

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Thursday December 15, 2016

9:00 a.m.

Commission Chambers

1915 N. Stiles Ave.

Oklahoma City, Oklahoma

www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner Mark Liotta and Commissioner Russell.

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

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

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

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 29, 2016 at 9:15 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 8:29 a.m. on Wednesday, December 14, 2016, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

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

Michael Alfieri v American Airlines & New Hampshire Insurance Co., File #CM2015-00635F

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Michael Feltman represented the Claimant and Jordan S. Ensley represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Mary Powell v. Flex n Gate Oklahoma LLC (Own Risk #19362), File #CM2015-03191J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. TR Banks represented the Claimant and Steven E Hanna represented the Respondent.

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

Second: Presiding Appellate Officer Chairman Gilliland

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Lyle S. Corbeil v. Emricks van & Storage Co. & Guarantee Insurance Co., File #CM2015-05535R

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Charles Simons represented the Claimant and Terry Phillips represented the Respondent.

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

Second: Presiding Appellate Officer Chairman Gilliland

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Doris Ward v. Walmart Stores Inc. (Own Risk #20000), File # CM2016 00262Q

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Victor R. Seagal is the attorney of record for the Claimant and Norman Lemonik represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to remand the Administrative Law Judge's order with instructions to make specific finding regarding significant aggravation to pre-existing injury and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

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

THE MOTION CARRIED: ALJ ORDER REMANDED

Saul Delgado v. J&B Flooring LLC & Midwest Flooring Installation & Farmers Insurance Exchange, File#CM2016-00970R

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Juan Maldonado represented the Claimant, John D. Valentine represented Respondent J&B Flooring and Lacy N. Vassar represented Respondent Farmers Insurance Exchange.

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

Second: Commissioner Russell

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

William Cole v. Premier Community Services Inc., & Security National Insurance Co. (AMTRUST), Case #CM2016-01269J

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Margaret E. Dunn Otterson represented the Claimant and Steven K. Bunting represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Marsha A. Reppond v. Bacone College Inc. & Travelers Indemnity Co. of America, File #CM2016-02339K

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. John R. Colbert represented the Claimant and Kevin D. Berry represented the Respondent.

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

Second: Presiding Appellate Officer Chairman Gilliland

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements

Commission's next special meeting regarding Appeals is scheduled for Thursday, December 16, 2016. Commission's next regularly scheduled meeting is Tuesday, December 19, 2016.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 12:15 p.m.

Second: Commissioner Liotta

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.