



**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT**

Item No.
7

Meeting Date: **APRIL 12, 2012**

Subject:

Authorize the Rejection of the Claim of Michael Babineau

Recommendation:

Adopt Resolution No. 2012-0037, authorizing the Rejection of the Claim of Michael Babineau.

Background/Justification:

On March 9, 2012, Michael Babineau ("Babineau") filed a claim with the Authority alleging that on October 20, 2011, he injured his head as he tossed a coffee cup into a recycling bin in Terminal One at San Diego International Airport. Babineau claims damages of \$3,646.66 to include medical treatment, lost work, pain and suffering.

Babineau alleges in his claim that on October 20, 2011, he was in the process of discarding a coffee cup when he hit his head on a flight notification monitor protruding from the wall above a recycling bin into which he tossed it. He claims he did not see the monitor and rammed his head into it, causing a 2-inch laceration. He was ultimately transported to the hospital for treatment in the emergency room.

Babineau's claim should be denied. An investigation into the incident revealed the monitor and the recycle bin were located between the podium at Gate 10 and the wall behind it, which is an area controlled and used exclusively by airline personnel and not passengers. Claimant admits he did not see the monitor. The Harbor Police report taken at the time of the incident indicates the laceration was one-half of an inch and claimant's statements to officers indicate he leaned over when he tossed the cup and raised his head straight up instead of retreating in the same manner. No unsafe condition nor any notice to the Authority of an unsafe condition was discovered in the course of the investigation.

Fiscal Impact:

Not applicable.

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Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

Environmental Review:

- A. California Environmental Quality Act: This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. The Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Equal Opportunity Program:

Not applicable.

Prepared by:

SUZIE JOHNSON
PARALEGAL



**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY
ACCIDENT OR DAMAGE CLAIM FORM**

Please complete all sections.
Incomplete submittals will be returned, unprocessed.
Use typewriter or print in ink.

**FOR AUTHORITY CLERK USE
ONLY**

Document No.: CL-163

Filed: 3-9-12

MAR 09 2012

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| 1) Claimant Name: <u>Michael E Babin</u> | |
| 2) Address to which correspondence regarding this claim should be sent: <u>27430 Sage Brush Trail Valley Center, Ca. 92082</u> | |
| Telephone No.: <u>cell 714-984-3258</u> | Date: <u>3-6-12</u> |
| 3) Date and time of incident: <u>10-20-2011 Approx 6:45 AM</u> | |
| 4) Location of incident: <u>Southwest Gate 10 San Diego Airport Terminal A</u> | |
| 5) Description of incident resulting in claim: <u>A blue re-cycle trash can was located under the flight status monitor at gate 10. The monitor was protruding from the wall and had sharp corners. I reached to discard a coffee cup into the re-cycle can as I was preparing to board flight # 2558 and not seeing the protruding monitor, my head rammed into the corner of the monitor as I attempted to reach the trash re-cycle can. I suffered an approximately 2 inch laceration to my scalp and had to be transported to emergency room by ambulance in shock and bleeding profusely. I missed my flight and business meeting that day.</u> | |
| 6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: <u>UNKNOWN</u> | |
| 7) Persons having firsthand knowledge of incident: <u>Names unknown see below</u> | |
| Witness (es) <u>Southwest Counter Representative</u> | Physician(s): <u>Wendee Hwang</u> |
| Name: <u>Airport Security Officer</u> | Name: <u>Kaiser Medical Center</u> |
| Address: | Address: <u>4647 Zion Ave San Diego, Ca. 92120</u> |
| Phone: | Phone: <u>619-528-5000</u> |

8) Describe property damage or personal injury claimed:
 open laceration (approx. 2 inches) to scalp which required 3 staples and a follow visit.

9) Owner and location of damaged property or name/address of person injured:
 Michael Babineau
 27430 Sage Brush Trail
 Valley Center, Ca. 92082

10) Detailed list and amount of damages claimed as of date of presentation of claim, including prospective damages. If amount exceeds \$10,000.00, a specific amount need not be included.

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|--------------------------|-------------|---------------------|
| Kaiser Foundation Luen | \$ 2,380.66 | see attached detail |
| Ambulance co-pay | \$ 150.00 | " |
| Emergency room co-pay | \$ 100.00 | " |
| Parking | \$ 16.00 | |
| Pain/Suffering/lost work | \$ 1,000.00 | Total - \$ 3,646.66 |

Dated: 3-6-12

Claimant: Michael Babineau
 (Signature)

Notice to Claimant:

Where space is insufficient, please use additional paper and identify information by proper section number.

Return completed form to:

Tony Russell, Director, Corporate Services/Authority Clerk
 Corporate Services Department
 P.O. Box 82776
 San Diego, CA 92138-2776

RESOLUTION NO. 2012-0037

A RESOLUTION OF THE BOARD OF THE
SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY AUTHORIZING THE REJECTION OF
THE CLAIM OF MICHAEL BABINEAU.

WHEREAS, on March 9, 2012, Michael Babineau filed a claim with the San Diego County Regional Airport Authority for damages he allegedly incurred as a result of hitting his head on a video monitor behind the podium at Gate Ten in Terminal One at San Diego International Airport; and

WHEREAS, at its regular meeting on April 12, 2012, the Board considered the claim filed by Michael Babineau, the report submitted to the Board, and found that the claim should be rejected.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby AUTHORIZES the rejection of the claim of Michael Babineau.

BE IT FURTHER RESOLVED that this Board DETERMINES this action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 12th day of April, 2012, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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