

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## ~ APPEALS ~

Friday, December 18, 2020  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

[Interim Guidance on Commission Appellate Proceedings](#)

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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, Alexander Watkins, and Monica Pack.

#### **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**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.

#### **A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of November 20, 2020, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeals Meeting of November 20, 2020, minutes.

**Second:** Commissioner Russell.

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

**THE MOTION CARRIED: MINUTES APPROVED**

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

**1. Michael Pemberton v. Boyd & Co. Construction and Zurich American Insurance Co., File #CM2017-01215Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Charles Simons appeared for the Claimant and J. William Archibald appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2. Merle Leach v. Oklahoma Department of Veteran Affairs and the State of Oklahoma, File #CM2017-04941K**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett appeared for the Claimant and Preston G. Hanner appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3. Charlene Skene v. Dress Barn Inc. and Safety National Casualty Corp., File #CM2018-04158A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz appeared for the Claimant and Clark P. Busyhead appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to take this case under advisement.

*Second:* Commissioner Tilly.

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

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**4. Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER REVERSED**

**5. Araceli Aranda v. IC Bus of Oklahoma LLC and IC Bus of OK a Navistar Inc. Co. (OWN RISK #19208), File #CM2019-03076A**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Ray Lahann is the attorney of record for the Claimant and David J. Frette is the attorney of record for the Respondent.

The parties notified the Commission that the case had been settled.

**STRICKEN**

**6. Jashon Ryan v. Certified Source Inc. and COMPSOURCE Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM2019-03425A**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Jeffrey M. Cooper appeared for the Claimant and Robert A. Manchester appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**7. Mary James v. Tyson Food Inc. (OWN RISK), File #CM2019-06488A**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Margaret Otterson appeared for the Claimant and R. Jay McAtee appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**8. Van Hadder v. OK Foods Inc. and OK Foods Inc. FKA OK Industries Inc. (OWN RISK #16925), File #CM2019-06965K**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Margaret Otterson appeared for the Claimant and R. Jay McAtee appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

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

**1. 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. On December 3, 2018, the Commission entered an order affirming the Administrative Law Judge's decision as modified. Pursuant to Respondent's appeal, the Court of Civil Appeals entered an order sustaining in part and remanding for further proceedings.

A proposed order on remand was circulated to the Commissioners for consideration of adoption.

*Motion:* Commissioner Tilly moved to approve the order as previously circulated.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ORDER ADOPTED**

**2. Selene Castro v. Cameron International Corp. and Travelers Indemnity Co. of America, File #CM2019-00763Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney appeared for the Claimant. Steven K. Bunting appeared for the Respondent. This case came on for Oral Argument on June 19, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to approve the order as previously circulated.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ORDER ADOPTED**

**3. Glenn Stonebridge v. American Airlines Inc. and New Hampshire Insurance Co., File #CM2018-00189L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Lee Endicott represented for Respondent.

This case came on for Oral Argument on February 21, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

4. **Diana Burbank v. Tropical Plant Design Inc. and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2017-01135Q**

Claimant and Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Edward Grimes appeared for the Claimant and Cynthia J. Braly appeared for the Respondent.

This case came on for Oral Argument on June 19, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

5. **Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

6. **Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A**

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**7. Bobby Collings v. Multiple Injury Trust Fund, File #CM2017-00899FMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan appeared for the Claimant. John Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**8. Steven Bachlor v. IC Bus of Oklahoma LLC and IC Bus of OK A Navistar Inc. Co. (OWN RISK #19208), File #CM2017-05790A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Ray Lahann appeared for the Claimant and David J. Frette appeared for Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**9. Quincy Tran v. Boeing Co. and Indemnity Insurance Co. of North America, File #CM2017-05844R**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Claimant represented himself pro se. Theresa Bullard appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

***Motion:*** Commissioner Tilly moved to continue all remaining orders.

***Second:*** Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**D. Announcements**

The Commission's next regular business meeting is Thursday, December 17, 2020, at 1:30 p.m. The Commission's next regular appeals meeting is Friday, December 18, 2020, at 9:00 a.m.

**ADJOURNMENT**

***Motion:*** Commissioner Tilly moved to adjourn the meeting at approximately 3:23 p.m.

***Second:*** Commissioner Russell.

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

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