gold River  
Third-Party Administrator: CCMSI  
Submitted By: Kasey McCourtney

**DATE:** January 25, 2022

### ADMINISTRATOR'S RECOMMENDATION:

It is the Administrator's recommendation to accept this second supplemental request pursuant to NRS 616B.557 for the lumbar spine .

### AMOUNT OF REIMBURSEMENT:

The total amount requested for reimbursement is \$4,327.68. The amount of verified costs is \$4,116.42. An explanation of the disallowance is attached to this letter.

### BACKGROUND:

This request was received from CCMSI on October 27, 2021.



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**PRESENT CLAIM:**

This case was accepted for Subsequent Injury Relief through an Appeal Officer decision on May 3, 1994. The injured employee was found to have a 26% PPD in 1993 for his lumbar spine. He elected a lump sum award of 25% in 1993 and has been paid the remaining 1% PPD in yearly installments in the amount of \$154.56, until his 70<sup>th</sup> birthday, which was on October 20, 2021.

**WITNESSES:**

List of witnesses who may be called to testify on behalf of the DIR and a brief summary of the proposed testimony of each.

Barbara Foster, Compliance/Audit Investigator, Workers' Compensation Section who may testify as to the basis of the Administrator's recommendation.

The Administrator reserves the right to call rebuttal and impeachment witnesses.



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**NOTIFICATION TO APPLICANT:**

Applicants are advised that they should not take for granted a recommendation of the Administrator to the Board, whether positive or adverse to the self-insured employer. The Administrator's role is to make recommendations, only. The Board is the body which decides the application on the merits. Its authority is plenary. Consequently, the applicant should be fully advised that the Board is free to accept or reject in whole or in part, the recommendation of the Administrator. In addition, the Board may agree with the Administrator's recommendation to accept or reject the claim, but make its decision based upon grounds totally different than the basis for the Administrator's recommendation, provided the decision is supported by substantial evidence in the record before the Board and the Board is correct in its disposition as a matter of law. Applicants are advised, then, to appear and represent their position to the Board. Applicants are also further advised to review the pertinent statutes and regulations found at NAC 616B.770 *et. seq.*, and NRS 616B.545 *et. seq.*, and any other statutes, regulations and case law that might apply, to make their own assessment of what might be required of them.

**SUBROGATION RECOVERY NOTICE:**

Please note that pursuant to NRS 616C.215, if an insurer receives reimbursement from the Subsequent Injury Account, the Nevada Division of Industrial Relations (DIR) has a statutory lien upon the total amount paid by the employer or upon the total proceeds of any recovery from a third party. Additionally, NRS 616C.215(8) makes the injured worker, claimant's counsel and third-party insurer jointly and severally liable for any amount to which the Subsequent Injury Account is entitled if the party has knowledge of the lien and does not notify the Administrator, DIR, for the Subsequent Injury Account within 15 days after the date of recovery by way of actual receipt of the proceeds of the judgment or settlement.



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## CERTIFICATE OF SERVICE

CCMSI

Attn: Kasey McCourtney

PO Box 35350

Las Vegas, NV 89133

I certify that I am an employee of the Division of Industrial Relations, Workers' Compensation Section, and on 26 Jan, 2022 served the attached Administrator's Recommendation Memorandum on the person(s) listed above:

<input checked="" type="checkbox"/>	By placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the United States Mail, at Henderson, Nevada
<input type="checkbox"/>	By personal delivery
<input type="checkbox"/>	By Federal Express or other overnight delivery
<input type="checkbox"/>	By Certified Mail/Return Receipt Requested

Dated this 26 day of January, 2022

Barbara Foster  
Division of Industrial Relations  
Workers' Compensation Section



State of Nevada  
**DEPARTMENT OF BUSINESS AND INDUSTRY**  
 Division of Industrial Relations  
 Workers' Compensation Section

APPENDIX

*Explanation of Disallowance  
 Subsequent Injury Account  
 January 25, 2022*

Claim Number: 88D13B575167  
 Date of Injury: 9/23/1988  
 Third Party Administrator: CCMMSI  
 Employer: Sam's Town Gold River  
 Submitted by: Kasey McCourtney/CCMMSI

Total Reimbursement Requested: \$4,327.68

Item #	Amount Requested	Check Number	Date of Service	Type of Payment or Provider	Amount Disallowed	Explanation of Disallowance**
1	\$4,327.68	53827 through 65309	3/1/1994 through 10/19/2021	PPD yearly installments	\$211.26	October 2021 PPD installment should be \$97.86. CCMMSI miscalculation
				Total of Disallowance:	\$211.26	

\*\*When re-submitting disallowed amounts for consideration of reimbursement, please re-send all documents including bill, report and EOB regardless of what information has been requested.



Check #	Date Printed	Amount	Date of Service	Payee Name	Class
53827	3/2/1995	(\$154.56)	3/1/1994 - 02/28/1995		IND.PPD
80349	2/29/1996	(\$154.56)	3/1/1995 - 02/29/1996		IND.PPD
85973	2/27/1997	(\$154.56)	3/1/1996 - 02/28/1997		IND.PPD
90667	2/26/1998	(\$154.56)	3/1/1997 - 02/28/1998		IND.PPD
9004908	2/25/1999	(\$154.56)	3/1/1998 - 02/28/1999		IND.PPD
798	2/28/2000	(\$154.56)	3/1/1999 - 02/29/2000		IND.PPD
8860	2/26/2001	(\$154.56)	3/1/2000 - 02/28/2001		IND.PPD
15721	2/28/2002	(\$154.56)	3/1/2001 - 02/28/2002		IND.PPD
21848	2/27/2003	(\$154.56)	3/1/2002 - 02/28/2003		IND.PPD
27063	2/25/2004	(\$154.56)	3/1/2003 - 02/29/2004		IND.PPD
33321	2/22/2005	(\$154.56)	3/1/2004 - 02/28/2005		IND.PPD
37996	2/27/2006	(\$154.56)	3/1/2005 - 02/28/2006		IND.PPD
39913	3/2/2007	(\$154.56)	3/1/2006 - 02/28/2007		IND.PPD
41718	2/27/2008	(\$154.56)	3/1/2007 - 02/29/2008		IND.PPD
44017	2/26/2009	(\$154.56)	3/1/2008 - 02/28/2009		IND.PPD
46497	2/24/2010	(\$154.56)	3/1/2009 - 02/28/2010		IND.PPD
48356	2/24/2011	(\$154.56)	3/1/2010 - 02/28/2011		IND.PPD
12856	2/27/2012	(\$154.56)	3/1/2011 - 02/29/2012		IND.PPD
18292	3/1/2013	(\$154.56)	3/1/2012 - 02/28/2013		IND.PPD
23768	2/27/2014	(\$154.56)	3/1/2013 - 02/28/2014		IND.PPD
29494	2/25/2015	(\$154.56)	3/1/2014 - 02/28/2015		IND.PPD
35253	2/26/2016	(\$154.56)	3/1/2015 - 02/29/2016		IND.PPD
40797	2/28/2017	(\$154.56)	3/1/2016 - 02/28/2017		IND.PPD
46137	2/28/2018	(\$154.56)	3/1/2017 - 02/28/2018		IND.PPD
52882	2/26/2019	(\$154.56)	3/1/2018 - 02/28/2019		IND.PPD
60151	2/27/2020	(\$154.56)	3/1/2019 - 02/29/2020		IND.PPD
65309	2/25/2021	(\$154.56)	3/1/2021 - 10/19/2021		IND.PPD
	<b>PPD TOTAL</b>	(\$4,018.56)			