

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Wednesday, March 26, 2015
8:30 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Troy Wilson, Commissioner Denise Engle and Commissioner Bob Gilliland.

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

CALL TO ORDER Presiding Appellate Officer, Commissioner Gilliland

Call to order 8:35 a.m. by Commissioner Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Commissioner Gilliland

After the roll call was taken, Commissioner 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 Friday, March 6, 2015 at 2:24 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 5:30 p.m. on March 24, 2015, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Special Meeting of February 25, 2015 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the February 25, 2015 special meeting for approval.

Motion: Commissioner Engle made a motion to approve the minutes of the February 25, 2015 special meeting.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Commissioner Gilliland and Chairman Wilson.

8:30 a.m. Glen Walter Rush v. City of Skiatook & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2014-04814R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther M. Sanders represented the Claimant and Travis Colt represented the Respondent.

Motion: After hearing the oral argument of counsel, Presiding Appellate Officer Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Chairman Wilson

Those Voting Aye: Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

8:50 a.m. Dora Wells v. Murphy Oil USA Inc. & Liberty Insurance Corp., File #CM2014-05312F

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Stacey Lobough is the attorney of record for the Claimant; however, no one from his office appeared at the oral argument. Aimee J. Treece appeared representing the Respondent. Respondent's counsel waived oral argument.

Motion: Presiding Appellate Officer Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:10 a.m. Rochelle Renee O'Neal v. Accord Human Resources Inc. & Lumbermen's Underwriting Alliance, File #CM2014-08383H

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Respondent's attorney Jeffrey Black appeared.

Respondent's attorney informed the Commission that this case had settled and this case was stricken from the docket.

9:30 a.m. Kevin S. Tillotson v. Northeastern State University & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2014-08757X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Craig R. Armstrong represented the Claimant and Steve Weeks represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved that the Commission take preliminary action to vacate and remand Administrative Law Judge's Order issued on the 13th day of January, 2015, in Commission File # 2014-08757X on the grounds that the decision was contrary to law as the treating physician did not clearly confirm an identifiable and significant aggravation, as required by Title 85A, Section 2 (9)(b). The issue should be remanded for reconsideration in light of Dr. Hendricks' report dated October 20, 2014 and instruct the law clerk or other staff member to draft a proposed order with finding of facts and conclusions of law to be considered for continued action at a future meeting. As there was no second, this motion failed.

Motion: Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Presiding Appellate Officer Commissioner Gilliland

Those Voting Aye: Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Commission Consideration of Adoption of Final Order on the Following Case:

Mark E. Gilstrap v. Southern Oklahoma Regional Disposal Inc. & CompSource Mutual Ins. (FKA CompSource Oklahoma), File #CM2014-06551J

At the February 25, 2015, Special Meeting, the Commission heard the oral argument in this case. After hearing argument from Mr. John Colbert, counsel for the Claimant, and Mr. Warren Mouledoux, III, counsel for the Respondent, the Commission voted to take preliminary action to remand the Administrative Law Judge's Order and instruct the Commission staff to draft a proposed Order for consideration in continued deliberation at a future meeting. The draft Order has been distributed to the Commissioners. The Commission will consider final action and the adoption of a final order.

Motion: Presiding Appellate Officer Commissioner Gilliland moved to adopt the final order as written.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: CASE REMANDED TO ALJ

Announcements

Commission's next regularly scheduled meeting is Thursday, April 9, 2015 at 1:30 p.m. The next appeal hearing is scheduled for Wednesday, April 1, 2015, at 8:30 a.m.

ADJOURNMENT

Motion: Commissioner Engle moved to adjourn the meeting at approximately 9:48 a.m.

Second: Presiding Appellate Officer Commissioner Gilliland

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.