

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday April 21, 2017
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 Appeal Meeting of March 17, 2017 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. Jacky D. Fore v. Carter County Rural Water Association & Compsource Mutual Ins. Co (FKA Compsource Oklahoma), File # CM2015-01403R

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. David B. Custar is the attorney of record for the Claimant and V. Ronald Frangione 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. John Thomas v. City of Oklahoma City (Own Risk # 7800), File # CM2015-01148Y

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Ed Bonzie is the attorney of record for the Claimant and Matthew J. Graves 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. David Wayne Horton v. Longtown Rural Water District & Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2015-04734L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Richard A. Bell & David B. Custar are the attorneys of record for the Claimant and Dana L. Gish 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.

4. David R. Alley v. A New Creation Renovation & Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2015-04401R

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Daniel M. Webb is the attorney of record for Emergency Medical Services Authority and Linda Gray Sheffield and Kristi Bynum Funck are the attorneys 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. Nelson Vangelder v. Smokey Point Distributing Inc. & Zurich American Insurance Co., File #CM2016-02804A

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. David B. Custar is the attorney of record for the Claimant and William J. Archibald 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.

6. Gerald Rogers v. Nelson Construction LLC & Compsource Mutual Ins. Co. (AKA Compsource Oklahoma), File #CM2016-03133J

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Richard A. Bell is the attorney of record for the Claimant and Dan M. Caldwell 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.

B. Commission Consideration of Adoption of Final Order in the Following Case:

1. James Knight v. Holiday Inn & Zenith Insurance Co., file #CM2014-06101Q

On March 17, 2017, after hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to vacate and remand the Administrative Law Judge's order for determination of good cause for failure to comply and instruct Commission Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law.

The proposed order was drafted and distributed to the Commissioners for consideration of adoption.

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.

2. Gary E. Hoskins v. Poly Pipe Inc. & Insurance Co. of the State of Penn., file #CM2015-01732X

On March 17, 2017, after reviewing the record and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm in part and modify in part the Administrative Law Judge's order and instruct Commission Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law..

The proposed order was drafted and distributed to the Commissioners for consideration of adoption.

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 special business meeting is Thursday, May 18, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, May 19, 2017.

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