

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## APPEALS

Friday, December 17, 2021  
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** ..... **Commission's Chair, Chairman Russell**  
**ROLL CALL** ..... **Presiding Appellate Officer, Commissioner Tilly**  
**BUSINESS** ..... **Presiding Appellate Officer, Commissioner Tilly**

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

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

**A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of November 19, 2021 will be considered for approval.

**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. **Reba Price v. Brentwood, Guarantee Insurance Co., Lawton Oklahoma Senior Living LP, and Oklahoma Property & Casualty Insurance, File #CM3-2016-05499R**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant is representing herself pro se. James B. Cassody is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. **Fernando Colunga v. Greenleaf Nursery Co. Inc. and Great American Insurance Co., File #CM3-2015-01300K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green is the attorney of record for the Claimant and Kevin D. Berry is the attorney of record for Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. **Mark Vorhes v. American Airlines Inc. and New Hampshire Insurance Co., File #CM3-2018-03831R**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn 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; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

4. **John Rosson v. Roundtree Automotive Group LLC and State National Insurance Co., File #CM3-2019-03668K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green is the attorney of record for the Claimant. Blake Farris and Kevin E. McCarty are the attorneys of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. **Linda Doakes v. Manpowergroup Inc. and New Hampshire Insurance Co., File #CM3-2018-05137Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Phillip C. Hawkins is the attorney of record for the Claimant and Kevin D. Berry is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. **Michelle Morton v. Wal Mart Stores Inc. and Wal Mart Associates Inc. (OWN RISK), File #CM3-2019-07945F**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt is the attorney of record for the Claimant. Connor E. Brittingham and Jordan S. Ensley are the attorneys of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**7. Patrick Tolon v. Pratt Industries USA Inc. and Travelers Indemnity Co. of America, File #CM3-2020-03727X**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Arthur H. Adams is the attorney of record for the Claimant and H. Grady Parker Jr. is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**8. John Merhib v. BJ Services LLC and Tri State Insurance Company of Minnesota, File #CM3-2020-05485J**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. W. Jeffrey Dasovich is the attorney of record for the Claimant and Greg K. Ballard is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

**1. J. Asuncion Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM2015-08100F/CM2016-03867H**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz appeared for the Claimant. Michael Fagan and Taylor K. Weder appeared for the Respondent.

This case came on for Oral Argument on July 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

2. **Luis Solorzano v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2015-07759L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz appeared for the Claimant and Cyrus Nathaniel Lawyer appeared for the Respondent.

This case came on for Oral Argument on October 22, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

3. **Earl Appleberry v. Western Flyer Express LLC and United States Fire Insurance Co., File #CM3-2019-07029Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy Kent appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

4. **Dike Okpokiri v. Sodexo Inc. and XL Insurance America Inc., File #CM3-2016-07691Q**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Claimant represented himself pro se and Lindsey Grisamer appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

5. **Stevon Edward Chiles v. Employbridge Holding Co., XL Insurance America Inc., and Resource Manufacturing, File #CM3-2018-07050H**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant represented himself pro se and Victor F. Albert appeared for the Respondent.

This case came on for Oral Argument on October 22, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**ADJOURNMENT.....Presiding Appellate Officer, Commissioner Tilly**