

TESTIMONY OF JAMES GALLAGHER

Proponent of SB 38

Senate Commerce Committee

March, 28, 2023

My name is James Gallagher. I spent 17 years working as a delivery driver and salesperson for a welding supply company. I often had to troubleshoot machinery and work directly with our clients to make sure that the equipment was functioning. Over the seventeen years I worked for them, I developed a steady customer base and a great reputation as a trusted and tireless worker for the company. I spent much of time in the field making sure that not only our equipment was working, but also that they were well supplied.

That all changed when I was injured in an accident on October 13, 2021. While lifting some boxes out of my truck, my neck popped loudly and I felt immense pain that went from my neck all the way into my fingers. I attempted to remain working, but I was only able to maintain that for about a month until I was taken off work due to the pain and the restrictions that I was given by the treating doctor. I have been unable to work since that time, and I unable to do so still.

I was put on temporary total disability payments through workers compensation, but those checks were only \$737 per week. I still had to pay my portion of my fringe benefits out of that amount. I had worked hard to build a solid client base, and because of that I had been making about \$1,800 per week gross payment when my commissions and hours were added. I had spent 17 years building this to insure that I would be able to have this income into the future. Workers compensation, even at its maximum, has reduced that amount by almost 60%.

The injury resulted in a three level cervical fusion that happened on January 31, 2022, and a second revision three level fusion on April 22, 2022. Those surgeries have left with a crippling amount of pain and a whole host of mobility issues. Prior to the injury, I was able to move about freely and maintain long hours, which contributed to the success I had with company.

The injury has caused me to have a complete lack of balance and necessitated that I use a 4-point walker at all times. You can understand how this has made work at my old job impossible. I have constant neck pain, my arms and hands go numb, and I still lose balance when I walk. Even with the help of the walker, I will never be able to go where I would need to for my job.

It has impacted everything in my life. I can no longer continue with restoring the '57 Chevy sitting in my garage. Hell, I don't even know if I would be able to drive it if I did. My wife was disabled after she shattered her femur in July of 2020, and I was used to helping her around the house. I can no longer help her get around and it has become almost impossible for us to maintain our independence, though we are fighting to do so every day.

When my attorney informed me that the maximum recovery in Kansas was \$155,000, I was shocked. The entire amount does not even equate to two years of my salary. Then, that \$155,000 would further be reduced by what I was already paid while off work. That leaves my best case scenario will be a

recovery that will not be enough to cover a single year of my pay while working. It was no surprise to me that Kansas was dead last out of all 50 states, although I was absolutely shocked that we, as a state, had let it get this bad.

I would like to point out that my company has gone above and beyond in this case, and my issue is not with them, but with the law. I am grateful for the opportunity to talk to you as legislators and ask you to fix shameful portion of the law. It is a slap in the face of workers, like myself, that spent years working my butt off to try and secure my future. Please vote in support of SB 38.

Thank you for your time,

James Gallagher