

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

APPEALS

Friday, April 16, 2021
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

[Interim Guidance on Commission Appellate Proceedings](#)

AGENDA

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

ROLL CALLPresiding Appellate Officer, Chairman Liotta

BUSINESSPresiding Appellate Officer, Chairman Liotta

STATEMENT OF COMPLIANCE BY CHAIRMAN

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION

A. MINUTES:

- The drafted Minutes of the Regular Appeals Meeting of March 26, 2021, will be considered for approval.

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. **Amanda Burton v. Anatolia Restaurant LLC and Traveler's Indemnity Co. of America, File #CM2019-06284Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Daniel M. Davis is the attorney of record for the Claimant and Mia C. Rops 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. **Todd Christian v. T & G Construction Inc., Southwest Ready Mix, and Arch Insurance Co., File #CM2018-04011Q**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Brandon J. Burton is the attorney of record for the Claimant and David B. Custar 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. **Renya Rangel-Gonzalez v. Nikita & Neha Hotels LLC and Employers Preferred Insurance Co., File #CM2019-08120F**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Daniel M. Davis is the attorney of record. Cathy C. Barnum and Kelley Bodell are the attorneys 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. **Robert Tasso v. Lucky Star Casino and Amerind Risk (Tribal Only), File #CM2019-0472H**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Kent Eldridge is the attorney of record for the Claimant and John A. L. Campbell 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. **Carlton Thomas v. Cameron Logistics LLC and United Wisconsin Insurance Co., File #CM2019-05408R**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Hans O. Lehr, Timothy Kent, and Charles Simons are the attorneys of record for the Claimant. Kevin E. McCarty 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.

6. **Juan Lopez v. Henniges Automotive Oklahoma Inc. and Traveler's Indemnity Co. of America, File #CM2019-00027A**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. J. Kord Hammert is the attorney of record for the Claimant and Connie M. Wolfe 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.

7. **Jose Guevara v. Seaboard Foods LLC and Indemnity Insurance Co. of North America, File #CM2020-00416R**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Daniel M. Davis is the attorney of record for the Claimant. Donald A. Bullard and Angelica Ortiz are the attorneys 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.

8. **Anthony Harrah v. WCA Waste Corp. and New Hampshire Insurance Co., File #CM2019-04208X**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Joe Farnan is the attorney of record for the Claimant and Connie M. Wolfe 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.

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

1. **Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to affirm 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.

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. **Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A**

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 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.

3. **Quincy Tran v. Boeing Co. and Indemnity Insurance Co. of North America, File #CM2017-05844R**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Claimant represented himself pro se. Theresa Bullard appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

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. **Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

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. Valerie Wilson v. MITF, File #CM2017-00270K

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes is the attorney of record and Richard Cole is the attorney of record for the Respondent.

This case came on for Oral Argument on January 15, 2021. 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. Tanya Reynolds v. Harvest Hills Baptist Church & Christian School, Church Mutual Ins. Co., S.I., File #CM2019-07146L

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Louis P. Falsetti is the attorney of record for the Claimant and Jeffrey W. Dasovich is the attorney of record for the Respondent.

This case came on for Oral Argument on March 26, 2021. 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.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH THE COMMISSION'S AUTHORITY.

D. Business Meeting Item

7. Discussion and Possible Action on proposed MITF Assessment Rate – effective July 1, 2021 through June 30, 2022 –pursuant to 85A O.S. § 31.

The Multiple Injury Trust Fund (MITF) proposed an assessment rate in the amount of seven percent (7%) should be charged in accordance with 85A O.S. § 31 for the four-quarter period of July 1, 2021 through June 30, 2022.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the 7% rate, or not approving the 7% percent rate.

E. Announcements

The Commission's next dual SGIFB meeting is Wednesday, April 21, 2021, at 1:00 p.m. The Commission's next dual advisory meeting is Friday, May 6, 2021, at 2:00 p.m. The Commission's next regular business meeting is Thursday, May 20, 2021, at 1:30 p.m. The Commission's next regular appeals meeting is Friday, May 21, 2021, at 9:00 a.m.

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