

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday December 11, 2015
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 November 20, 2015 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. Anthony T. Orman v. Econo Lodge Airport & Employers Preferred Insurance Co., File #CM2014-08226Y

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Terrel B. Doremus is the attorney of record for the Claimant and W. Cathy C. Barnum 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. Mark A. Caron, II v. Asplundh Tree Expert Co. & Liberty Mutual Insurance Co. File #CM2015-01147R

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz is the attorney of record for the Claimant and Travis R. Colt 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. John A. Dolph v. M&M Detail/Mark Meeks, Hopkins Transports, Inc., Nationwide Agribusiness Insurance Co., Timmons Oil Co. Inc., Nationwide Agribusiness Insurance Co. File #CM2015-02656A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Arthur H. Adams is the attorney of record for the Claimant and Norman Lemonik & Gregory J. Denney are the attorneys of record for the Respondents.

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. Jason Phillips v. RTS Shearing LLC & American Interstate Insurance Co. File #CM2014-10679K

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Rich S. Toon, Jr. is the attorney of record for the Claimant and Daniel Blanchard 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. Meshell Lee Lamonica v. NAPA Auto Parts & Safety National Casualty Corp., File #CM2014-10935K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. 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.

5. Elizabeth Loving v. McAlester Regional Health Center Rural Health Clinic (OWN RISK #19534), File #CM2015-00787A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Craig Dawkins is the attorney of record for the Claimant and Gary D. Long 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. Felix Bustos v. Wedge Measurement Systems, LLC & Travelers Indemnity Company, File #CM2014-10829A

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 Kevin D. Berry 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. Commission Consideration of Adoption of Final Order in the Following Cases:

Darla Jean Camp v. Atwood Distributing LP & Zurich American Insurance Co. File #CM2014-05687X

At the Special Meeting on November 20, 2015, the Commission heard oral arguments from Brandon J. Burton, counsel for the Claimant, and Tomothy E. Lurtz, counsel for the Respondent. After deliberating, the Commission voted to affirm the Administrative Law Judge's Order and issue an order with further findings supporting the decision.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

**Regina Ann Killough v. Wal-Mart Stores Inc., (Own Risk #20000)
#CM2015-02115R**

At the November 20, 2015, Special Meeting, the Commission heard oral arguments in this case. After hearing oral argument from Chris D. Caldwell, counsel for the Claimant, and Norman Lemonik, counsel for the Respondent, the Commission voted to take preliminary action to remand the Order and instruct the law clerk or other staff member to draft a proposed order with instructions to the Administrative Law Judge to provide specific findings relating to the sufficiency of the Employer's initial light duty offer, the circumstances of Claimant's termination and basis for the award of Temporary Total Disability from June 29, 2015 to August 24, 2015. ; 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the order as proposed or as modified at the hearing, or continuing the matter.

C. Announcements

Commission's next regularly scheduled meeting is Thursday, January 14, 2015. Commission's next Special Meeting regarding Appeals is scheduled for Friday, January 29, 2015.

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