

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

~ APPEALS ~

Friday, January 24, 2020
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza, and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDER.....Presiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALL.....Presiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of December 13, 2019, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Regular Appeal Meeting of November 22, 2019, minutes.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

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

1. Carey B. Howard v. Dane & Associates Electric Co. Inc. and Standard Fire Insurance, File #CM2016-06350J

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

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

2. John H. Bailey v. Multiple Injury Fund, File #CM2016-03341XMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Charles Simons is the attorney of record for the Claimant and Michael Fagan is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Adele Swanson v. Braums Inc. (OWN RISK), File #CM2018-03934A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Daniel M. Davis is the attorney of record for the Claimant and Kristi Bynum Funck is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Cathie Sue Lee. v. Multiple Injury Fund, File #CM2018-01128QMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Joe Farnan is the attorney of record for the Claimant and Michael Fagan is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDERS AFFIRMED

5. Tiffany Taylor v. University of Oklahoma (OWN RISK), File #CM2019-01892A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis is the attorney of record for the Claimant and Josh Romano is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

6. Stephanie Dodd v. Good Shepherd Luthern School and Guideone Mutual Insurance Co., File #CM2018-00882J

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Alex Forbes is the attorney of record for the Claimant. Cary Dooly is the attorney of record for Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to modify the Administrative Law Judges Order.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

7. **Amanda R. Tapp v. Southwest Airlines Co. and Indemnity Insurance Co. of North America, File #CM2019-01255R**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kathryn Black is the attorney of record for the Claimant. H. Grady Parker, Jr is the attorney of record for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

C. **Commission Consideration of Adoption of Final Orders in the Following Cases:**

1. **Dennis Carbin Kolbe v. Multiple Injury Trust Fund, File #CM2016-07041KMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Sidney A. Musser Jr. is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

2. **John McArthur King Jr. v. Mulford Construction & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma), File #CM2018-01333L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer is the attorney of record for the Claimant. Robert A. Manchester is the attorney of

record for Respondent Milford Construction. Jon L. Derouen Jr. is the attorney of record for the Respondent Tim Brown.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

3. **Djohn Brown v. Spring House Water Co., Inc. & CompSource Mutual Ins., Co. (FKA CompSource Oklahoma), File #CM2017-01710J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Brad W. Wicker is the attorney of record for the Claimant and D. Wade Christensen is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

4. **Dennis Carbin Kolbe v. Multiple Injury Trust Fund, File #CM2016-07041KMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Sidney A. Musser Jr. is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

5. Kristin Marie Randall v. Multiple Injury Trust Fund, File #CM2016-08411RMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Todd Willhoite represented the Claimant and Jennifer Finley represented the Respondent.

This case came on for Oral Argument on November 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

6. Jorge Garcia v. Drake Barnes, Barnes Construction Solutions, and Bitco National Insurance Company (FKA Bituminous Fire), File #CM2019-01894J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams represented the Claimant. Travis A. Fulkerson represented for Respondent.

This case came on for Oral Argument on December 13, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

D. Announcements

Commission's next special business meeting is Thursday, February 6, 2020. Commission's next regular meeting regarding Appeals is scheduled for Friday, February 21, 2020.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 1:56 p.m.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.