

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS AND BUSINESS MEETING

Wednesday, October 2, 2019
3:00 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERChairman Liotta

ROLL CALLChairman Liotta

OPEN MEETING ACT STATEMENTChairman Liotta

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

Appellate Items

1. Minutes

The drafted minutes of the September 20, 2019 public meeting of the Commission will be considered for approval.

Possible Action

Possible action may include: taking no action; approving the minutes as drafted; approving the minutes as amended; or continuing the matter.

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

A. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 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.

B. Terry W. Garrett v. MITF, File #CM2015-04717JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Micah Felton represented the Claimant and Heather Lehman Fagan represented the Respondent.

This case came on for Oral Argument on July 19, 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.

C. Vickie Elaine Franks v. Little Dixie Community Action Agency & CompSource Mutual Insurance (FKA CompSource Oklahoma) File #CM2016-05896A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Edward Grimes represented the Claimant and John S. Oldfield Jr., represented the Respondent.

This case came on for Oral Argument on August 23, 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. Glenda Childers v. Amity Care LLC (Own Risk #14907) & Grace Living Center, File #CM2015-07747X

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Robert A. Flynn is the attorney of record for the Claimant and Julie Thompson Weller is the attorney of record for the Respondent.

This case came on for Oral Argument on September 20, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to remand the Administrative Law Judges Order.

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.

Business Items

3. Discussion and Consideration of a Policy Regarding TTD and Leave

The Commission will consider the interplay between receiving payments for TTD and using sick leave. The Commission will discuss the applicability of 85A O.S., § 89 in making a determination as to what type of leave should be entered when an employee is receiving TTD payments.

Possible Action:

Possible action may include, but is not limited to:

- Adopting a policy whereby an employee who is TTD may use sick leave for time not covered in TTD payments by the insurance carrier;
- Adopting a policy whereby an employee may not use sick leave for time not covered in TTD payments by the insurance carrier;
- Adopting a policy that requires an employee to enter leave other than sick leave during the period an employee is receiving TTD payments.

4. Discussion and Consideration of a Timeline for Public Comment on Oklahoma’s Current Fee Schedule

Under 85A O.S., § 50(H)(14)(b), the external consultant reviewing Oklahoma’s Fee Schedule shall receive written and oral comment from the public. The Commission will discuss and consider an appropriate timeline by which the contracted consultant will receive such public comment.

Possible Action

Possible action may include: Setting an appropriate timeline for public comment; not setting a timeline for public comment; or continuing the matter.

5. Announcements

Commission’s next regular business meeting is Thursday, October 17, 2019. Commission’s next appeals meeting is scheduled for Friday, October 25, 2019.

ADJOURNMENT.....Chairman Liotta