

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday March 16, 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 Meeting of February 9, 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. Filiberto Torres v. Impact Roofing (No Insurance) and Alpha and Omega LLC (Unknown or not Specified) File # CM2015-02856K

Both Respondent Impact Roofing and Alpha and Omega LLC filed an appeal from the order issued by Administrative Law Judge McMillin. John Colbert is the attorney of record for the Claimant. Jennifer Ahrend is the attorney of record for the Respondent Impact Roofing and Connie M. Wolfe is the attorney of record for Respondent Alpha and Omega LLC.

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. Chad Scott Jackson v. BJS Restaurants Operations Co. and Arch Insurance Co. File # CM2016-03984F

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Bob Burke is the attorney of record for the Claimant and Donald A. Bullard 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. Floyd D. Dick v. Jonathan Sedlacek (Unknown) & Midwest Radiator LLC (Unknown or not Specified) File #CM2016-01492Q

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. John R. Colbert is the attorney of record for the Claimant and Lewis Berkowitz 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. Anthony Maschino v. Temtrol Inc., & New Hampshire Insurance Co., File #CM2017-00623A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Jeffrey M. Cooper 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.

5. David Phi Duong v. ATC Drivetrain Inc. & Great American Alliance Insurance Co. & Prime Industrial Recruiters Inc., & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma) File #CM2016-05607L

Respondent ATC Drivetrain & Great American Alliance Insurance Co. filed an appeal from the order issued by Administrative Law Judge Sommer. C. Scott Beuch is the attorney of record for the Claimant and John Shears is the attorney of record for Respondent ATC Drivetrain & Great American Alliance Insurance Co. and Robert A. Manchester is the attorney of record for Prime Industrial Recruiters Inc., & CompSource Mutual Ins. 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.

6. Ofelia (Morales) Ramirez v. Salas Urban Cantina & Amtrust Insurance Co. of KS Inc., File #CM2016-05607L

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Kim N. Nguyen 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.

7. Jeff Dobson v. Express Employment Professionals & New Hampshire Insurance Co., File #CM2016-07204A

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Arthur H. Adams and Bret A. Unterschuetz are the attorneys 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.

8. Tamary S. Rhodes v. Oklahoma Turnpike Authority State Of Oklahoma, File #CM2016-04253H

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Kathryn Black is the attorney of record for the Claimant and Cynthia J. Braly 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 Cases:

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. represented the Claimant and Heather A. Lehman Fagan represented Respondent.

This case came on for Oral Argument on February 9, 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.

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 represented the Claimant and Dale R. Kimsey represented the Respondent.

This case came on for Oral Argument on February 9, 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.

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 represented the Claimant and Lee Endicott represented the Respondent.

This case came on for Oral Argument on February 9, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order to be considered at a future meeting.

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.

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. Bret A. Unterschuetz represented the Claimant and Gregg G. Fuller represented for Respondent.

This case came on for Oral Argument on February 9, 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. Discussion and Consideration of a Policy for Orders of the Commission en Banc

The Commission will consider adopting a policy for orders issued by the Commission en banc. The policy could include procedures for the selection of certain orders to be added to the Commission's precedent manual and posted to the Commission website.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter; approving, not approving or approving a modified version of the policy on Commission orders.

D. Announcements

Commission's next special business meeting is Thursday, April 19, 2018.
Commission's next regular meeting regarding Appeals is scheduled for Friday, April 20, 2018.

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