

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ **APPEALS** ~

Friday, June 19, 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/92769560386?>

[Password=WEdCcUpTWHZNY1dMY29ISXhoSjViZz09](#)

or

1 (346) 248-7799
Meeting ID: 927 6956 0386
Password: 1234

[Interim Guidance on Commission Appellate Proceedings:](#)

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Alexander Watkins, Monica Pack, and Collin Fowler.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

This meeting is also being conducted under the new emergency provisions of the Open Meeting Act, as amended by SB 661 on Wednesday, March 18, 2020.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of May 22, 2020, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Special Appeal Meeting of May 22, 2020, minutes.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. William McCaine v. City of Oklahoma City (OWN RISK) #CM2015-02787A

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Jeffrey M. Cooper is the attorney of record for the Claimant and Charles G. Braun and Laurie D. Judy are the attorneys of record for the Respondent.

CONTINUED

2. Gail Ross v. Multiple Injury Trust Fund, File #CM2015-03929AMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy appeared for the Claimant and Jon Derouen appeared for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to the finding and facts in conclusions of law to be considered for continued action at a future meeting.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER REVERSED

3. Bennie Herring v. City of Tulsa and Tulsa Fire Department (OWN RISK #10435), File #CM2016-05263A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Kathryn Black appeared for the Claimant and Travis R. Colt appeared for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to the finding and facts in conclusions of law to be considered for continued action at a future meeting.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Terry Bennett v. Multiple Injury Trust Fund, File #CM2016-07242AMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Alex Forbes appeared for the Claimant and Jon Derouen appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

5. Eric Albright v. City of Tulsa (OWN RISK #10435), File #CM2018-06231R

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant and Travis R. Colt appeared for Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

6. Dianna Burbank v. Tropical Plant Design Inc. and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2017-01135Q

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Edward Grimes appeared for the Claimant and Cynthia J. Braly appeared for the Respondent.

Motion: Commissioner Russell moved to take this case under advisement.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

7. **James Duggan v. Stan Koch & Son Trucking Inc. and Hartford Accident & Indemnity Co., File #CM2018-00268J**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan H. Jones is the attorney of record for the Claimant and Jennifer A. Sloan is the attorney of record for Respondent.

CONTINUED

8. **Selene Castro v. Cameron International Corp. and Travelers Indemnity Co. of America, File #CM2019-00763Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney appeared for the Claimant and Steven K. Bunting appeared for the Respondent.

Motion: Commissioner Russell moved to take this case under advisement.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

C. **Commission Consideration of Adoption of Final Orders 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. Smolen 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.

Motion: Commissioner Tilly moved to approve the proposed order.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ORDER APPROVED

2. **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. David Reid appeared via Zoom for the Claimant and Jordan S. Ensley appeared for the Respondent.

This case came on for Oral Argument on May 22, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to approve the proposed order.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ORDER APPROVED

3. **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 Inhofe. David Frette appeared for the Claimant. Travis R. Colt appeared for the Respondent.

This case came on for Oral Argument on May 22, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the decision of the Administrative Law Judge with modifications as stipulated by the parties.

Motion: Commissioner Tilly moved to approve the proposed order.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ORDER APPROVED

4. **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.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

5. Arthur Monsebais 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. Brandon J. Burton appeared for the Claimant and Michael Fagan appeared for the Respondent.

This case came on for Oral Argument on May 22, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

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 appeared for the Claimant. Travis R. Colt appeared for the Respondent.

This case came on for Oral Argument on May 22, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

D. Announcements

The Commission's next regular business meeting is Thursday, July 16, 2020 at 1:30 p.m. The Commission's next regular appeals meeting is scheduled for Friday, July 17, 2020 at 9:00 a.m.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:45 p.m.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.