

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday June 21, 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 May 17, 2019 and the Special Appeals Meeting of May 24, 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. Carmen D. McFarland v. Oklahoma Department of Corrections & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) , File #CM2014-11048H

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. William E. Sparks is the attorney of record for the Claimant and R Ted Leslie 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. Gordon A. George v. Umicore Autocat USA Inc. & New Hampshire Insurance Co, File #CM2017-06648K

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. JL Franks is the attorney of record for the Claimant and James B. Cassody 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. Barbara Barnes v. WalMart Stores Inc. (Own Risk #20000) File #CM2018-03702A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt 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, 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. James Brice Martin v. City of Tulsa (Own Risk #10435), File #CM2018-02279X

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. JL Franks and Kathryn Black are the attorneys of record for the Claimant and Travis R. Colt 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. Jimmy Dean Dotson v. OSU Tulsa (Own Risk #14526), File #CM2016-03377A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Rich S. Toon Jr. is the attorney of record for the Claimant and Bradley J. McClure 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. Donald w. McKinney v. Center for Orthopaedic Reconstruction and Excellence and Oklahoma Health Care Association (Group#75175), File #CM2018-00412Y & 2018-01722Y

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Robert A. Flynn is the attorney of record for the Claimant and Dean Lott 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. 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 represented the Claimant and Heather Fagan represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judges Order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

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. 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 represented the claimant and Jennifer Ahrend represented the Respondent.

This case came on for Oral Argument on March 22, 2019. 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.

3. Darlene Johnson v. Midwest City Del City Public Schools (Own Risk #16102, File #CM2017-07066Y

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. William Emig represented the Claimant and Jeffrey W. Dasovich represented the Respondent.

This case came on for Oral Argument on April 19, 2019. 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.

4. Jamesina S. Baker v. Covenant Place of Tulsa Inc. & Travelers Indemnity Co. of America File #CM2017-01903A

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Darrel Paul represented the Claimant and Catherine C. Taylor represented the Respondent.

This case came on for Oral Argument on May 17, 2019. 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.

5. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 2019. 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

Commission's next regular business meeting is Thursday, June 20, 2019. Commission's next special meeting regarding Appeals is scheduled for Friday, May 24, 2019.