

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday October 19, 2018
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

ROLL CALLPresiding Appellate Officer, Chairman Liotta

BUSINESSPresiding Appellate Officer, Chairman Liotta

STATEMENT OF COMPLIANCE BY CHAIRMAN

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of September 21, 2018, will be considered for approval.

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

B. 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. Byron S. Clark v. Southwest Facility Support LLC & Travelers Indemnity Co of Connecticut File # CM2015-05916A

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Brandon J. Burton is the attorney of record for the Claimant. Loretta Jones 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 Appellate Counsel 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. Stephanie A. Garcia v. Orchids Paper Products Co. & Great AZmerican Alliance Insurance Co. , #CM2016-05284A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Arthur H. Adams is the attorney of record for the Claimant and Patrick S. Parr and Matthew R. Defehr are the attorneys 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 Appellate Counsel 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. Thomas Williamson Hughes v. LDF Sales & Distributing Inc. & Charter Oak Fire Insurance Co., File #CM2017-04427F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Jack G. Zurawik and Micah Felton are the attorneys of record for the Claimant and Bradley D. Avey 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 Appellate Counsel 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. Matthew Penderson v. City of Tulsa (Own Risk #10435) File #CM2017-07906H

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Eric W. Quandt and Darrel Paul are the attorneys of record for the Claimant and Travis R. Colt 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 Appellate Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

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

1. Johnnie Mae Brown v. A New Haven Transportation (No Insurance), File #CM2016-02956A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Pam Cornett represented the Claimant and Dana L. Gish represented the Respondent.

This case came on for Oral Argument on July 20, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

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. Marcus McDonald v. Kelvion Inc. FKA GEA Heat Exchangers Inc. (OWN RISK #17805), File # CM2014-09940A

Respondent and Claimant both filed an appeal from the order issued by Administrative Law Judge Lawyer. Micah Felton is the attorney of record for the Claimant.

Steven K. Bunting is the attorney of record for the Respondent.

This case came on for Oral Argument on September 21, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

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. Camilo E. Alvarado v. AT&T Corp. & Old Republic Insurance Co., File #CM2015-02986H

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Alex Forbes is the attorney of record for the Claimant. Nichole S. Bryant is the attorney of record for the Respondent.

Parties filed a proposed Order Vacating Judge Lawyer's Order Determining Compensability and Remanding case to Judge Lawyer. The Commission will consider this order.

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 regular business meeting is Thursday, November 15, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, November 16, 2018.

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