

SPECIAL 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

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

MINUTES:

- The drafted Minutes of the Special Meeting of October 11, 2017 Meeting were considered for approval.

Presiding Appellate Officer Chairman Liotta presented the minutes of the October 11, 2017 Special Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the October 11, 2017 Special Meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman 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

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 represented the Claimant and Donald A. Bullard represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

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. Bob Burke represented the Claimant and Steven Kuperman represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing 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 Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

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. Micah Felton represented the Claimant and Laurie Judie represented the Respondent.

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take the matter under advisement to be considered for continued action at a future a meeting.

Second: Commissioner Tilly

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

THE CASE WAS: TAKEN UNDER ADVISEMENT

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.

Respondent's attorney filed an uncontested Motion to Continue Oral Argument and it was granted the day before Oral Argument.

Presiding Appellate Officer Chairman Liotta announced that the Commission en Banc has continue the appeal hearing until the next available hearing date before the Commission en banc.

THE CASE WAS: CONTINUED

A. 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 has been drafted and distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Russell moved to continue this matter to a later date.

Second: Commissioner Tilly

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

THE MOTION CARRIED: CONTINUED

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.

Motion: Commissioner Tilly moved to approve the order as proposed.

Second: Commissioner Russell

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

THE MOTION CARRIED: ORDER APPROVED

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.

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.

Motion: Commissioner Tilly moved to approve the order as proposed.

Second: Commissioner Russell

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

THE MOTION CARRIED: ORDER APPROVED

D. Announcements

Commission's next regular business meeting is Thursday, November 9, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, November 3, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Liotta moved to adjourn the meeting at approximately 10:48 a.m.

Second: Commissioner Tilly

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.