

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

**APPEALS**

Friday November 30, 2018  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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*AGENDA*

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

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

**BUSINESS .....Presiding Appellate Officer, Chairman Liotta**

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of October 19, 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. James E. Dunlap v. MITF, File # CM2015-08328XMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan is the attorney of record for the Claimant. Jennifer A. Sloan 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. Ralph B. Osborn v. Hillcrest Hospital South & AHS Hillcrest healthcare System LLC (Own Risk #19651), File #CM2017-01260L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill is the attorney of record for the Claimant and Daniel C. Blanchard 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.

**3. Billy J. Schmidt v. MITF, File #CM2016-02288JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan is the attorney of record for the Claimant and Patrick S. Parr and Magan C. Graham 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.

**4. Robert G. Privette v. Jump Towing & Recovery LLC & Great Midwest Insurance Co., File #CM2017-01926H**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Mike J. Lawter is the attorney of record for the Claimant and R. Jay McAtee 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.

**5. Katina Ann Dieng v. Great Plains Coca Cola Bottling Co.,(Own Risk #17344), File #CM2017-03839J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Katina Ann Dieng is pro se. Katherine Lee 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.

**6. Tyler Henderson v. City of Tulsa (Own Risk #10435), File #CM2017-03933A**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Michael R. Green is the attorney 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. 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. Micah Felton represented the Claimant and Bradley D. Avey represented the Respondent.

This case came on for Oral Argument on October 19, 2018. After reviewing the record hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judge's order and instructed Appellate Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law for consideration at a future meeting. 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. 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. Darrel Paul represented the Claimant and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on October 19, 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.

**4. Jesse Easter v. McCartney Welding LLC, & CompSource Mutual Ins Co., (FKA CompSource Oklahoma) File #CM2017-06877X**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. James G. Devinney is the attorney of record for the Claimant and M. Dan Caldwell is the attorney of record for the Respondent.

Respondent filed a Motion to Stay Appellate Proceedings on September 7, 2018. A proposed order granting Respondent's motion 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.

**D. Announcements**

Commission's next special business meeting is Thursday, December 7, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, January 25, 2019.

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