

MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday June 16, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland
ROLL CALL Presiding Appellate Officer, Chairman Gilliland
NOTICE OF COMPLIANCE.....Dana Esparza
BUSINESS Presiding Appellate Officer, Chairman Gilliland

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of June 2, 2017 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. Jesus Hidalgo v. Unit Corporation (Own Risk #17006) , File # CM2015-01454R

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Joseph C. Biscone, II is the attorney of record for the Claimant and Andrew J. Morris, Peter Mills & Andrew J. Morris are the attorneys 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 Law Clerk 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. Alphonso Henry v. IC Bus of Oklahoma LLC (Own Risk #19208) , File # CM2014-10455L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green is the attorney of record for the Claimant and David J. Frette 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 Law Clerk 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. Jason Graves v. EZ Mart Stores INC. Zurich American Insurance Co. Company, File # CM2015-04716F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Jack G. Zurawik is the attorney of record for the Claimant and Kevin D. Berry 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 Law Clerk 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. Robert Lunt v. EZ Mart Stores & Zurich American Insurance Company, File # CM2015-04235A

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Michael R. Green and Bob Burke are the attorneys of record for Claimant and William J. Archibald 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 Law Clerk 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. Sherron Jones v. City of Tulsa (OWN RISK #10435), File # CM2016-01963J

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. John N. Mackenzie is the attorney of record for the Claimant and Steven Kuperman 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 Law Clerk 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. Jonathan Valladares v. Desert Crest LLC & Old Glory Insurance Company, File # CM2016-02736X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Carole A. Wangrude is the attorney of record for the Claimant and Cathy C. Barnum 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 Law Clerk 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. Kristy Stanfield v. TLB Sun Loan Co. Inc., & Arch Insurance Co., File # CM2016-03676A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green 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, 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 Law Clerk 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. Brenda Luton v. McAlester Regional Health Center (Own Risk #19534), File # CM2016-06076A

Claimant 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 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 Law Clerk 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:

Bruce D. Ross v. City of Tulsa (Own Risk #10435), File # CM2014-09949R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther Sanders represented the Claimant and Steven Kuperman represented the Respondent.

On June 2, 2017, after hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland announced that the Commission is taking this case under advisement and will instruct Commission Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law.

The proposed order was drafted and distributed to the Commissioners for consideration of adoption.

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.

D. Announcements

Commission's next special business meeting is Thursday, July 20, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, July 21, 2017.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Gilliland