

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday, December 13, 2019
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta
ROLL CALLPresiding Appellate Officer, Chairman Liotta
BUSINESSPresiding Appellate Officer, Chairman Liotta

STATEMENT OF COMPLIANCE BY CHAIRMAN

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of November 22, 2019, 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 Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side 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 Scott Martin v. City of Oklahoma City (Own Risk), File #CM2015-01079K

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Joseph C. Biscone, II is the attorney of record for the Claimant and Bradley J. McClure is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. Cheryl Pepiakitah v. Oklahoma State Penitentiary State of Oklahoma, File #CM2015-07480X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert is the attorney of record for the Claimant and Cynthia J. Braly is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. Ricardo Cervantes v. MITF, File #CM2016-05575AMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the

Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

4. James Henry Long, Jr. v. FAM Enterprises Inc. and CompSource Mutual Ins Co., (FKA CompSource Oklahoma), File #CM2018-00583J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Brandon J. Burton is the attorney of record for the Claimant and Dana L. Gish is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. Shaun Jackson v. Barrett Trailers Inc. and Sentinel Insurance Co. LTD, File #CM2018-00827A

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Joe Farnan is the attorney of record for the Claimant and Robert P. Powell is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. Russell Dock Stripling v. Oklahoma Department of Public Safety, State of Oklahoma, File #CM2017-03081Y

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. William E. Sparks is the attorney of record for the Claimant and Cynthia J. Braly is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. Elbert Garlington v. ANR Transport LLC and Texas Mutual Insurance Co., File #CM2017-07475A

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Robert A. Flynn is the attorney of record for the Claimant. Lewis A. Berkowitz is the attorney of record for Respondent ANR Transport LLC and Dana Gish is the attorney of record for Respondent Texas Mutual Insurance Co.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

8. Jorge Garcia v. Drake Barnes, Barnes Construction Solutions, and Bitco National Insurance Company (FKA Bituminous Fire), File #CM2019-01894J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams is the attorney of record for the Claimant. Travis A. Fulkerson is the attorney of record for Respondents.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

C. Commission Consideration of Adoption of Final Order 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.

Possible Action:

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

2. 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 is the attorney of record for the Claimant. Robert A. Manchester is the attorney of record for Respondent Milford Construction. Jon L. Derouen Jr. is the attorney of record for the Respondent Tim Brown.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

4. 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 is the attorney of record for the Claimant and D. Wade Christensen is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

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

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Sidney A. Musser Jr. is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

6. Kristin Marie Randall v. Multiple Injury Trust Fund, File #CM2016-08411RMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Todd Willhoite represented the Claimant and Jennifer Finley represented the Respondent.

This case came on for Oral Argument on November 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Possible Action:

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

D. Announcements

Commission's next regular business meeting is Thursday, January 16, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, January 24, 2019.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Liotta