

SPECIAL MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~APPEALS~

Wednesday October 11, 2017

2:30p.m.

Commission Chambers

1915 N. Stiles Ave.

Oklahoma City, Oklahoma

www.wcc.ok.gov

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*MINUTES*

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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.

**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.

**MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of September 15, 2017, and the drafted Minutes of the Special Appeals Meeting of September 29, 2017, were considered for approval.

Presiding Appellate Officer Chairman Liotta presented the minutes of Regular Appeal Meeting of September 15, 2017, and the drafted Minutes of the Special Appeals Meeting of September 29, 2017 for approval.

**Motion:** Commissioner Russell made a motion to approve the minutes of the Regular Appeal Meeting of September 15, 2017, and the drafted Minutes of the Special Appeals Meeting of September 29, 2017, correcting one scrivener's error.

**Second:** Commissioner Tilly

**Those Voting Aye:** Presiding Appellate Officer Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**A. Commission Consideration of Adoption of Final Order in the Following Case:**

**O'Neal R. Gillispie v. Estes Express Lines Inc. & New Hampshire Ins. Co., File #CM2014-03399K**

Claimant and Respondent both filed an appeal from the order issued by Administrative Law Judge Sommer. Joey Chiaf represented the Claimant. J. Nick Crews represented the Respondent.

After hearing oral arguments on September 15, 2017, the Commission took preliminary action to remand the Administrative Law Judge's order for specific findings related to Claimant's PTD status and instructed Commission Counsel or other staff member to draft a proposed order to that effect. A proposed order has been drafted and distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Russell moved to approve the order as proposed.

**Second:** Commissioner Tilly

**Those Voting Aye:** Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER APPROVED**

**Ismael Hernandez v. DCP Midstream & DCP Midstream, LLC, & American Zurich Insurance, File #CM2015-04163A**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. G. Todd Ralstin and L. Randall Lee represented the Claimant. Gary D. Long and David Brenner represented the Respondent.

After hearing oral arguments on September 15, 2017, the Commission en Banc took this matter under advisement for continued action at a future meeting. After reviewing the record, considering the arguments of counsel and deliberating, a proposed order has been drafted and distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Russell moved to continue this matter to a later date.

**Second:** Commissioner Tilly

**Those Voting Aye:** Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: CONTINUED**

**Luis Solorzano v. Action Group Staffing & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-08364L**

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Arthur Adams represented the Claimant and Jennifer Ahrend represented the Respondent.

After hearing oral arguments on September 15, 2017, the Commission took preliminary action to modify the Administrative Law Judge's order to recalculate Claimant's average weekly wage based on the method provided in 85A O.S. §59(A)(2) and (B) and instructed Commission Counsel or other staff member to draft a proposed order to that effect. A proposed order has been drafted and distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Russell moved to approve the order as proposed.

**Second:** Commissioner Tilly

**Those Voting Aye:** Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER APPROVED**

**Announcements**

Commission's next regular business meeting is Thursday, November 16, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, October 20, 2017.

## **ADJOURNMENT**

***Motion:*** Commissioner Tilly moved to adjourn the meeting at approximately 2:33 p .m.

***Second:*** Commissioner Russell

***Those Voting Aye:*** Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**