

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday July 15, 2016
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland
ROLL CALL Presiding Appellate Officer, Chairman Gilliland
NOTICE OF COMPLIANCE.....Dana Esparza
BUSINESS Presiding Appellate Officer, Chairman Gilliland

A. MINUTES:

- The drafted Minutes of the Special Meeting of June 10, 2016 will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION

B. Consideration of Motion before the Commission En Banc

Alexis Foster v. Macys Inc. (QE#864770), File #CM2016-01539K

Claimant filed a Motion to Lift Stay. Mitchell E. Shamas is the attorney of record for the Claimant and Chad R. Whitten is the attorney of record for the Respondent. The Commission will announce its decision on the motion.

Possible Action:

Possible action may include, but is not limited to: taking no action, granting the motion, denying the motion, adopting a proposed order on the motion, or continuing the matter.

C. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

The hearings before the Commission en banc will be conducted pursuant to the authority and jurisdiction of the Administrative Workers' Compensation Act, Title 85A O.S. §1 et seq., and the Workers' Compensation Commission's Permanent Rules, OAC 810. The procedure for the hearings before the Commission en banc is as follows:

- Each party will be allowed ten (10) minutes for oral arguments.
- The appellant will present first. Appellant may divide his or her ten minutes for argument, allowing a portion of that time for rebuttal.
- Both parties are subject to questioning by Commissioners.

1. Preston Wayne Haulcomb v. Earl Le Dozer Service LLC & National American Insurance Co., File #CM2014-10950H

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Mike Jones & Bob Burke are the attorneys of record for the Claimant and Jeffrey W. Dasovich is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

2. Elizabeth Loving v. McAlester Regional Health Center Rural Health Clinic (OWN RISK #19534), File #CM2015-00787A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Craig Dawkins is the attorney of record for the Claimant and Gary Long is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

3. Jill Oliver v. Oklahoma Department of Rehabilitation Services & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-03665H

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Eliot D. Yaffe is the attorney of record for the Claimant and Ronald v. Frangione is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

4. Connie Andrews v. WalMart Stores Inc. (OWN RISK #20000), File #CM2015-06104A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther M. Sanders is the attorney of record for the Claimant and Jordan S Ensley is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

5. Omar J. Almestica v. Roof Works of Tulsa & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #2015-07516A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. John R. Evans, Jr. is the attorney of record for the Claimant and Mitchell C. Maurer is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

D. Commission Consideration of Adoption of Final Order in the Following Cases:

1. Christopher Forrest v. City of Tulsa (Own Risk #10435), File #CM2014-06600A

On June 10, 2016, the Commission heard oral arguments from Michael R. Green, counsel for the Claimant, and Jennifer Ahrend, counsel for the Respondent. After deliberating, the Commission voted to take preliminary action to vacate and remand the Administrative Law Judge's order and instruct Commission staff to draft a proposed order for future consideration by the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

2. Edward E. Bray v. Pecofacet Houston LLC & Travelers Indemnity Co. of America, File #CM2015-06896F

On June 10, 2016, the Commission heard oral arguments from Michael R. Green, counsel for the Claimant, and Linda S. Foreman, counsel for the Respondent. After deliberating, the Commission voted to preliminary action to modify the Order of the Administrative Law Judge and instruct Commission staff to draft a proposed order for future consideration by the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

3. Clinton E. Stiltner v. Paul Transportation Inc. & Insurance Co. of the State of Penn., File #CM2015-07445H

On June 10, 2016, the Commission heard oral arguments from Ray Lahann, counsel for the Claimant, and Magan C. Graham, counsel for the Respondent. After deliberating, the Commission voted to take preliminary action to vacate and remand the Administrative Law Judge's Order for additional findings and instruct Commission staff to draft a proposed order to that effect for future consideration by the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

D. Announcements

Commission's next regularly scheduled meeting is Thursday August 11, 2016. Commission's next regular Meeting regarding Appeals is scheduled for Friday, August 12, 2016.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Gilliland