

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## APPEALS

Friday, January 24, 2020  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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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\***

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of December 13, 2019, 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. **Carey B. Howard v. Dane & Associates Electric Co. Inc. and Standard Fire Insurance, File #CM2016-06350J**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis is the attorney of record for the Claimant and Mia C. Rops 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. **John H. Bailey, Jr. v. Multiple Injury Fund, File #CM2016-03341XMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Philip D. Ryan is the attorney of record for the Claimant and 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.

3. **Adele Swanson v. Braums Inc. (OWN RISK), File #CM2018-03934A**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Daniel M. Davis is the attorney of record for the Claimant and Kristi Bynum Funck 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. **Cathie Sue Lee. v. Multiple Injury Fund, File #CM2018-01128QMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Joe Farnan is the attorney of record for the Claimant and 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.

5. **Tiffany Taylor v. University of Oklahoma (OWN RISK), File #CM2019-01892A**

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 D. Wade Christensen 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.

6. **Stephanie Dodd v. Good Shepherd Luthern School and Guideone Mutual Insurance Co., File #CM2018-00882J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Alex Forbes is the attorney of record for the Claimant. Cary Dooly 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. **Amanda R. Tapp v. Southwest Airlines Co. and Indemnity Insurance Co. of North America, File #CM2019-01255R**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Kathryn Black is the attorney of record for the Claimant. H. Grady Parker, Jr 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. John McArthur King Jr. v. Mulford Construction & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma), File #CM2018-01333L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer is the attorney of record for the Claimant. Robert A. Manchester is the attorney of record for Respondent Milford Construction. Jon L. Derouen Jr. is the attorney of record for the Respondent Tim Brown.

This case came on for Oral Argument on October 25, 2019. 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. Djohn Brown v. Spring House Water Co., Inc. & CompSource Mutual Ins., Co. (FKA CompSource Oklahoma), File #CM2017-01710J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Brad W. Wicker is the attorney of record for the Claimant and D. Wade Christensen is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. 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. Dennis Carbin Kolbe v. Multiple Injury Trust Fund, File #CM2016-07041KMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Sidney A. Musser Jr. is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. 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. Kristin Marie Randall v. Multiple Injury Trust Fund, File #CM2016-08411RMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Todd Willhoite represented the Claimant and Jennifer Finley represented the Respondent.

This case came on for Oral Argument on November 22, 2019. 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. Jorge Garcia v. Drake Barnes, Barnes Construction Solutions, and Bitco National Insurance Company (FKA Bituminous Fire), File #CM2019-01894J**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams represented the Claimant. Travis A. Fulkerson represented for Respondent.

This case came on for Oral Argument on December 13, 2019. 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.

**D. Announcements**

Commission's next special business meeting is Thursday, February 6, 2020. Commission's next regular meeting regarding Appeals is scheduled for Friday, February 21, 2020.

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