

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Thursday November 10, 2016
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 Gilliland**

ROLL CALL **Presiding Appellate Officer, Chairman Gilliland**

NOTICE OF COMPLIANCE..... **Dana Esparza**

BUSINESS **Presiding Appellate Officer, Chairman Gilliland**

A. MINUTES:

- The drafted Minutes of the Special Meeting of October 21, 2016 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. Franette Stratton v. Logans Roadhouse Inc. & Ace American Insurance Co., File # CM2015-01843A

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Gary G. Prochaska is the attorney of record for the Claimant and John A. McCaleb 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 Law Clerk 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. Lewis Baker v. BJ's Restuarants Operations co. & Arch Insurance Company, File # CM2015-02387A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Ryan Polchinski 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 Law Clerk 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. Jonathan McCoy v. Brady Welding & Federal Insurance Co., File # CM2015-02907L

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel J. Talbot is the attorney of record for the Claimant and Malcom D. Smith, Jr., 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 Law Clerk 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. Johnny Barham v. Billy May Enterprises Inc. & Compsource Mutual, File # CM2015-04278A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis is the attorney of record for the Claimant and M. Dan Caldwell 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

5. Martin Wilson v. WHB Transportation LLC (OWN RISK #13610), File # CM2015-04750L

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Jack Stipe is the attorney of record for the Claimant and Charles G. Braun 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

6. Kyle J. O'Kane v. Tulsa Oilers Hockey Inc., & Great Divide Insurance Co., File # CM2015-05787J

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Bryce A. Hill is the attorney of record for the Claimant and Leah P. Keele 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

7. Charolette Coston v. Pride Planting, Inc., &/or Valence Surface Technologies, LLC & American Zurich Insurance Company, File # CM2016-00318Q

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and J. William Archibald 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

D. Announcements

Commission's next special meeting regarding Appeals is scheduled for Friday, November 17, 2016. Commission's next special business meeting is Tuesday, November 29, 2016.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Gilliland