

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday February 15, 2019
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

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 10:30 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairan Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Appeal Meeting of February 1, 2019, were considered for approval.

Motion: Commissioner Russell made a motion to continue this agenda item.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED:MINUTES CONTINUED

B. Commission Consideration of Adoption of Final Order in the Following Cases:

1. Matthew Penderson v. City of Tulsa (Own Risk #10435) File #CM2017-07906H

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Darrel Paul represented the Claimant and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on October 19, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

2. James E. Dunlap v. MITF, File # CM2015-08328XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant. Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record hearing oral argument of counsel, and deliberating, the Commission took to continue this case for consideration at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

3. Billy J. Schmidt v. MITF, File #CM2016-02288JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant and Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

4. Tyler Henderson v. City of Tulsa (Own Risk #10435), File #CM2017-03933A

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Michael R. Green represented the Claimant and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

5. Alicia A. Breuer v. Bounce Back Rehab PLC, & State Farm Fire and Casualty Co., File #CM2017-02739F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Norman Lemonik represented the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

6. Bovas George v. Synergies 3 Tec Services LLC, and North American Specialty Insurance Co. File #CM2017-05267Q

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Esther M. Sanders represented the Claimant and Robert Paczkowski represented the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

7. Dustin Wilson V. Dirt Wurx LLC, Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2018-00497R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and Blake I. Whitten is the attorney of record for the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

8. Roger Bastien v. Mathis Brothers Furniture Co. Inc., (Own Risk #19602), File #CM2018-00536A

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Arthur H. Adams represented the Claimant. Kelly Bodell represented the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judges Order and instruct Appellate Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law for consideration at a future meeting. A proposed order has been distributed to the Commissioners for consideration of adoption. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

Motion: Commissioner Tilly moved continue agenda items 2,3,5,7 and 8 to the next appeal meeting.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER CONTINUED

C. Announcements

Commission's next special business meeting is Thursday, March 14, 2019.
Commission's next regular meeting regarding Appeals is scheduled for
Friday, February 22, 2019.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately
10:39 a.m.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta and Commissioner Russell and
Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.