

**SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION**

APPEALS

Friday, June 19, 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/92769560386?>

[Password=WEdCcUpTWHZNY1dMY29ISXhoSjViZz09](#)

or

1 (346) 248-7799
Meeting ID: 927 6956 0386
Password: 1234

[Interim Guidance on Commission Appellate Proceedings:](#)

AGENDA

- 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

Due to the COVID-19 outbreak, the meeting will be conducted in accordance with the Interim Guidance on Commission Appellate Proceedings issued by the Commission on May 18, 2020. No more than ten people, including the Commissioners and Commission staff, will be permitted in the hearing room at a time. However, in compliance with the Oklahoma Open Meeting Act, as amended by SB 661, members of the public will be able to attend the meeting telephonically or via Zoom. The Commissioners will be physically present in Commission Chambers in Oklahoma City for the meeting.

A. MINUTES:

- The drafted Minutes of the Special Appeals Meeting of May 22, 2020, 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. William McCaine v. City of Oklahoma City (OWN RISK) #CM2015-02787A

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Jeffrey M. Cooper is the attorney of record for the Claimant and Charles G. Braun and Laurie D. Judy 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.

2. Gail Ross v. Multiple Injury Trust Fund, File #CM2015-03929AMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy is the attorney of record for the Claimant and Richard Cole 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.

3. **Bennie Herring v. City of Tulsa and Tulsa Fire Department (OWN RISK #10435), File #CM2016-05263A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Kathryn Black is the attorney of record for the Claimant and Travis R. Colt and Nathan M. Bloomer 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.

4. **Terry Bennett v. Multiple Injury Trust Fund, File #CM2016-07242AMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Alex Forbes is the attorney of record for the Claimant and Richard Cole 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.

5. **Eric Albright v. City of Tulsa (OWN RISK #10435), File #CM2018-06231R**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green is the attorney of record for the Claimant and Travis R. Colt is the attorney of record for 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.

6. **Dianna Burbank v. Tropical Plant Design Inc. and Compsource Mutual Ins. Co. (FKA Compsource Oklahoma), File #CM2017-01135Q**

Claimant and Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. William E. Sparks is the attorney of record for the Claimant and Cynthia J. Braly is the attorney of record for 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.

7. **James Duggan v. Stan Koch & Son Trucking Inc. and Hartford Accident & Indemnity Co., File #CM2018-00268J**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan H. Jones is the attorney of record for the Claimant and Jennifer A. Sloan is the attorney of record for 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.

8. **Selene Castro v. Cameron International Corp. and Travelers Indemnity Co. of America, File #CM2019-00763Y**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney is the attorney of record for the Claimant and Steven K. Bunting is the attorney of record for 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. 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. Smolden 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.

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. 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.

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. Arthur Monsebaiss 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.

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

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.

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

5. **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.

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

6. **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 Inhofe. David Frette appeared for the Claimant. Travis R. Colt appeared for the Respondent.

This case came on for Oral Argument on May 22, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the decision of the Administrative Law Judge with modifications as stipulated by the parties.

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's next regular business meeting is Thursday, July 16, 2020 at 1:30 p.m.
The Commission's next regular appeals meeting is scheduled for Friday, July 17, 2020 at 9:00 a.m.

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