

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

~ APPEALS ~

Friday, May 22, 2020
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov
and
Zoom Teleconference
<https://zoom.us/j/92807786037?>

[Password: dHIwSmIzaWVodURkcmk5Y015aTh4UT09](#)

or

1 (346) 248-7799
Meeting ID: 928 0778 6037
Password: 1234

Interim Guidance on Commission Appellate Proceedings:

<https://www.ok.gov/wcc/documents/Interim%20Guidance%20for%20Commission%20Appellate%20Proceedings.pdf>

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Alexander Watkins, Monica Pack, and Collin Fowler.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

This meeting is also being conducted under the new emergency provisions of the Open Meeting Act, as amended by SB 661 on Wednesday, March 18, 2020.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of May 8, 2020, were considered for approval.

Motion: Commissioner Tilly made a motion to approve the Special Appeal Meeting of May 8, 2020, minutes.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Arthur Monsebais Jr. v. Bryan Lynn Farms and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma) #CM2018-00584L

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Brandon J. Burton appeared for the Claimant and Michael Fagan appeared for the Respondent.

Motion: Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

2. Jamie Hooper v. Oklahoma Surgical Hospital, LLC and Great American Alliance Ins. Co., File #CM2017-03551K

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. David Reid appeared via Zoom for the Claimant and Patrick S. Parr appeared via Zoom for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Yvonne M. Lobb v. Dyne Hospitality Group, LLC and Accident Fund National Insurance Co., File #CM2019-02094A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Brandon J. Burton appeared for the Claimant and Patrick S. Parr appeared via Zoom for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Carla Maria Barrett v. Walmart Stores Inc. and Walmart Associates Inc. (OWN RISK), File #CM2018-03406Q

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. David Reid appeared via Zoom for the Claimant and Jordan S. Ensley appeared for the Respondent.

Motion: Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

5. Jack L. Potter v. Don Machacek Trucking and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2019-03019K

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Henry Dalton appeared for the Claimant. Robert A. Manchester appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

6. Warren Scott Gibson v. City of Tulsa (OWN RISK #10435), File #CM2016-03318A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant. Travis R. Colt appeared for the Respondent.

Motion: Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

7. Joseph Wyatt Beaty v. City of Tulsa (OWN RISK #10435), File #CM2017-02351L

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. David J. Frette appeared for the Claimant. Travis R. Colt appeared for the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm in-part and take preliminary action to modify the Administrative Law Judges Order.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED IN-PART AND MODIFIED

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

1. Ava Rushing v. Multiple Injury Trust Fund, File #CM2016-05147JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Donald E. Smolen represented the Claimant. Jon Derouen represented for Respondent.

This case came on for Oral Argument on February 21, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

2. Glenn Stonebridge v. American Airlines Inc. and New Hampshire Insurance Co., File #CM2018-00189L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Lee Endicott represented for Respondent.

This case came on for Oral Argument on February 21, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Tilly moved to continue all remaining orders to the next appellate docket.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

D. Announcements

The Commission's next special business meeting is Thursday, June 18, 2020 at 1:30 p.m. Commission's regular appeals meeting is scheduled for Friday, June 19, 2020 at 9:00 a.m.

Commissioner Tilly announced that the Commission's next special business meeting is scheduled for May 28, 2020 at 1:30 p.m.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:45 p.m.

Second: Commissioner Russell.

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.