

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday January 12, 2018
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

A. MINUTES:

- The drafted Minutes of the Special Appeal Meetings of December 15, 2017, 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 procedure for the hearings before the Commission en banc is as follows:

- Each party 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. O'Neal R. Gillispie v. Estes Express Lines Inc. & New Hampshire Insurance Co. File # CM2014-03399K

Claimant & Respondent both filed an appeal from the order issued by Administrative Law Judge Sommer. Joey Chiaf and Bob Burke are the attorneys of record for the Claimant. Travis A. Fulkerson and J. Nick Crews are the attorneys 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 Commission 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. Belinda Jo Park v. Tulsa Employee Solutions LLC & Great American Insurance File # CM2014-10363X

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Esther M. Sanders is the attorney of record for the Claimant and Jean Jacob is the attorney of record 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 Commission 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. John G. Jackson v. Rent A Center Inc. & Hartford Accident & Indemnity Co., File #CM2015-07532A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. William E. Sparks is the attorney of record for the Claimant and Richard W. Wassall is the attorney of record for 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 Commission 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. Danny Lane v. Home Improvements of Stillwater & CompSource Mutual Ins. Co., File #CM2015-01695X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis is the attorney of record for the Claimant and Jean Jacob is the attorney of record for 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 Commission 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. Danny James Sharp v. Homeland Stores Inc. HAC Inc. (Own Risk #20023) #CM2015-03954H

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Lewis A. Berkowitz is the attorney of record for the Claimant and Charles G. Braun is the attorney of record for 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 Commission 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. Daniel Scrogam v. Williams Food & Federated Mutual Insurance Co., File #CM2016-03859H

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary R. Morris is the attorney of record for the Claimant and Jeffrey D. Black is the attorney of record for 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 Commission 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.

7. Brannon L. Feb v. KBR Inc. & Ace American Insurance Co., File #CM2016-06167L

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Stacey Lobaugh is the attorney of record for the Claimant and John A. McCaleb is the attorney of record for 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 Commission 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.

8. Brandon Jamelle Sumlin v. Expressways Rental Properties & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) File #CM2016-06761X

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. D. Colby Addison is the attorney of record for the Claimant and Peter Mills is the attorney of record for 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 Commission 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.

B. Commission Consideration of Adoption of Final Order in the Following Case:

Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co., File #CM2016-07223L

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

This case came on for Oral Argument on December 15, 2017. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission continued the case to allow the parties time to brief Speedy Trial Issue.

Motion: Commissioner Tilly moved to continue this matter to January 12, 2018 to allow the parties time to brief Speedy Trial Issue. Respondent's Brief Due on December 29, 2017 and Claimant's brief is due on January 5, 2018.

Second: Commissioner Russell

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

THE MOTION CARRIED: CONTINUED

D. Announcements

Commission's next regular business meeting is Thursday, February 8, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, February 9, 2018.

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