

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

~ APPEALS ~

Friday, February 21, 2020
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, Alexander Watkins, 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 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.

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of January 24, 2020, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Regular Appeal Meeting of January 24, 2020, minutes.

Second: Commissioner Russell.

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

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Ava Rushing v. Multiple Injury Fund, File #CM2016-05147JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Donald E. Smolen appeared for the Claimant and Jon Derouen appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

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

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

2. Harle Williams v. Spiro Public Schools and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma, File #CM2017-01704R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret Unterschuetz appeared for the Claimant and Cyrus Nathaniel Lawyer appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and instruct Appellate Counsel to draft a proposed order, affirming the Administrative Law Judge's decision and modifying the dates of the PTD award, to be considered at a future meeting.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Kenneth Billy Feeler v. City of Tulsa (OWN RISK #10435), File #CM2018-06623Q

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret Unterschuetz appeared for the Claimant and Travis R. Colt appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Lisa Joanne Scheidt v. Lowes Home Center LLC (OWN RISK), File #CM2018-03407X

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther M. Sanders appeared for the Claimant and Cyrus Nathaniel Lawyer appeared for 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 authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

5. Glenn Stonebridge v. American Airlines Inc. and New Hampshire Insurance Co., File #CM2018-00189L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett appeared for the Claimant. Lee Endicott appeared for Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

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

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

6. Ken Fair v. Reputation Services & Manufacturing LLC and Standard Fire Insurance, File #2018-03436R

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Darrell Williams appeared for the Claimant. Matthew R. Defehr appeared for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take preliminary action to modify the Administrative Law Judges Order.

Second: Commissioner Tilly.

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

7. **Jackie Ray Dobrinski v. Platinum Express LLC and National American Insurance Co., File #2014-10355X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant is representing himself pro se. Jeffery W. Dasovich appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

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

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

C. **Commission Consideration of Adoption of Final Orders in the Following Cases:**

1. **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 appeared for the Claimant and D. Wade Christensen appeared 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.

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 APPROVED

2. **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.

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 APPROVED

3. 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 appeared for the Claimant. Robert A. Manchester appeared for Respondent Milford Construction. Jon L. Derouen Jr. appeared 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.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

4. Carey B. Howard v. Dane & Associates Electric Co. Inc. and Standard Fire Insurance, File #CM2016-06350J

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis appeared for the Claimant and Mia C. Rops appeared for the Respondent.

This case came on for Oral Argument on January 24, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

5. Stephanie Dodd v. Good Shepherd Luthern School and Guideone Mutual Insurance Co., File #CM2018-00882J

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Alex Forbes appeared for the Claimant. Cary Dooly appeared for Respondent.

This case came on for Oral Argument on January 24, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

6. 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 represented the Claimant. Travis A. Fulkerson represented for Respondent.

This case came on for Oral Argument on December 13, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

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

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

D. Announcements

Commission's next special business meeting is Thursday, February 27, 2020. Commission's next regular meeting regarding Appeals is scheduled for Friday, March 6, 2020.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 1:56 p.m.

Second: Commissioner Russell.

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.