

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## ~ APPEALS ~

Friday, March 6, 2020  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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### MINUTES

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Alexander Watkins, and Monica Pack.

#### **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 ORDER** ..... **Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL** ..... **Presiding 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 Regular Appeal Meeting of February 21, 2020, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeal Meeting of February 21, 2020, minutes.

**Second:** Commissioner Russell.

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

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Robert Burmeister v. Multiple Injury Trust Fund, File #CM2015-04491AMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Travis Middleton appeared for the Claimant and Jennifer Finley appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2. Elias Figueroa v. Union Public Schools and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2017-08258X**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Chris Henry appeared for the Claimant and Mitchell C. Maurer appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3. Kristina M. Brown v. Schwans Food Manufacturing Inc. and New Hampshire Insurance Co., File #CM2018-01563A & CM2018-01565K**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Craig R. Armstrong appeared for the Claimant and Jacob Jean appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**4. Allen Eugene Fox v. Terex Corp. and Indemnity Insurance Co. of North America, File #CM2018-05790Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kent Eldridge appeared for the Claimant and Donald A. Bullard appeared for the Respondent.

*Motion:* Commissioner Tilly moved to continue this case to the next appellate docket.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: CONTINUED TO NEXT APPELLATE DOCKET**

**5. Douglas Angel v. Eurocraft Ltd. Inc. and Wesco Insurance Co. (AMTRUST), File #CM2018-07868Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Eric W. Quandt appeared for the Claimant. Jacob Jean appeared for Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**C. Commission Consideration of Adoption of Final Orders in the Following Cases:**

**1. Jackie Ray Dobrinski v. Platinum Express LLC and National American Insurance Co., File #2014-10355X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant represented himself pro se. Jeffery W. Dasovich appeared for the Respondent.

This case came on for Oral Argument on February 21, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to adopt the order as proposed.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ORDER ADOPTED**

**2. Stephanie Dodd v. Good Shepherd Luthern School and Guideone Mutual Insurance Co., File #CM2018-00882J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Alex Forbes appeared for the Claimant. Cary Dooly appeared for Respondent.

This case came on for Oral Argument on January 24, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to adopt the order as proposed.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ORDER ADOPTED**

**3. Harle Williams v. Spiro Public Schools and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma, File #2017-01704R**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret Unterschuetz appeared for the Claimant and Cyrus Nathaniel Lawyer appeared for the Respondent.

*Motion:* Commissioner Tilly moved to affirm the Administrative Law Judge's order and Appellate Counsel's drafted proposed order, affirming the Administrative Law Judge's decision and modifying the dates of the PTD award.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALJ ORDER ADOPTED**

**4. John McArthur King Jr. v. Mulford Construction & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma), File #CM2018-01333L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer appeared for the Claimant. Robert A. Manchester appeared for Respondent Milford Construction. Jon L. Derouen Jr. appeared for the Respondent Tim Brown.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

5. **Carey B. Howard v. Dane & Associates Electric Co. Inc. and Standard Fire Insurance, File #CM2016-06350J**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis appeared for the Claimant and Mia C. Rops appeared for the Respondent.

This case came on for Oral Argument on January 24, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

6. **Jorge Garcia v. Drake Barnes, Barnes Construction Solutions, and Bitco National Insurance Company (FKA Bituminous Fire), File #CM2019-01894J**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams represented the Claimant. Travis A. Fulkerson represented for Respondent.

This case came on for Oral Argument on December 13, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

*Second:* Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**7. Ava Rushing v. Multiple Injury Trust Fund, File #CM2016-05147JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Donald E. Smolden represented the Claimant. Jon Derouen represented for Respondent.

This case came on for Oral Argument on February 21, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

**Second:** Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**8. Glenn Stonebridge v. American Airlines Inc. and New Hampshire Insurance Co., File #CM2018-00189L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Lee Endicott represented for Respondent.

This case came on for Oral Argument on February 21, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

**Second:** Commissioner Russell.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**D. Announcements**

Commission's next special business meeting is Thursday, March 12, 2020. Commission's next regular meeting regarding Appeals is scheduled for Friday, April 17, 2020.

**ADJOURNMENT**

**Motion:** Commissioner Tilly moved to adjourn the meeting at approximately 1:56 p.m.

**Second:** Commissioner Russell.

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

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**