

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## APPEALS

Friday, May 17, 2024  
9:00 a.m.  
Commission En Banc Courtroom  
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.....Commission's Chair, Chairman Russell**  
**ROLL CALL.....Presiding Appellate Officer, Commissioner Tilly**  
**BUSINESS.....Presiding Appellate Officer, Commissioner Tilly**

**\*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 April 19, 2024, 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. Richard Abbott v. Sequoyah Enterprises Inc. and COMPSOURCE Mutal Insurance Company, File #CM3-2021-06539F**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Phillip C. Hawkins is the attorney of record for the Claimant and David J. Frette 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. Jimmy Mills v. Gary A. Crain Inc. and Imperium Insurance Co., File #CM3-2020-00795Q**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Daniel J. Talbot appeared for the Claimant and R. Jay McAtee appeared for the Respondent.

This case came on for Oral Argument on September 22, 2023. After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take this case under advisement.

**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. Rachel Fritz v. City of Tulsa (OWN RISK #10435), File #CM3-2019-06216R**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Anthony Blair appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

This case came on for Oral Argument on December 1, 2023. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order on the TTD issue.

**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. **Charles Caul v. Shelton Redi Mix LLC and Ins. Co. of the West, File #CM3-2023-00661K**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Kathryn Black appeared for the Claimant and David Custar appeared for the Respondent.

This case came on for Oral Argument on January 26, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

**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. **Juliette Santos v. The Kaiser Group Inc. DBA Dynamic, Compsource Mutual Insurance Company, Ross Innovative Employment Solutions, and QBE Insurance Corporation, File #CM3A-2021-05456Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Anthony F. Gorospe is the attorney of record for the Claimant. Stan Koop, Connor Brittingham, and Nicole S. Bryant appeared for the Respondents.

This case came on for Oral Argument on February 23, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order in part and reserve the right to request additional briefing from the parties via order of the Chairman.

**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. **Lewis Buchtel v. Bennett International Group LLC and AIU Insurance Co. (NATIONAL UNION FIRE OF PITTS PA), File #CM3-2023-00209K**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Pam Cornett appeared for the Claimant and Connie M. Wolfe appeared for the Respondent.

This case came on for Oral Argument on February 23, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to affirm the order and instruct the Appellate Counsel to draft a proposed order for commission deliberation, to be considered at a later date.

**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. Sheridan Greenhaw v. St. John Medical Center, Inc. and Ascension Health Alliance, File #CM3-2022-06820R**

**Cross** Respondent and Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green appeared for the Claimant and Daniel C. Blanchard appeared for the Respondent.

This case came on for Oral Argument on April 19, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to reverse and remand the Administrative Law Judge's order issued on November 16, 2023.

**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.

**ADJOURNMENT.....Presiding Appellate Officer, Commissioner Tilly**