

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday November 3, 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.

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, October 16, 2017 at 9:46 a.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 48 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

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 Regular Meeting of October 20, 2017 Meeting were considered for approval.

Presiding Appellate Officer Chairman Liotta presented the minutes of the October 20, 2017 Special Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the October 20, 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

Victoria Chiri v. Girl Scouts Western Oklahoma & Indemnity Insurance Co. of North America File #CM2016-04749Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis represented the Claimant and Troy Standefer 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

Jerry Neal Harwood v. Ardagh Glass Inc. & Travelers Indemnity Co. of America & Ardagh Group & Travelers Indemnity Co. of America
File # CM2016-05122R

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. John L. Harlan appeared for Claimant and John McCaleb appeared for Respondent Travelers Indemnity Co. of America. No appearance was made on behalf of Ardagh Glass Inc.

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

Gerald Anton Kassin v. Western Oklahoma State College & Compsource Mutual Ins. Co. (FKA Compsource Oklahoma) File #CM2016-02553L

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Gerald Anton Kassin is self-represented and failed to appear. Cindy Welch appeared for Respondent.

Commission Rule 810:10-5-66(c) provides that "[a]ny party failing to appear when the appeal is called for oral argument shall be deemed to have waived the right to argue the case and the appeal shall be considered as submitted on the record." Presiding Appellate Officer Chairman Liotta announced that Claimant failed to appear and, in accordance with Commission rules, had waived his right to oral argument. Respondent agreed to waive oral argument, as well. Presiding Appellate Officer announced that the Commission would consider the case submitted on the record.

Motion:

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

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 was drafted and distributed to the Commissioners for consideration of adoption.

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

Second: Commissioner Russell

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

THE MOTION CARRIED: CONTINUED

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 hearing oral arguments on October 20, 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 continue this matter to a later date.

Second: Commissioner Russell

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

THE MOTION CARRIED: CONTINUED

D. Announcements

Commission's next regular business meeting is Thursday, November 9, 2017. Commission's next regular meeting regarding Appeals is scheduled for Friday, December 15, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Liotta moved to adjourn the meeting at approximately 11:42 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.