

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday July 15, 2016
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner LeRoy Young and Commissioner Mark Liotta.

Staff present to support the Commission: Lindsey Christopher and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

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

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

**STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE**

Notice of this Special Meeting was filed with the Secretary of State's office on Monday, November 2, 2015 at 10:21 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 10:35 a.m. on Wednesday, July 13, 2016, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Special Meeting of June 10, 2016 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the June 10, 2016 Special Meeting for approval.

Motion: Commissioner Young made a motion to approve the minutes of the June 10, 2016 Special Meeting.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: MINUTES APPROVED

Consideration of Motion before the Commission En Banc

Alexis Foster v. Macys Inc. (QE#864770), File #CM2016-01539K

Claimant filed a Motion to Lift Stay Order. Mitchell E. Shamas is the attorney of record for the Claimant and Chad R. Whitten is the attorney of record for the Respondent.

Presiding Appellate Officer Chairman Gilliland announced that a proposed order to deny Claimant's motion had been drafted and circulated to the Commissioners.

Motion: Presiding Appellate Officer Chairman Gilliland made a motion to adopt the order as proposed.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: MOTION TO LIFT STAY DENIED

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

Preston Wayne Haulcomb v. Earl Le Dozer Service LLC & National American Insurance Co., File #CM2014-10950H

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bob Burke represented the Claimant and Jeffrey W. Dasovich represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta.

Those Voting Nay: Commissioner Young

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Elizabeth Loving v. McAlester Regional Health Center Rural Health Clinic (OWN RISK #19534), File #CM2015-00787A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Craig Dawkins represented the Claimant and Gary Long represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Young moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Jill Oliver v. Oklahoma Department of Rehabilitation Services & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-03665H

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Eliot D. Yaffe represented the Claimant and Ronald v. Frangione represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Connie Andrews v. WalMart Stores Inc. (OWN RISK #20000), File #CM2015-06104A

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

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge’s order in part and to remand the Administrative Law Judge’s order in part for reasoning for Temporary Total Disability and to allow the Administrative Law Judge or the Respondent to choose the treating physician and authorize the Commission’s Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ALJ ORDER AFFIRMED IN PART & REMANDED IN PART

Omar J. Almestica v. Roof Works of Tulsa & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-07516A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. John R. Evans, Jr. represented the Claimant and Clark Bushyhead represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge’s order and authorize the Commission’s Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Commission Consideration of Adoption of Final Order in the Following Cases:

Christopher Forrest v. City of Tulsa (Own Risk #10435), File #CM2014-06600A

On June 10, 2016, the Commission heard oral arguments from Michael R. Green, counsel for the Claimant, and Jennifer Ahrend, counsel for the Respondent. After deliberating, the Commission voted to take preliminary action to vacate and remand the Administrative Law Judge's order and instruct Commission staff to draft a proposed order for future consideration by the Commission.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the order as proposed and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ORDER ADOPTED

Edward E. Bray v. Pecofacet Houston LLC & Travelers Indemnity Co. of America, File #CM2015-06896F

On June 10, 2016, the Commission heard oral arguments from Michael R. Green, counsel for the Claimant, and Linda S. Foreman, counsel for the Respondent. After deliberating, the Commission voted to preliminary action to modify the Order of the Administrative Law Judge and instruct Commission staff to draft a proposed order for future consideration by the Commission.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the order as proposed and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Young

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ORDER ADOPTED

Clinton E. Stiltner v. Paul Transportation Inc. & Insurance Co. of the State of Penn., File #CM2015-07445H

On June 10, 2016, the Commission heard oral arguments from Ray Lahann, counsel for the Claimant, and Magan C. Graham, counsel for the Respondent. After deliberating, the Commission voted to take preliminary action to vacate and remand the Administrative Law Judge's Order for additional findings and instruct Commission staff to draft a proposed order to that effect for future consideration by the Commission.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the order as proposed and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ORDER ADOPTED

Announcements

Commission's next regularly scheduled meeting is Thursday August 11, 2016. Commission's next regular Meeting regarding Appeals is scheduled for Friday, August 12, 2016.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 11:45 a.m.

Second: Commissioner Young

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.