

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday April 20, 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 March 16, 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 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. Camillo E. Alvarado v. AT&T Corp. & Old Republic Insurance Co., File #CM2015-02986H

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Alex Forbes is the attorney of record for the Claimant. Nichole S. Bryant 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. Raymond L. Gensman v. Federal Express Corp. (Own Risk #16593) File # CM2015-04689L

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Brad W. Wicker is the attorney of record for the Claimant and R. Ted Leslie 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. Tennie L. Haggard v. York Manor & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) File #CM2017-00398J

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams is the attorney of record for the Claimant and Warren E. Mouledoux 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. James David Pratte v. Custom Seating Inc. & National Fire Insurance Co. of Hartford, File #CM2017-01112J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Jack G. Zurawik is the attorney of record for the Claimant and Jace H. Powell 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. Albert L. Hudson v. McClain County & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma) File #CM2017-01699F

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Joe Farnan is the attorney of record for the Claimant and Darren Derryberry 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. Erica Burnett v. Bar S Foods Co. & American Zurich Insurance Co., File #CM2017-02609J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Mark Litton is the attorney of record for the Claimant and John Shears 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:

1. 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.

2. 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 represented the Claimant and John Shears represented Respondent ATC Drivetrain & Great American Alliance Insurance Co. and Robert A. Manchester represented Prime Industrial Recruiters Inc., & CompSource Mutual Ins. Co.

This case came on for Oral Argument on March 16, 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.

3. 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 represented the Claimant and Donald A. Bullard represented the Respondent.

This case came on for Oral Argument on March 16, 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, May 3, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, May 18, 2018.

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