

**SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION**

APPEALS

Friday, January 15, 2021
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

[Interim Guidance on Commission Appellate Proceedings](#)

AGENDA

- CALL TO ORDERPresiding Appellate Officer, Chairman Liotta**
- ROLL CALLPresiding Appellate Officer, Chairman Liotta**
- BUSINESSPresiding Appellate Officer, Chairman Liotta**

STATEMENT OF COMPLIANCE BY CHAIRMAN

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

A. 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 Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side 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. **Elvis Allen v. Aero Components Inc. and Travelers Property & Casualty Co. of America, File #CM2018-04168K**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Daniel M. Davis is the attorney of record for the Claimant and Loretta Jones is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. **Joseph Garzone v. MITF, File #CM2016-05110A**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael C. Bell is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. **Lenora Jurgensen v. Shawnee Public Schools and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2019-02950J**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis the attorney of record for the Claimant and Robert A. Manchester is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

4. **Valerie Wilson v. MITF, File #CM2017-00270K**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes is the attorney of record and Richard Cole is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. Brian Cobb v. Insperity Inc. and Indemnity Insurance Co. of North America, File #CM2017-05431Y

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Bret A. Unterschuetz is the attorney of record for the Claimant and Paul A. Scott is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. Lewis Perry v. City of Tulsa (OWN RISK #10435), File #CM2016-07068K

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. J. Stephen McClellan and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. Lewis Perry v. City of Tulsa (OWN RISK #10435), File #CM2019-02600J

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Stephen McClellan and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the

Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

8. Lewis Perry v. City of Tulsa (OWN RISK #10435), File #CM2019-02601L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Stephen McClellan and Bret A. Unterschuetz are the attorneys of record for the Claimant. Nicholas E. Moorad II is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

1. Diana Burbank v. Tropical Plant Design Inc. and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2017-01135Q

Claimant and Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Edward Grimes appeared for the Claimant and Cynthia J. Braly appeared for the Respondent.

This case came on for Oral Argument on June 19, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

2. Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Possible Action:

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

3. **Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A**

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

4. **Bobby Collings v. Multiple Injury Trust Fund, File #CM2017-00899FMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan appeared for the Claimant. John Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

5. **Steven Bachlor v. IC Bus of Oklahoma LLC and IC Bus of OK A Navistar Inc. Co. (OWN RISK #19208), File #CM2017-05790A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Ray Lahann appeared for the Claimant and David J. Frette appeared for Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

6. Quincy Tran v. Boeing Co. and Indemnity Insurance Co. of North America, File #CM2017-05844R

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Claimant represented himself pro se. Theresa Bullard appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

Possible Action:

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

7. Charlene Skene v. Dress Barn Inc. and Safety National Casualty Corp., File #CM2018-04158A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz appeared for the Claimant and Clark P. Bushyhead appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

8. Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

Possible Action:

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

D. Announcements

The Commission's next dual advisory meeting is Thursday, February 4, 2021, at 2:00 p.m. The Commission's next regular business meeting is Thursday, February 18, 2021, at 1:30 p.m. The Commission's next regular appeals meeting is Friday, February 19, 2021, at 9:00 a.m.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Liotta