

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

APPEALS

Friday, June 18, 2021
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 Russell
ROLL CALL.....Presiding Appellate Officer, Chairman Russell
BUSINESS.....Presiding Appellate Officer, Chairman Russell

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 May 21, 2021, 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. **Lester Thomas v. Multiple Injury Trust Fund, File #CM2016-00410YMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Brian R. Berry and Margaret E. Dunn-Otterson are the attorneys of record for the Claimant. Stefan Wenzel 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.

2. **John S. Orr v. American Airlines Inc. and New Hampshire Insurance Co., File #CM2019-06636J**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann is the attorney of record for the Claimant. Travis R. Colt and Connor E. Brittingham are the attorneys 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.

3. **Clifton Morgan III v. Multiple Injury Trust Fund, File #CM2018-02658XMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Donald E. Smolen is the attorney of record for the Claimant and Stefan Wenzel 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.

4. **Alicia D. Gilbert v. Alorica Inc. and Zurich American Insurance Co., File #CM2019-07827A**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. John R. Colbert is the attorney of record for the Claimant and J. William Archibald 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. Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct 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.

2. Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 2020. 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. Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action 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.

4. Valerie Wilson v. MITF, File #CM2017-00270K

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes appeared for the Claimant and Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on January 15, 2021. 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.

5. Tanya Reynolds v. Harvest Hills Baptist Church & Christian School, Church Mutual Ins. Co., S.I., File #CM2019-07146L

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Louis P. Falsetti appeared Claimant and Jeffrey W. Dasovich appeared for the Respondent.

This case came on for Oral Argument on March 26, 2021. 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.

6. Amanda Burton v. Anatolia Restaurant LLC and Traveler's Indemnity Co. of America, File #CM2019-06284Y

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared for the Claimant and Mia C. Rops appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. 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. Carlton Thomas v. Cameron Logistics LLC and United Wisconsin Insurance Co., File #CM2019-05408R

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Timothy Kent appeared for the Claimant and Blake Farris appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. 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. Renya Rangel-Gonzalez v. Nikita & Neha Hotels LLC and Employers Preferred Insurance Co., File #CM2019-08120F

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared Claimant and Kelley Bodell appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's 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.

9. Jose Guevara v. Seaboard Foods LLC and Indemnity Insurance Co. of North America, File #CM2020-00416R

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Ryan Polchinski appeared for the Claimant and Jay Chaney appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. 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.

10. Keely Norfolk v. La Quinta Inn & Suites Truck Insurance Exchange and Prime Lodging LLC Truck Insurance Exchange, File #CM2019-02204F

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Brandon J. Burton is the attorney of record for the Claimant and Lacy N. Vassar is the attorney of record for the Respondent.

This case came on for Oral Argument on May 21, 2021. 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.

11. Sandra Bennett v. Multiple Injury Trust Fund, File #CM2017-04820XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Susan H. Jones appeared for the Claimant and Travis Colt appeared for the Respondent.

This case came on for Oral Argument on May 21, 2021. After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's 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.

12. Martin McNeely v. Multiple Injury Trust Fund, File #CM2018-00572XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell R. Paul are the attorneys of record for the Claimant and Cyrus Lawyer is the attorney of record for the Respondent.

This case came on for Oral Argument on May 21, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commissioner Russell moved to take preliminary action to reverse the Administrative Law Judge's 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.

13. Edwin Leathers v. Multiple Injury Trust Fund, File #CM2017-06743HMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett appeared for the Claimant and Cyrus Lawyer appeared for the Respondent.

This case came on for Oral Argument on May 21, 2021. 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

The Commission next regular business meeting is Thursday, July 15, 2021, at 1:30 p.m.
The Commission's next regular appeals meeting is Friday, July 16, 2021, at 9:00 a.m.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Russell