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FOR IMMEDIATE RELEASE

Blowing the Whistle on Fort Worth's Work Comp Practices for First Responders Injured in the Line of Duty

A hero hurt in the line of duty is now living a nightmare thanks to red tape long known to plague the City of Fort Worth's work comp practices. As a result, we announce today the filing of grievances against officials of the City of Fort Worth and complaints with the Texas Department of Insurance against the City's work comp carrier, York Risk Services Group (both sometimes referred to as "the City" in this writing).

Officer Kellie Whitehead is a 20-year veteran serving honorably with the Fort Worth Police Department. In July 2015, she was hailed a bonafide hero after saving a young man from a drowning. In that incident, Officer Whitehead risked her own life to save another. On March 28, 2016, the Fort Worth Authorities Division awarded Officer Whitehead the Medal of Valiance for that rescue, because she embodies the best spirit of public service.

But only two days after receiving the award, Officer Whitehead was severely injured in a major collision caused by an unlicensed driver on March 30, 2016. A man driving a truck rear-ended her patrol car at a very high rate of speed while she was stopped at a red light—the impact being so severe that Officer Whitehead blacked out momentarily and thought she had been shot.

At the time of the collision, Officer Whitehead was in a City of Fort Worth police car wearing a City of Fort Worth uniform. Though someone else had caused her injuries, she never expected that the City itself would make her recovery process a long and terrifying struggle.

As has been the case for other Fort Worth officers in the past, Officer Whitehead is only the latest to be treated as a prisoner to the City's adversarial approach to line of duty injuries.

In March 2018, Officer Whitehead's doctors suggested and requested authority from the City to perform a spinal fusion surgery to correct back injuries she sustained in the wreck. But her doctor's request was rejected by the City. In a move suggesting that the City thought it knew better than the doctor actually treating Officer Whitehead, work comp

allowed only a portion of the surgery—and a far less invasive and less effective procedure was performed in 2018. In following, since the City did not allow the fusion procedure that her doctor recommended, Officer Whitehead was not fully healed and has continued to live with unbearable pain every day.

The proof that the City was wrong in its denial of the doctor's original request speaks for itself, because Officer Whitehead has finally (fifteen months later) been approved to have the fusion, and she is scheduled to undergo that surgery tomorrow. The problem, though, is that due to the City tying her work comp claim up in red tape for over a year, Officer Whitehead is out of work comp and sick hours to be paid while she recovers from surgery—a process expected to take at least 12 months.

Being that police officers in Fort Worth begin their careers making a base salary of \$59,529 annually, most first responders and their families are not in a financial position to go 12 months without any income. Officer Whitehead is one of those who cannot live and provide for herself without income. But in order to get back to work, she must make a decision to go ahead and have the surgery and opt to put herself into financial peril. This is a full-time veteran officer with many years served in dedication to the people of Fort Worth who is now relying on "Go Fund Me" charity contributions and donations from her fellow officers instead of being taken care of by the City. This is shameful.

It is noteworthy to mention that Officer Whitehead's law enforcement brothers and sisters have graciously donated two and a half months of their own sick time to help her survive the recovery time from surgery, for which she is humbled and thankful. But the sad reality in doing so is that those generous officers will be lacking time for themselves if they should become victim to line of duty injuries. This is yet another example of the City of Fort Worth turning its back on first responders.

It is not Officer Whitehead's fault that the City rejected her doctor's wishes and caused the long delay in her recovery and time away from work, but nevertheless, Officer Whitehead is being made to pay the price for the City's mistakes.

First responders injured in the line of duty deserve better than this.

As have other cities across Texas when it comes to fire and police injuries in the line of duty, the City of Fort Worth officials have discretion to make changes to work comp policies on a case by case basis when necessary. Perhaps most notably, for example, the City of Houston waived its rights to recover any worker's compensation benefits it was entitled to as a courtesy to the families of fire fighters killed in the 2013 "Southwest Inn" fire that killed 5 and injured 12 fire fighters.

Other cities have extended similar courtesies to the victims and families of "line of duty" injuries and deaths of first responders—but curiously, Fort Worth, in particular, chooses not to.

This is not the first time Fort Worth's work comp practices have harmed its first responders and treated officers so coldly.

Fort Worth's questionable work comp practices have been in the news many times before, to include: in December 2013, for denying back surgery to 27-year FWPD veteran Chip Gillette; in February 2015, for denying back surgery to Fort Worth Police Officer Jody Boday; in May 2019, for denying the cancer death of 24-year veteran of Fort Worth Fire Fighter Keven Teague; and just this June 2019, for denying the extension of occupational injury leave benefits to Officer Jose Reyes-Lamas. Many of the stories mentioned above read similar to the ordeal that Officer Whitehead has suffered at the hands of the City.

What may be worse is that more local first responders may have already been left with unfair outcomes to line of duty injuries due to Fort Worth's work comp practices. Officer Whitehead believes that her doctors did not want to go through the headache of dealing with the City, and that her treatment was negatively affected by its reputation of red tape and obstacles—an assumption that rings very similar to the observations Sergeant Chip Gillette reported to the Fort Worth Weekly in December 2013. Further, it supports our office's observation that, as compared to line of duty injury claims on behalf of first responders in many other municipalities across Texas, our experiences with Fort Worth tend to be particularly negative and unfair to the officers.

York Risk Services Group has been the City's work comp provider since November 1, 2015, when the City parted ways with its previous provider, CorVel Corp., after it sent upsetting letters to the families of Fort Worth officers Dwayne Freeto and Henry "Hank" Nava, who were both killed in the line of duty.

Around the time of the transition from CorVel Corp. to York, the Fort Worth Star-Telegram reported Mayor Betsy Price saying, "It took a bit of a tragedy for us to wake up and figure out how to solve this. We're moving in the proper direction. Now we'll see if York can deliver."

Sadly, it is clear that York has not delivered—and both York and the City officials that oversee work comp claims should be brought to task.

Today, as Officer Whitehead prepares for the long-delayed surgery she has needed since March 2018, we are announcing our intent to file grievances at both the City and State level against the adjusters and employees at the City and York Risk Management Group who took part in the long delays, denials, and disrespect shown to Officer Whitehead.

Our goal in filing these complaints is that the entire family of Fort Worth first responders is treated fairly in the future, and that no officer or fire fighter, or their families, will find themselves in the manufactured crises that Officer Whitehead is living through today.