

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

**APPEALS**

Friday May 17, 2019  
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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*AGENDA*

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**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**

**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**

**BUSINESS .....Presiding Appellate Officer, Chairman Liotta**

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of April 19, 2019, 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. Juan M. Padilla v. K&S Pumping Unit Repair Inc. and CompSource Mutual Ins. (FKA CompSource Oklahoma) File #CM2014-09629X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. John P. Melot is the attorney of record for the Claimant and Darren Derryberry 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 Appellate Counsel 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. Ronnie Pressler v. Lowes Home Centers LLC (Own Risk #18931), File #CM2016-06814H**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt and Darrell R. Paul are the attorneys of record for the Claimant and Cyrus Nathaniel Lawyer 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 Appellate Counsel 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. Jamesina S. Baker v. Covenant Place of Tulsa Inc. & Travelers Indemnity Co. of America File #CM2017-01903A**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Kevin B. White is the attorney of record for the Claimant and Catherine C. Taylor 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 Appellate Counsel 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. Michael P. Sechrist v. XIT Concrete and Texas Mutual Insurance Co. (NLC), File #CM2017-04751J**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. James G. Devinney is the attorney of record for the Claimant and Jennifer Ahrend 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 Appellate Counsel 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. Albert Mitchell Jr. v. Loomis Armored US LLC & Ace American Insurance Co. (NLC), File #CM2017-04751J**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis is the attorney of record for the Claimant and Grant M. Spencer 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 Appellate Counsel 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. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill is the attorney of record for the Claimant. Charles Kania is the attorney of record for Respondent Encinos 3D. Leah P. Keele is the attorney of record for Respondent D. Trent Holman & Associates. Dana L. Gish is the attorney of record Respondent CompSource Mutual.

**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 Appellate Counsel 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 Cases:**

**1. Dustin Wilson v. Dirt Wurx LLC, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00497R**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and Blake I. Whitten is the attorney of record for the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Commission 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. Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co. File #CM2016-07223L**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Craig R. Armstrong represented the Claimant and Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 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. Albert L. Hudson v. McClain County, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File#CM2017-01699F**

Respondent filed a motion to vacate the decision of the Commission en banc entered on April 24, 2018. After reviewing the record and deliberating, a proposed order has been circulated for consideration of adoption.

**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. Shawna L. James v. Braums Ice Cream & Dairy Stores (Own Risk #13610), File #CM2017-02909L**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt is the attorney of record for the Claimant. Travis A. Fulkerson is the attorney of record for the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judges Order and instruct Appellate Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law for consideration 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. Gail Lee Ross v. Multiple Injury Fund File #CM2015-03929AMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy represented the Claimant and Heather Fagan represented the Respondent.

This case came on for Oral Argument on March 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judges Order and instructed 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.

**6. Stephanie T. Adkins v. Lowes Home Centers LLC ( Own Risk #18931), File #CM2017-07709J**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary G. Prochaska represented the claimant and Jennifer Ahrend represented the Respondent.

This case came on for Oral Argument on March 22, 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.

**7. Darlene Johnson v. Midwest City Del City Public Schools (Own Risk #16102, File #CM2017-07066Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. William Emig represented the Claimant and Jeffrey W. Dasovich represented the Respondent.

This case came on for Oral Argument on April 19, 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.

**8. Emily Stover v. Stand By Personnel Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00076Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz represented the Claimant and Blake I. Whitten represented the Respondent.

This case came on for Oral Argument on April 19, 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.

**D. Announcements**

Commission's next regular business meeting is Thursday, June 20, 2019. Commission's next special meeting regarding Appeals is scheduled for Friday, May 24, 2019.

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