

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Wednesday, February 24, 2016
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner LeRoy Young, Commissioner Mark Liotta, and Special Commissioner Neal Leader.

Staff present to support the Commission: Lindsey Christopher and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 1:30 p.m. by Chairman Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Special Meeting was filed with the Secretary of State's office on Wednesday, February 17, 2016 at 9:21 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 8:50 a.m. on February 23, 2016, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted at 1915 North Stiles, the Commission's principal office.

A. Appeal Hearings before the Commission En Banc from Adverse Benefit Determinations issued pursuant to the Oklahoma Employee Injury Benefit Act:

Prior to arguments, counsel, by agreement, stated they wanted to consolidate the arguments of both cases into one proceeding to avoid duplication of effort. Without objection, Presiding Appellate Officer Gilliland granted the parties' request to consolidate the cases for the purpose of oral argument only. Arguments in the following cases were presented to the Commission en banc.

1. Jonnie Yvonne Vasquez v. Dillard's Department Store Inc., (QE #864529) File #CM2014-11060L

This case came before the Commission on the Claimant's Request for Review of an Adverse Benefit Determination pursuant to 85A O.S. §211 and the Respondent's Motion for Summary Judgment. Bob Burke, Brandon Burton, and Sherry Oden appeared for the Claimant. Jay Wallace, Amy D. White, G. Calvin Sharpe, and Alana Ackels appeared on behalf of Dillard's.

Special Commissioner Neal Leader sat on the panel due to Commissioner Young's disqualification.

Motion: After hearing the oral argument of counsel, Special Commissioner Leader moved to take the case under advisement.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Special Commissioner Leader and Commissioner Liotta.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

2. Judy May Pilkington v. Dillard's Department Store Inc., (QE #864529) & Safety National Casualty Corp., File #CM2014-10257K

This case came before the Commission on the Claimant's Request for Review of an Adverse Benefit Determination pursuant to 85A O.S. §211 and the Respondent's Motion for Summary Judgment. Bob Burke, Brandon Burton and Sherry Oden appeared for the Claimant. Jay Wallace, Amy D. White, G. Calvin Sharpe, and Alana Ackels appeared on behalf of Dillard's.

Carol Zlotogura appeared on behalf of Safety National Casualty Corp. and requested that an order be entered dismissing Safety National Corp. as a party to this matter. As there was no objection from the parties, Presiding Appellate Officer Chairman Gilliland granted the motion to dismiss Safety National Corp. and ruled that an order be issued to that effect.

Motion: After hearing the oral argument of counsel, Presiding Appellate Officer Chairman Gilliland moved to take the case under advisement.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

B. MINUTES:

- The drafted Minutes of the Regular Meeting of January 29, 2016 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the January 29, 2016 regular meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the January 29, 2016 regular meeting.

Second: Commissioner Young

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: MINUTES APPROVED

C. Commission Consideration of Adoption of Final Order in the Following Case:

Loretta J. Clay v. First Call Medical Inc., & QBE Insurance Corp., File #CM2015-00391K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz represented the Claimant and Nichole S. Bryant represented the Respondent.

Motion: Presiding Appellate Officer Chairman Gilliland moved to adopt the order as proposed and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Young

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: ORDER ADOPTED

Announcements:

Commission's next regularly scheduled meeting is Wednesday, March 2, 2016. Commission's next Special Meeting regarding Appeals is scheduled for Friday, February 26, 2016. Commission's next Regular Meeting regarding Appeals is scheduled for Friday, March 4, 2016

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 4:03 p.m.

Second: Commissioner Young

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.