

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday March 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: Dana Esparza.

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 10:00 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 Appeal Meeting of February 22, 2019, were considered for approval.

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

Second: Commissioner Russell

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

THE MOTION CARRIED:MINUTES CONTINUED

THE MOTION CARRIED:MINUTES CONTINUED

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

1. 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 this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

2. 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.

3. 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.

4. 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 represented the Claimant and Blake I. Whitten 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.

5. 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 Judge's 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.

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

Second: Commissioner Tilly

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

THE MOTION CARRIED: ORDER ADOPTED

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

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

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

7. Robert R. Brooks Jr. v. Multiple Injury Trust Fund, File #CM2016-05426QMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann represented the Claimant and Michael Fagan represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law

Judge's 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.

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

Second: Commissioner Tilly

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

THE MOTION CARRIED: ORDER ADOPTED

8. Shawna L. James V. Braums Ice Cream & Dairy Stores (Own Risk #13610), File #CM2017-02909L

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt represented the Claimant. Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judge's 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.

Motion: Commissioner Tilly moved to continue agenda items 1,2,3,4,6 and 8 to the next appeals meeting.

Second: Commissioner Russell

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

THE MOTION CARRIED: ORDERS CONTINUED

C. Announcements

The Commission's next regular business meeting is scheduled for Thursday, April 18, 2019. The Commission's next regular appeals meeting is scheduled for Friday, March 22, 2019.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 10:06 a.m.

Second: Commissioner Russell

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.