

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday February 9, 2018
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 January 12, 2018 and January 25, 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 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. Scott Richard Stropes v. Iowa Tribe of Oklahoma & Hudson Insurance Co. (Tribes Only) File # CM2015-01753R

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Brad Wicker is the attorney of record for the Claimant. Jay L. Jones 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 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. Melvin Tannehill v. Davis Sanitation Inc. & Great American Security Insurance Company File # CM2016-01550L

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Stacey Lobaugh is the attorney of record for the Claimant and Dana L. Gish is the attorney of record 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 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. Venita L. Mukes v. Church's Chicken & New York Marine & General Insurance Co., File #CM2016-03369A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Herbert E. Elias Jr. is the attorney of record for the Claimant and Heather A. Lehman Fagan 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.

4. Katie L. McGaha v. Buffalo Wild Wings & Stonetrust Commercial Insurance Co., File #CM2016-07807Y

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Jack Stipe is the attorney of record for the Claimant and Jeffrey W. Dasovich 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. Maria Contreras v. Johnson Controls Inc., & Indemnity Insurance Co. of North America, File #CM2016-02636A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy is the attorney of record for the Claimant and Donald A. Bullard 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. Michael Bonin v. Tulsa County Sheriff's Department (Own Risk #11247), File #CM2017-00682A

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Michael Green is the attorney of record for the Claimant and R. Jay McAtee 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.

7. Dillon S. Rose v. Berry Plastics Corp., & Safety National Casualty Corp., File #CM2017-02339H

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Kathryn Black is the attorney of record for the Claimant and Donald A. Bullard 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.

8. Richey C. Gowens v. McAlester Regional Health Center (Own Risk) File #CM2016-05003K

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Arthur H. Adams is the attorney of record for the Claimant and Gregg G. Fuller 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.

B. Commission Consideration of Adoption of Final Order in the Following Case:

Danny Lane v. Home Improvements of Stillwater & CompSource Mutual Ins. Co., File #CM2015-01695X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis is represented the Claimant and Jacob Jean represented the Respondent.

This case came on for Oral Argument on January 12, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement.

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.

C. Announcements

Commission's next special business meeting is Thursday, February 20, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, March 16, 2018.

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