

OnBase ID #: 114167

PRIVILEGED & CONFIDENTIAL

Date: July 27, 2026

To: Honorable Members of the Board of Acquisition & Contract

From: John M. Nonna
County Attorney

Re: Request for authorization to settle workers' compensation lien
on a County employee's proposed settlement of a legal action against
a third-party tortfeasor (B.T.).

Attached for your consideration is a resolution which, if approved, would authorize the County of Westchester (the "County") to compromise its claim to be reimbursed for health care expenditures and wage benefits paid to or on behalf of a County employee, identified as "B.T.,"¹ from the settlement of his legal claim against a third-party tortfeasor.

Relevant Background

On June 4, 2023, B.T.—a police officer in the Westchester County Department of Public Safety—responded to a request from New York State Police requesting K9 tracking for five missing youths from Lincoln Hall in Somers, New York (the "Facility"). He responded with his canine. During the search, B.T. got in a foot chase with multiple youths and fell off an eight-foot retaining wall concealed by vegetation. B.T. injured his left shoulder in the fall. He then put in a claim for workers' compensation benefits related to that injury (the "Claim").

As of the date of this resolution, the County has expended on the Claim medical benefits in the amount of twenty-six thousand five hundred thirty-seven and 85/100 dollars (\$26,537.85) and indemnity (lost wage) benefits in the amount of seventy-four thousand six hundred eighteen and 00/100 dollars (\$74,618.00)—bringing the County's total lien in this matter to one hundred one thousand one hundred fifty-five and 85/100 dollars (\$101,155.85).

On a separate track from the workers' compensation Claim, on November 7, 2024, B.T. commenced a premises liability action against the Facility. B.T. is represented by CUSANO SMITH PLLC, 483 Cherry Street, Bedford Hills NY 10507. The Facility is represented by SCHWAB & GASPARINI, PLLC, 1441 Route 22, Suite 206, Brewster, NY 10509.

¹ Consistent with prior practice, I have deleted the name of the employee to protect the individual's privacy. The name, of course, will be disclosed to the Board if that is desired.

Settlement Offer

Recently, B.T. received an offer to settle the action for two hundred thousand and 00/100 dollars (\$200,000.00) pending the County's consent. B.T. also notified this Office that (i) the attorney's fee in this matter totals sixty-five thousand six hundred twenty-five and 61/100 dollars (\$65,625.61); and (ii) the costs and disbursements in this matter total three thousand one hundred three and 61/100 dollars (\$3,103.61).

Proposed Settlement of County Lien

In accordance with applicable statutory and decisional law, this Office seeks the authority to compromise the County's claim for reimbursement by reducing its lien by 34.37%, equaling a dollar reduction of thirty-four thousand seven hundred sixty-seven and 27/100 dollars (\$34,767.27). The County shall thereafter accept in satisfaction of its present lien a total of sixty-six thousand three hundred eighty-eight and 58/100 dollars (\$66,388.58). Pursuant to this reduction and after attorney's fees, B.T. will recover sixty-four thousand eight hundred eighty-two and 20/100 dollars (\$64,882.20).

For the reader's convenience, a chart of the previously mentioned figures is set forth below:

Worker's Compensation Amounts	
Medical Expenses	\$26,537.85
Indemnity (Lost Wage) Payments	\$74,618.00
Worker's Comp. SUB-TOTAL	\$ 101,155.85
MVA ("Basic Economic Loss") Reduction	\$ -
Worker's Comp. TOTAL	\$ 101,155.85

Litigation Amounts	
Third-Party Settlement (Gross Amt)	\$200,000.00
Disbursements	\$3,103.61
Attorney's Fees	\$65,625.61
Cost of Litigation (COL)	\$68,729.22
Net Proceeds of Third-Party Settlement	\$131,270.78
Percentage COL	34.37%
Carrier's COL	\$ 34,767.27
Carrier's Net Lien	\$ 66,388.58
Claimant's Net Recovery	\$ 64,882.20

Summation

I respectfully request authority from this Board pursuant to Section 158.11 of the Westchester County Charter to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of B.T. from his recovery against a third-party tortfeasor. I therefore recommend passage of the accompanying resolution.

JMN/stc

RESOLUTION

Upon the communication of the County Attorney, it is hereby:

RESOLVED, that the County Attorney is hereby authorized to compromise the County of Westchester's right to be reimbursed for health care and wage benefits paid or owing to or on behalf of a County employee, identified as "B.T.", from a settlement of his legal claim against several third parties; and it is further

RESOLVED, that the County's reimbursement is \$66,388.58, representing a 34.37% reduction of its lien, with full reservation of the County's right to set off B.T.'s net recovery against any future compensation in accordance with the provisions of New York State Workers' Compensation Law; and it is further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
TOTAL	\$ _____

Account to be
Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit/Sub Unit	Object/ Sub- Object	Trust Account	Dollars
613	57	0023	4280		\$66,388.58

Budget Funding Year(s) 2021 Start Date 1/1/2023 End
Date 12/31/2023
(must match resolution)

Funding Source

Tax Dollars _____

State Aid _____

\$ 66,388.58

Federal Aid _____

(must match resolution)

Other __ 6J

fund _____ \$66,388.58 _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/06/2026 - RAYMOND SCULKY, SECRETARY