

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## APPEALS

Friday, August 21, 2020  
9:00 a.m.

Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

[Interim Guidance on Commission Appellate Proceedings](#)

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### AGENDA

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**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**

**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**

**BUSINESS .....Presiding Appellate Officer, Chairman Liotta**

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

Due to the COVID-19 outbreak, the meeting will be conducted in accordance with the Interim Guidance on Commission Appellate Proceedings issued by the Commission on June 30, 2020, and in compliance with the Oklahoma Open Meeting Act, as amended by SB 661. The Commissioners may recess for lunch.

**A. MINUTES:**

- The drafted Minutes of the Special Appeals Meeting of July 31, 2020, 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. **Reginald Colbert v. Goodwill Industries of Central Oklahoma Inc. and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2019-04811H**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes is the attorney of record for the Claimant and Warren E. Mouledoux III is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. **William England v. Coca Cola Southwest Beverages LLC and Safety National Casualty Corp., File #CM2019-02195Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Craig R. Armstrong is the attorney of record for the Claimant and Connie M. Wolfe is the attorney of record for Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. **Janet Mathews v. Pride Plating Inc. and American Zurich Insurance Co., File #CM2017-04432Q**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Robert A. Flynn is the attorney of record for the Claimant. J. William Archibald is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the

Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**4. Jay Wiley v. Michelin North (OWN RISK), File #CM2018-06581R**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. John R. Colbert is the attorney of record for the Claimant. Connie M. Wolfe is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**5. Jack Wagon v. Pro Lawn & Landscape and Technology Insurance Co. (AMTRUST), File #CM2019-03704H**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Craig R. Armstrong is the attorney of record for the Claimant and Heather A. Fagan is the attorney of record for Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**6. Terri Fitzwilson v. AT&T Corp. and Old Republic Insurance Co., File #CM2016-08088Q**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Rachel Lynne Farrar, Eric W. Quant and Darrel R. Paul are the attorneys of record for the Claimant and Nichole S. Bryant is the attorney of record for Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. **Tarence Smith v. Oklahoma City Public Schools and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2017-02860J**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. J. Brent Galyon is the attorney of record for the Claimant. Cathy C. Barnum and Kelley Bodell are the attorneys of record for Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

8. **Katina Dieng v. Great Plains Coca Cola Bottling Co. (OWN RISK #17344), File #CM2016-03606K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Claimant is representing herself pro se. Katherine Lee is the attorney of record for Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

9. **Terry Garrett v. Multiple Injury Trust Fund, File #CM2015-04717JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Jack G. Zurawik and Micah Felton are the attorneys of record for the Claimant. Richard Cole is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

**1. 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.

**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. 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.

**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. 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.

**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. **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.

**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. **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 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.

6. **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.

**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.

**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.

This case came on for Oral Argument on July 31, 2020. 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 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.

**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.

This case was set for Oral Argument on July 31, 2020. The parties jointly submitted a proposed order for consideration of adoption. The Commissioners took the proposed order under advisement and continued the matter.

**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**

The Commission's next Dual Advisory meeting is Thursday, September 3, 2020 at 2:00 p.m. The Commission's next Dual PAC meeting is scheduled for Friday, September 11, 2020 at 2:00 p.m. The Commission's next regular appeals meeting is scheduled for Friday, September 18, 2020 at 9:00 a.m.

**ADJOURNMENT.....Presiding Appellate Officer, Chairman Liotta**