

SPECIAL MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday January 20, 2017  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
www.wcc.ok.gov

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*MINUTES*

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

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 Regular Meeting was filed with the Secretary of State's office on Thursday, November 3, 2016 at 12:02 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 2:33 p.m. on Wednesday, January 18, 2017, 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 Meetings of December 15, 2016 and December 16, 2016 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the December 15, 2016 and December 16, 2016 Special Meetings for approval.

**Motion:** Commissioner Liotta made a motion to approve the minutes of the December 15, 2016 and December 16, 2016 Special Meetings.

**Second:** Commissioner Liotta

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

**THE MOTION CARRIED: MINUTES APPROVED**

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

**Stanley Lindley v. Thermal Windows Inc. & Acadia Insurance Company, File #CM2015-06605X**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel Paul represented the Claimant and Jace H. Powell represented the Respondent

**Motion:** After hearing the oral argument of counsel and deliberating, Commissioner Russell 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, Commissioner Liotta and Commissioner Russell.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Russell Stubblefield v. Buddy's Home Furnishings & Zurich Insurance Co., File #CM2014-09882F**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Richard A. Bell & Nicole Bell represented the Claimant and James B. Cassody 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 and Commissioner Russell.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Donald Lewis Kirk, Jr. v. Southwestern Roofing & Metal & CompSource Mutual Ins. Co., File #CM2015-07930Q**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Eliot D. Yaffe, who represents the Claimant, was not present and Darren Derryberry counsel for Respondent announced an agreed motion to submit the case on the record.

**Motion:** After reviewing the record 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:** Commissioner Russell

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**David A. Neal v. Lincoln County Sheriff's Department & CompSource Mutual ins. Co. (FKA CompSource Oklahoma), File #CM2015-08149H**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Randy D. Edmonson represented the Claimant and Barry Zlotogura 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:** Commissioner Russell

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Darwin Seurer v. Murray Services Inc., & National American Insurance Co., File #CM2015-08451J**

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Ryan Polchinski represented the Claimant and Angela Odell Reinstein represented the Respondent. The parties presented a joint motion to vacate the Administrative Law Judge's Order and remand for settlement pursuant to the agreement of the parties.

**Motion:** Presiding Appellate Officer Chairman Gilliland moved to vacate the Administrative Law Judge's order pursuant to the agreement of counsel to effectuate a settlement in this case and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell

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

**THE MOTION CARRIED: ALJ ORDER VACATED**

**Commission Consideration of Adoption of Final Order in the Following Case:**

**Doris Ward v. Walmart Stores Inc. (Own Risk #20000), File #CM2016 00262Q**

On December 15, 2016, after hearing the oral argument of counsel and deliberating the Commission voted to take preliminary action to remand the Administrative Law Judge's order with instructions to make specific findings as to whether the alleged incident occurred, and if so, whether Claimant sustained an identifiable and significant aggravation to a pre-existing condition and instruct Commission staff to draft a proposed order to be considered for continued action at a future meeting. The proposed order was distributed to the Commissioners for consideration of adoption.

**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 Russell

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

**THE MOTION CARRIED: ORDER ADOPTED**

**Anthony L. Davis v. Unit Drilling Co. (Own Risk #17006), File #CM2015-01734F**

On December 16, 2016, after hearing the oral argument of counsel and deliberating the Presiding Appellate Officer Chairman Gilliland announced that this case will be taken under advisement. The proposed order was distributed to the Commissioners for consideration of adoption.

**Motion:** Presiding Appellate Officer Chairman Gilliland moved to adopt the order as proposed.

**Second:** Commissioner Liotta

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

**Those Voting Nay:** Commissioner Russell.

**THE MOTION CARRIED: ORDER ADOPTED**

**Tanner David Cassell v. Jr. Reynolds Welding & Roustabout LLC & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-07668A**

On December 16, 2016, after hearing the oral argument of counsel and deliberating the Commission voted to affirm the Administrative Law Judge's order and instruct Commission staff to draft a proposed order with additional findings supporting the decision. The proposed order was drafted and distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Russell moved to adopt the order as proposed.

**Second:** Presiding Appellate Officer Chairman Gilliland

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

**THE MOTION CARRIED: ORDER ADOPTED**

**Lisa K. Brazeal v. Whataburger Restaurants LLC Commerce & Industry Insurance Co., File #CM2016-00499K**

On December 16, 2016, after hearing the oral argument of counsel and deliberating the Commission voted to affirm the Administrative Law Judge's order with modification pursuant to the agreement of the parties. The Commission issued an Order Affirming Decision of Administrative Law

Judge on December 20, 2016 without modification.. A proposed order nunc pro tunc correcting the order of December 20, 2016 was drafted and distributed to the Commissioners for consideration of adoption.

**Motion:** Presiding Appellate Officer Chairman Gilliland moved to adopt the order as proposed.

**Second:** Commissioner Russell

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

**THE MOTION CARRIED: ORDER ADOPTED**

### **Announcements**

Commission's next special business meeting is Tuesday, February 16, 2017. Commission's next special meeting regarding Appeals is scheduled for Friday, February 17, 2017.

### **ADJOURNMENT**

**Motion:** Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 11:42 p.m.

**Second:** Commissioner Liotta

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

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**