

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

AGENDA

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta
ROLL CALLPresiding Appellate Officer, Chairman Liotta
BUSINESSPresiding Appellate Officer, Chairman Liotta

STATEMENT OF COMPLIANCE BY CHAIRMAN

A. MINUTES:

- The drafted Minutes of the Regular Appeals Meeting of February 21, 2020, 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 Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side 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. **Robert Burmeister v. Multiple Injury Fund, File #CM2015-04491AMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Phillip C. Hawkins is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Arthur H. Adams is the attorney of record for the Claimant and Mitchell C. Maurer is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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 is the attorney of record for the Claimant and Heather A. Lehman-Fagan is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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 is the attorney of record for the Claimant and Donald A. Bullard is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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 is the attorney of record for the Claimant. Heather A. Lehman-Fagan is the attorney of record for Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

1. **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 is the attorney of record for the Claimant. Robert A. Manchester is the attorney of record for Respondent Milford Construction. Jon L. Derouen Jr. is the attorney of record 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

2. **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 is the attorney of record for the Claimant and Mia C. Rops is the attorney of record 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

3. **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 is the attorney of record for the Claimant. Cary Dooly is the attorney of record 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

4. **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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

5. **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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

6. **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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

7. **Jackie Ray Dobrinski v. Platinum Express LLC and National American Insurance Co., File #CM2014-10355X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Jackie Ray Dobrinski represented himself pro se. Jeffery Dasovich 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.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

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

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams is the attorney of record for the Claimant and Cyrus Nathaniel Lawyer is the attorney of record 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 preliminary action to affirm in part and modify in part and instructed Appellate Counsel or other staff member to draft a proposed order modifying the dates of the PTD award.

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

D. Announcements

Commission's next special business meeting is Friday, March 27, 2020. Commission's regular appeals meeting is scheduled for Thursday, April 2, 2020.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Liotta