

SPECIAL 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

[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 Appeals Meeting of July 31, 2020, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Special Appeals Meeting of July 31, 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. 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 appeared for the Claimant and Warren E. Mouledoux III 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

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 appeared for the Claimant and Connie M. Wolfe appeared for 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.

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. Pam Cornett appeared for the Claimant. J. William Archibald 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. 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.

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

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 appeared for the Claimant and Jacob Jean 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. 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. Darrel R. Paul appeared for the Claimant and Nichole S. Bryant 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

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 appeared for the Claimant. Kelley Bodell 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

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 represented herself pro se. Katherine Lee 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

9. **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. Jordan Ensley 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

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

1. 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 approve order as proposed.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ORDER APPROVED

2. 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.

Motion: Commissioner Tilly moved adopt order as proposed.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ORDER ADOPTED

3. **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

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

8. 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, 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 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

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.