

Decision Paper

Kelly Abbott

Request for Extension of LOD Leave

Issue

Kelly Abbott, Fire Engineer, assigned to the Mobile Integrated Health Care Unit, seeks an extension of Line of Duty leave from November 20, 2015 to April 29, 2016 for an on the job injury suffered while on duty on November 29, 2012. This extension will restore 1110 hours, or 46.25 shifts of accrued leave. In accordance with Texas Local Government Code Chapter 143.073, this extension requires an approval by City Council. The department needs to submit a request for ordinance that will include the Fire Chief's recommendation.

Facts

- Date of injury – November 29, 2012
- Fire Engineer Abbott injured his lumbar spine while unloading a heavy patient out of the EMS unit.
- On November 30, 2012 his initial diagnosis was lumbar sprain/strain.
- On February 4, 2013, after having an MRI scan, his diagnosis included lumbar mild disc bulges and lumbar arthropathy resulting in stenosis.
- Fire Engineer Abbott had conservative medical treatment which included physical therapy, diagnostic tests, injections, chiropractic care and medications with no relief of symptoms.
- On March 18, 2014 he underwent L4-5 bilateral laminectomy, discectomy, and foraminotomy. After, he had conservative treatment and physical therapy where he began to experience severe pain with no relief.
- Following surgery, Fire Engineer Abbott continued to seek medical care by attending chiropractic care, medications, and invasive diagnostic injections with no improvement.
- On November 23, 2015, Fire Engineer Abbott had a second surgical procedure to the lumbar spine involving an anterior/posterior lumbar fusion 360 at L4-S1.
- He continued with physical therapy and the use of a bone stimulator post-op.
- On Line of Duty leave from November 30, 2012 until December 10, 2012. He was placed out from work on December 23, 2012 to December 27, 2012 and returned back to work full duty on December 28, 2012. On January 3, 2013 to January 4, 2013 he was placed out from work and returned to work full duty on January 5, 2013. On November 12, 2013, to November 1, 2014 he was off work due to increasing symptoms of his work related injury. He returned to work limited duty on November 2, 2014 through November 19, 2015.
- Fire Engineer Abbott began using his own leave from November 20, 2015 until April 29, 2016, which includes a period of light duty from November 2, 2014 until

November 19, 2015 during which he was released to work light duty twenty hours a week and utilized his own leave for the remaining work week hours.

- Fire Engineer Abbott returned to light duty, full time, on April 30, 2016 and was released to full duty effective July 13, 2016


Considerations

Fire Engineer Kelly Abbott tried multiple times to return to work with no relief of symptoms resulting from his on the job injury suffered while on duty on November 29, 2012. His treatment and care was delayed due to a failed surgery and lack of conservative treatment he needed to be approved for a follow up procedure that was necessary to repair his back.

Recommendation

Fire Department staff recommends approval.

Approved Disapproved



Charles N. Hood, Fire Chief

4/26/17
Date