

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday October 25, 2019
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.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

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

CALL TO ORDER Presiding Appellate Officer, Chairman Liotta

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

ROLL CALL Presiding Appellate Officer, Chairman Liotta

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

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of September 20, 2019, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Regular Appeal Meeting of September 20, 2019, minutes.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

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

1. Djohn Brown v. Spring House Water Co., Inc. & CompSource Mutual Ins., Co. (FKA CompSource Oklahoma), File #CM2017-01710J

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Brad W. Wicker represented the Claimant and Joshua Romano represented the Respondent.

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

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

2. Shawn Tidwell v. City of Oklahoma City (Own Risk), File #CM2015-02365A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Brandon Burton represented the Claimant and Bradley J. McClure represented the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner 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 Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Michael Dean Little v. Multiple Injury Trust Fund, File #CM2017-05558QMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. J. Kord Hammert represented the Claimant and Jon L. Derouen, Jr. represented the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to deny Claimant's motion for attorney fees and costs and 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 Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Mackenzie Edward Demers v. Infrastructure & Energy Alternatives LLC, File #CM2017-05635A

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. D. Eliot Yaffe represented the Claimant and Robin C. Carlton 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 authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission on both this case and the companion case styled as Austin David Borwn v. Infrastrucutre and Energy Alternatives and Hartford Accident and Indemnity Co., File #CM2017-07432A.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDERS AFFIRMED

5. Francisco House v. UE Manufacturing LLC & Arch Insurance Co., File #CM2018-07222A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Mark Litton represented the Claimant and David B. Custar represented the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner 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 Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

6. Dennis Carbin Kolbe v. Multiple Injury Trust Fund, File #CM2016-07041KMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Harry Trey Kouri, III represented the Claimant and Jon L. Derouen, Jr. represented the Respondent.

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

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

7. Timothy L. Wright v. Tyson Foods Inc. (Own Risk), File #CM2018-05785K

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green represented the Claimant. Rose M. J. Sloan represented the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner 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 Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

8. John McArthur King Jr. v. Mulford Construction & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma), File #CM2018-01333L

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer represented the Claimant. Dawson Kester represented the Respondent Milford Construction. Jon L. Derouen Jr represented the Respondent Tim Brown.

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

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

C. Commission Consideration of Adoption of Final Orders in the Following Cases:

1. 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.

Motion: Commissioner Tilly moved to continue this order to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ORDER CONTINUED

2. 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.

Motion: Commissioner Tilly moved to adopt this order as proposed.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ADOPTED

D. Announcements

Commission's next special business meeting is Thursday, November 7, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, November 22, 2019.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 3:06 p.m.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.