

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

APPEALS

Friday, October 22, 2021
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER.....Presiding Appellate Officer, Chairman Russell
ROLL CALL.....Presiding Appellate Officer, Chairman Russell
BUSINESS.....Presiding Appellate Officer, Chairman Russell

STATEMENT OF COMPLIANCE BY CHAIRMAN

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

A. MINUTES:

- The drafted Minutes of the Special Appeals Meeting of September 28, 2021 will be considered for approval.

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. **Grover Summey v. Multiple Injury Trust Fund, File #CM3F-2015-03018A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. John R. Colbert, Esther M. Sanders, and David P. Reid are the attorneys of record for the Claimant. Stefan Wenzel 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. **Luis Solorzano v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2015-07759L**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Terrel B. Doremus is the attorney of record for the Claimant and Cyrus Nathaniel Lawyer 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.

3. **Derek Hooks v. Compass Group USA Inc. and New Hampshire Insurance Co., File #CM3-2018-02022H**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Mitchell E. Shamas and Catherine C. Taylor are the attorneys of record for the Claimant. Chad R. Whitten 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. Dwayne Kerley v. Multiple Injury Trust Fund, File #CM3F-2018-04720Y

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Robert A. Flynn and Pamla K. Cornett are the attorneys of record for the Claimant and Stefan Wenzel 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. Charles Crawford Jr. v. Liberty Mutual Holding Co. Inc. and New Hampshire Insurance Co., File #CM3-2019-01726K

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Pamla K. Cornett is the attorney of record for the Claimant and Stefan Wenzel 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. Paula Boyd v. Firebird Restaurant Group LLC and Amtrust Insurance Co. of KS Inc. and El Fenix Restaurant and Security National Insurance Co. (Amtrust)

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert is the attorney of record for the Claimant. Patrick S. Parr 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.

7. Jeremy Engelbrecht v. Proform Industries GP LLC and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM2020-03899K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams is the attorney of record for the Claimant and Blake I. Whitten 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.

8. Debbie Gervais v. Walmart Stores Inc. and Walmart Associates Inc. (OWN RISK), File #CM3-2020-04556R

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. John R. Colbert is the attorney of record for the Claimant and David B. Custar 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. J. Asuncion Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM2015-08100F/CM2016-03867H

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz appeared for the Claimant. Michael Fagan and Taylor K. Weder appeared for the Respondent.

This case came on for Oral Argument on July 16, 2021. 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.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Russell