

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday, May 22, 2020
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov
and
Zoom Teleconference
<https://zoom.us/j/92807786037?>

[Password: dHIwSmIzaWVodURkcmk5Y015aTh4UT09](#)

or

1 (346) 248-7799
Meeting ID: 928 0778 6037
Password: 1234

Interim Guidance on Commission Appellate Proceedings:
<https://www.ok.gov/wcc/documents/Interim%20Guidance%20for%20Commission%20Appellate%20Proceedings.pdf>

AGENDA

CALL TO ORDER.....Presiding Appellate Officer, Chairman Liotta
ROLL CALL.....Presiding Appellate Officer, Chairman Liotta
BUSINESS.....Presiding Appellate Officer, Chairman Liotta

STATEMENT OF COMPLIANCE BY CHAIRMAN

Due to the COVID-19 outbreak, the meeting will be conducted in accordance with the Interim Guidance on Commission Appellate Proceedings issued by the Commission on May 18, 2020. No more than ten people, including the Commissioners and Commission staff, will be permitted in the hearing room at a time. However, in compliance with the Oklahoma Open Meeting Act, as amended by SB 661, members of the public will be able to attend the meeting telephonically or via Zoom. The Commissioners will be physically present in Commission Chambers in Oklahoma City for the meeting.

A. MINUTES:

- The drafted Minutes of the Special Appeals Meeting of May 8, 2020, 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. Arthur Monsebaïs Jr. v. Bryan Lynn Farms and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma) #CM2018-00584L

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Brian J. Burton is the attorney of record for the Claimant and Heather A. Lehman-Fagan is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. Jamie Hooper v. Oklahoma Surgical Hospital, LLC and Great American Alliance Ins. Co., File #CM2017-03551K

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Esther M. Sanders is the attorney of record for the Claimant and Patrick S. Parr is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the

Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. **Yvonne M. Lobb v. Dyne Hospitality Group, LLC and Accident Fund National Insurance Co., File #CM2019-02094A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Brandon J. Burton is the attorney of record for the Claimant and Patrick S. Parr is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

4. **Carla Maria Barrett v. Walmart Stores Inc. and Walmart Associates Inc. (OWN RISK), File #CM2018-03406Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther M. Sanders is the attorney of record for the Claimant and Jordan S. Ensley is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. **Jack L. Potter v. Don Machacek Trucking and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2019-03019K**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Henry Dalton is the attorney of record for the Claimant. Robert A. Manchester is the attorney of record for Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. **Warren Scott Gibson v. City of Tulsa (OWN RISK #10435), File #CM2016-03318A**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green is the attorney of record for the Claimant. Travis R. Colt is the attorney of record for Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. **Joseph Wyatt Beaty v. City of Tulsa (OWN RISK #10435), File #CM2017-02351L**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. David J. Frette is the attorney of record for the Claimant. Travis R. Colt is the attorney of record for Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

1. **Ava Rushing v. Multiple Injury Trust Fund, File #CM2016-05147JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Donald E. Smolden represented the Claimant. Jon Derouen 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

2. 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

D. Announcements

The Commission's next special business meeting is Thursday, June 18, 2020 at 1:30 p.m. Commission's regular appeals meeting is scheduled for Friday, June 19, 2020 at 9:00 a.m.

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