

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday October 20, 2017
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 Meeting of October 11, 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. Angela M. Evans V. Albertsons LLC, & Indemnity Insurance Co. of North America File # CM2015-02164J

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Brad W. Wicker is the attorney of record for the Claimant and Donald A. Bullard is the attorney 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. Kelli Braitsch v. City of Tulsa (OWN RISK #10435) File #CM2017-00936F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Michael R. Green and Bob Burke are the attorneys of record for the Claimant and Steven Kuperman is the attorney 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.

3. Robert Dowdy v. Resource One & Great American Alliance Insurance Co., File # CM2015-05911F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Jack G. Zurawik and Darrel R. Paul are the attorneys of record for the Claimant and Charles G. Braun and Laurie Judie 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.

4. Jose Lara v. RTS Roofing & Construction &/or Robert Fuentes &/or Oscar Sabian B. Banda & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) &/or Unknown or not Specified &/or Mid Century Insurance Co., File #CM2017-01162F

Respondent RTS Roofing & Construction, and its insurance carrier, CompSource Mutual, filed an appeal from the order issued by Administrative Law Judge McMillin. Laura Beth Murphy is the attorney of record for the Claimant; Robert A Manchester is the attorney of record for the Respondent CompSource Mutual; and Lacy N. Vassar is the attorney of record for Mid Century Insurance Company.

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:

Ismael Hernandez v. DCP Midstream & DCP Midstream, LLC, & American Zurich Insurance, File #CM2015-04163A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. G. Todd Ralstin and L. Randall Lee represented the Claimant. Gary D. Long and David Brenner represented the Respondent.

After hearing oral arguments on September 15, 2017, the Commission en Banc took this matter under advisement for continued action at a future meeting. After reviewing the record, considering the arguments of counsel and deliberating, a proposed order was drafted and distributed to the Commissioners for consideration of adoption.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

Carla Young v. Central State Community Services of Oklahoma Inc. & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) File # CM2015-06452Q

Respondent Central State Community Services of Oklahoma Inc. filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer is the attorney of record for the Claimant and did not appear; Jacob Jean represented the Respondent Central State Community Services of Oklahoma Inc. and CompSource Mutual Ins. Co.; Loretta Jones represented Healthcare Innovations of Oklahoma LLC and Travelers Indemnity Co. of America; and Kelly Bodell represented Girling Health Care Inc. and Arch Insurance Co.

After hearing oral arguments on September 29, 2017, the Commission en Banc took this matter under advisement for continued action at a future meeting. After reviewing the record, considering the arguments of counsel and deliberating, a proposed order was drafted and distributed to the Commissioners for consideration of adoption

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

Anthony Joseph Sylvester v. Green Country Physical Therapy & Zurich American Insurance Co, File # CM2016-04493F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Mike Jones and Bob Burke represented the Claimant and Richard W. Wassall represented the Respondent.

This case came on for Oral Argument on September 29, 2017. After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order dismissing the claim with prejudice, and instructed the Commission Counsel or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

D. Announcements

Commission's next regular business meeting is Thursday, November 16, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, November 3, 2017.

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