

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~APPEALS~

Friday December 15, 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, November 3, 2016 at 12:02 p.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 Special Appeal Meetings of November 3 and November 9, 2017 Meetings were considered for approval.

Presiding Appellate Officer Chairman Liotta presented the minutes of the November 3 and November 9, 2017 Special Meetings for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the November 3 and November 9, 2017 Special Meetings.

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

Trillia Terrie Lawley v. Phelps Market & Wesco Insurance Co. (Amtrust) & Zenith Insurance Co. File # CM2015-01633H

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Cathy G. Enterline represented Claimant, Dana L. Gish represented the Respondent Wesco Insurance Co. (Amtrust), and Malcom D. Smith Jr. represented Respondent Zenith Insurance Co.

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

Jose Enrique Rodriguez v. Affordable Construction Co. (No Insurance) & Andrade Ochoa Construction Co. (Unknown or not Specified) & Manuel Ochoa (Unknown or not Specified) File # CM2016-00147A

Respondents filed an appeal from the order issued by Administrative Law Judge McMillin.

Gary G. Prochaska represented the Claimant and John Shears represented Affordable Construction Co. and Michael Arnett represented Respondent Andrade Ochoa Construction Co. & Manuel Ochoa.

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

Eric Grace v. Coca Cola Co. & Indemnity Insurance Co. of North America File #CM2016-04978A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. David P. Reid is the attorney of record for the Claimant and Todd A. Estes and Jace H. Powell are the attorneys of record for Respondent.

Chairman Liotta announced that the parties have requested a continuance pending settlement and that the matter would be continued.

THE CASE WAS: CONTINUED

Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co. File #CM2016-07223L

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Craig R. Armstrong represented the Claimant and Travis A. Fulkerson represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to continue the matter to January 12, 2017 for supplemental briefing regarding the speedy trial issue. Respondent's brief is due on December 29, 2017 and the Claimant response is due January 5, 2017.

Second: Commissioner Russell

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

THE CASE WAS: CONTINUED

Melissa Lynn Sarbeck v. Walgreen Co. & Zurich American Insurance Co. File #CM2016-07514L

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Brian R. Berry represented the Claimant and Jennifer A. Sloan 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 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

Rosa Fisher v. CLP Resources Inc. & New Hampshire Insurance Co. File #CM2016-07558R

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis represented the Claimant and Connie M. Wolfe 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 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

D. Announcements

Commission's next regular business meeting is Thursday, January 11, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, January 12, 2018.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 1:49 p.m.

Second: Commissioner Russell

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.