

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday February 26, 2016
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland
ROLL CALL Presiding Appellate Officer, Chairman Gilliland
NOTICE OF COMPLIANCE.....Dana Esparza
BUSINESS Presiding Appellate Officer, Chairman Gilliland

A. MINUTES:

- The drafted Minutes of the Special Meeting of February 24, 2016 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 procedure for the hearings before the Commission en banc is as follows:

- Each party 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. David M. Waltman v. Five Star Equipment Leasing & Rental Co. LLC & Liberty Mutual Insurance Co., File #CM20154-04492J

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Stacey Loubaugh is the attorney of record for the Claimant and Jacque Dean Brawner is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, 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, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

2. In the Matter of the Death of Jared Frank Clark: Jennifer Danielle Clark v. Colburn Electric LLC & National Fire Insurance Co. of Hartford, File #CM2014-0787A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Herbert E. Elias Jr. & Bob Burke are the attorneys of record for the Claimant, and Ryan S. Childress is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, 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, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

3. David Rials v. WILJO Interiors Inc. & Old Republic General Insurance Corp., File #CM2014-09459K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther M. Sanders is the attorney of record for the Claimant and Richard Blanchard are the attorneys of record for the Respondents.

Possible Action:

Possible action may include, but is not limited to: taking no action, 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, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

4. Ashly Rudd v. Dollar General Corp. (OWN RISK #18469), File #CM00727Y

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Richard Bell is the attorney of record for the Claimant and Gary W. Farabough is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, 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, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

5. Antonio Rodriguez v. PARFAB Industries Inc., & Indemnity Insurance Co., File #CM2015-04233R

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Michael R. Green is the attorney of record for the Claimant and Malcom D. Smith, Jr. is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, 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, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

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

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

At the Special Meeting on February 24, 2016, this matter came before the Commission en banc on the Claimant's Request for Review of an Adverse Benefit Determination and the Respondent's Motion for Summary Judgment. Oral arguments were presented by Bob Burke, for the Claimant, and Jay Wallace, for the Respondent. The Commission voted to take the matter under advisement.

After reviewing the record, hearing oral arguments, and deliberating, the Commission is considering the adoption of a final order responsive to the issues raised on appeal.

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.

D. Announcements

Commission's next regularly scheduled meeting is Thursday, February 18, 2016. Commission's next Special Meeting regarding Appeals is scheduled for Friday, March 4, 2016.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Gilliland