

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

~ APPEALS ~

Friday, July 31, 2020
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

[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 ORDER.....Presiding Appellate Officer, Chairman Liotta

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

ROLL CALL.....Presiding 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 June 19, 2020, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Special Appeal Meeting of June 19, 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. Verla Thompson v. Bar S. Foods Co. and New Hampshire Insurance Co., File #CM2019-03131K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kent Eldridge is the attorney of record for the Claimant and Heather Fagan is the attorney of record for the Respondent.

Claimant's counsel, Kent Eldridge, notified the Commission that the parties had reached a settlement agreement.

STRICKEN

2. 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 the Respondent.

Respondent's counsel, Jennifer A. Sloan, notified the Commission that the parties reached a settlement agreement.

STRICKEN

3. Michelle Franze v. Waffle House Oklahoma City and Waffle House Inc. (OWN RISK #16206), File #CM2019-04928Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert appeared for the Claimant and John D. Valentine 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 Tilly.

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

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

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Jeffrey Cooper appeared for the Claimant. Laurie D. Judy appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly 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. Terry Garrett v. Multiple Injury Trust Fund, File #CM2015-04717JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Micah Felton appeared for the Claimant. Richard Cole is the attorney of record for the Respondent.

Motion: Commissioner Tilly moved to continue this case to the next appeals meeting on August 21, 2020.

Second: Commissioner Russell.

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

THE MOTION CARRIED: CONTINUED

6. Kelvin Brister v. Hamm & Phillips Service Co. Inc. and Superior Energy Services Inc. (OWN RISK), File #CM2016-06160H

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. John R. Colbert appeared for the Claimant and Norman Lemonik appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly 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

7. Clarence Shinault v. Multiple Injury Trust Fund, File #CM2016-06670HMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Cynthia D'Antonio appeared for the Claimant and Jennifer Finley 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

8. Terry Dixon v. Johns Tractor Works & Equipment Inc. and Sentry Insurance A Mutual Co., File #CM2019-02104K

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green is the attorney of record for the Claimant and Patrick S. Parr is the attorney of record for Respondent.

The parties jointly submitted a proposed order for consideration of adoption.

Motion: Commissioner Tilly moved to take the proposed order under advisement and continue this case to the next appeals meeting.

Second: Commissioner Russell.

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

THE MOTION CARRIED: CONTINUED

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

1. 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 adopt the order as proposed.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ORDER ADOPTED

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.

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

3. **Arthur Monsebaiss 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

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

Claimant and Respondent 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.

This case came on for Oral Argument on June 19, 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. 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. Steven K. Bunting appeared for the Respondent.

This case came on for Oral Argument on June 19, 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. 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.

This case came on for Oral Argument on June 19, 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 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

7. 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.

This case came on for Oral Argument on June 19, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

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 Dual SIGFB meeting is Wednesday, August 19, 2020 at 1:00 p.m. The Commission's next regular business meeting is scheduled for Thursday, August 20, 2020 at 1:30 p.m. The Commission's next regular appeals meeting is scheduled for Friday, August 21, 2020 at 9:00 a.m.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 3:00 p.m.

Second: Commissioner Russell.

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.