

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday December 15, 2017
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

A. MINUTES:

- The drafted Minutes of the Special Appeal Meetings of November 3 and November 9, 2017, 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 procedure for the hearings before the Commission en banc is as follows:

- Each party 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. Trillia Terrie Lawley v. Phelps Market & Wesco Insurance Co. (Amtrust) & Zenith Insurance Co. File # CM2015-01633H

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Cathy G. Enterline is the attorney of record for the Claimant and Dana L. Gish is the attorney of record for the Respondent Wesco Insurance Co. (Amtrust) & Malcom D. Smith Jr. is the attorney of record for Respondent Zenith Insurance Co.

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 Commission 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. Jose Enrique Rodriguez v. Affordable Construction Co. (No Insurance) & Andrade Ochoa Construction Co. (Unknown or not Specified) & Manuel Ochoa (Unknown or not Specified) File # CM2016-00147A

Respondents filed an appeal from the order issued by Administrative Law Judge McMillin. Gary G. Prochaska is the attorney of record for the Claimant and John Shears is the attorney of record for Affordable Construction Co. and Michael Arnett is the attorney of record for Respondent Andrade Ochoa Construction Co. & Manuel Ochoa.

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 Commission 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. Eric Grace v. Coca Cola Co. & Indemnity Insurance Co. of North America File #CM2016-04978A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. David P. Reid is the attorney of record for the Claimant and Todd A. Estes and Jace H. Powell are the attorneys of record for 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 Commission 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. Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co. File #CM2016-07223L

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Craig R. Armstrong is the attorney of record for the Claimant and Travis A. Fulkerson is the attorney of record for 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 Commission 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. Melissa Lynn Sarbeck v. Walgreen Co. & Zurich American Insurance Co. File #CM2016-07514L

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Brian R. Berry is the attorney of record for the Claimant and Jennifer A. Sloan is the attorney of record for 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 Commission 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. Rosa Fisher v. CLP Resources Inc. & New Hampshire Insurance Co.
File #CM2016-07558R**

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

D. Announcements

Commission's next regular business meeting is Thursday, January 11, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, January 12, 2018.

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