

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday March 4, 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 & February 26, 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. Renee Ruth May v. Heritage Healthcare Inc. & Stonetrust Commercial Insurance Co., File #CM2014-05470R

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 Jeffrey W. Dasovich 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. Rita McAdoo v. Riverstone Residential Group LLC & Pacific Indemnity Co., Files #CM2014-10122R and CM2014-11620K

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 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.

3. Benjamin Lee Holden v. Express Personnel Services & New Hampshire Insurance Co., File #CM2015-02006X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Stacey Lobaugh is the attorney of record for the Claimant and Travis A. Fulkerson 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. William Cleveland v. American Plant Products & Services Inc., File #CM2015-02171F

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Ryan Polchinski is the attorney of record for the Claimant and David J. Frette 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. Mike Malenski v. Cherokee County & CompSource Mutual Ins. CO., File #CM2015-03360L

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Jack Stipe is the attorney of record for the Claimant and Raegan D. Sifferman 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. Commission Consideration of Adoption of Final Order in the Following Case:

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

At the Special Meeting on February 26, 2016, the Commission heard oral arguments from Robert S. Post, counsel for the Claimant, and Jacque Dean Brawner, counsel for the Respondent. After deliberating, the Commission voted to remand the Administrative Law Judge's Order for correction and clarification.

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, April 14, 2016. Commission's next Special Meeting regarding Appeals is scheduled for Friday, April 15, 2016.

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