

# 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](http://www.wcc.ok.gov)

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### MINUTES

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Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Scott Biggs.

Staff present to support the Commission: Alexander Watkins.

#### **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Russell stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER** ..... **Presiding Appellate Officer, Chairman Russell**

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

**ROLL CALL** ..... **Presiding Appellate Officer, Chairman Russell**

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

#### **A. MINUTES:**

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

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeals Meeting of August 12, 2021, minutes.

**Second:** Commissioner Biggs

**Those Voting Aye:** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**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. David P. Reid is the attorney of record for the Claimant and Jennifer Finley is the attorney of record for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**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. Bret Unterschuetz is the attorney of record for the Claimant and Cyrus Nathaniel Lawyer is the attorney of record for Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take this case under advisement.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**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.

**STRICKEN**

**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.

**STRICKEN**

**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. Micah Felton is the attorney of record for the Claimant and Catherine Taylor is the attorney of record for the Respondent.

***Motion:*** After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

***Second:*** Chairman Russell

***Those Voting Aye:*** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**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), File #CM2019-05955Q**

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

***Motion:*** After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

***Second:*** Chairman Russell

***Those Voting Aye:*** Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**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. Bret Unterschuetz the attorney of record for the Claimant and Blake I. Whitten is the attorney of record for the Respondent.

***Motion:*** After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**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.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Biggs

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**C. Commission Consideration of Adoption of Final Orders 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.

*Motion:* Commissioner Tilly moved continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell and Commissioner Tilly.

*Abstained:* Commissioner Biggs

**THE MOTION CARRIED: ORDER CONTINUED**

**ADJOURNMENT**

*Motion:* Commissioner Tilly moved to adjourn the meeting at approximately 2:30 p.m.

*Second:* Commissioner Biggs.

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**