

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday May 18, 2018
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

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of April 20, 2018, 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. Floyd D. Dick v. Sedlacek Jonathan &/or Midwest Radiator LLC (unknown or not specified) and CompSource Mutual Ins Co. (FKA CompSource Oklahoma) File # CM2016-01492Q

Respondent Midwest Radiator LLC filed an appeal from the order issued by Administrative Law Judge Inhofe. John Colbert is the attorney of record for the Claimant. Lew Berkowitz is attorney of record for Respondent Midwest Radiator LLC. Dana Gish is attorney of record for Respondent CompSource.

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 Commission 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 is the attorney of record for the Claimant and Cyrus Nathaniel Lawyer is the attorney of record for 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 Commission 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. Larry James Deckard v. Danny's Muffler & Tire Inc. & Accident Fund General Insurance Co. File #CM2016-08155R

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Brian R. Berry is the attorney of record for the Claimant and Chad R. Whitten is the attorney of record for 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 Commission 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. Melissa M. Madkins v. Chilis Inc. & Safety National Casualty Corp. File #CM2017-00228A

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 Jerrod Geiger is the attorney of record for 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 Commission 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. Maria Herrera v. Seaboard Foods LLC & American Zurich Insurance Co. File #CM2017-01470J

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Carol Wangrud is the attorney of record for the Claimant and Connie M. Wolfe is the attorney of record for 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 Commission 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. Randy Dang v. Alliance Steel Inc. (OWN RISK #18746) File #CM2017-05363Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Raegan D. Sifferman is the attorney of record for the Claimant and John A. McCaleb is the attorney of record for 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 Commission 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.

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

1. Chad Scott Jackson v. BJS Restaurants Operations Co. and Arch Insurance Co. File # CM2016-03984F

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Bob Burke represented the Claimant and Donald A. Bullard represented the Respondent.

This case came on for Oral Argument on March 16, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement. A proposed order has been 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. Chad James David Pratte v. Custom Seating Inc. & National Fire Insurance Co. of Hartford, File #CM2017-01112J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Michael Felton represented the Claimant and Angela Reinstein represented Respondent.

This case came on for Oral Argument on April 20, 2018. After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order. The proposed order has been drafted and distributed to the Commissioners for consideration of approval.

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 regular business meeting is Thursday, June 14, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, June 15, 2018.

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