

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday March 22, 2019
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

STATEMENT OF COMPLIANCE BY CHAIRMAN

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of February 22, 2019, 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 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. Ricardo Cervantes v. Multiple Injury Fund File #CM2016-05575AMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney is the attorney of record for the Claimant. Richard Cole 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 Appellate 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. Leonard Frank Goodbear Jr. v. Genara DeLeon Trucking & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-04716X

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. John P. Melot is the attorney of record for the Claimant and John S. Oldfield Jr. 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 Appellate 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. Gail Lee Ross v. Multiple Injury Fund File #CM2015-03929AMIF

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 Richard Cole 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 Appellate 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. Jesse Easter v. McCartney Welding LLC & CompSource Mutual Ins Co. (FKA CompSource Oklahoma), File #CM2017-06877X

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. James G. Devinney is the attorney of record for the Claimant and Dan M. Caldwell 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 Appellate 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. John F. Simmons v. Multiple Injury Fund , File #CM2017-01425KMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann is the attorney of record for the Claimant. Richard Cole 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 Appellate 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. Rick Langkamp v. Mayes Emergency Service Trust Authority & CompSource Mutual Ins. Company (FKA CompSource Oklahoma), File #CM2016-02180F

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Hans Otto Lehr and Tony Mareshie are the attorneys of record for Claimant. Edward Main, James Sullivan Daniel, and Travis R. Colt are the attorneys 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 Appellate 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. Patty J. Justus v. INCA Community Services Inc., & CompSource Mutual Ins. Company (FKA CompSource Oklahoma) File #CM2014-09960X

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Greg A. Barnard is the attorney of record for the Claimant and Ronald V. Frangione 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 Appellate 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. Stephanie T. Adkins v. Lowes Home Centers LLC (Own Risk #18931), File #CM2017-07709J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary G. Prochaska is the attorney of record for claimant and Jennifer Ahrend 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 Appellate 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.

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

1. James E. Dunlap v. MITF, File # CM2015-08328XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant. Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record hearing oral argument of counsel, and deliberating, the Commission took to continue this case for consideration at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption.

2. Billy J. Schmidt v. MITF, File #CM2016-02288JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant and Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

3. Alicia A. Breuer v. Bounce Back Rehab PLC, & State Farm Fire and Casualty Co., File #CM2017-02739F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Norman Lemonik represented the Respondent.

This case came on for Oral Argument on February 1, 2019. 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 Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting. A proposed order has been distributed to the Commissioners for consideration of

4. Dustin Wilson V. Dirt Wurx LLC, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00497R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and Blake I. Whitten is the attorney of record for the Respondent.

This case came on for Oral Argument on February 1, 2019. 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. A proposed order has been distributed to the Commissioners for consideration of adoption.

5. Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co. File #CM2016-07223L

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Craig R. Armstrong represented the Claimant and Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

6. Shawna L. James v. Braums Ice Cream & Dairy Stores (Own Risk #13610), File #CM2017-02909L

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt is the attorney of record for the Claimant. Travis A. Fulkerson is the attorney of record for the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judges Order and instruct Appellate Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law for consideration at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption. A proposed order has been distributed to the Commissioners for consideration of adoption.

D. Announcements

Commission's next regular business meeting is Thursday, April 18, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, April 19, 2019.

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