

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## ~ APPEALS ~

Friday, July 16, 2021  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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### MINUTES

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

Staff present to support the Commission: Alexander Watkins.

#### **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

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

**CALL TO ORDER** .....**Presiding Appellate Officer, Chairman Liotta**

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

**ROLL CALL** .....**Presiding Appellate Officer, Chairman Liotta**

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

#### **A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of June 18, 2021, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeals Meeting of June 18, 2021, minutes.

**Second:** Commissioner Liotta.

**Those Voting Aye:** Chairman Russell, Commissioner Liotta, 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. Danny Roberson v. Multiple Injury Trust Fund, File #CM2017-04700JMIF**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Cathy G. Enterline appeared for the Claimant and Travis Colt appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**2. Justin Williams v. KSPM LLC &/or Lotus Gold CBD Plus and Compsource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM2019-07138L**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Jerry E. Bryan is the attorney of record for the Claimant and Christina F. Toon is the attorney of record for Respondent KSPM, LLC and CompSource Mutual Insurance Company. Lotus Gold CBD Plus is unrepresented.

*Motion:* Commissioner Liotta moved to strike this case from the agenda.

*Second:* Commissioner Tilly

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

**THE MOTION CARRIED: STRICKEN**

**3. Bobby Jeffries v. Tulsa Furniture Exchange and Travelers Indemnity Co., File #CM2019-07209J**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. David P. Reid appeared for the Claimant and Matthew R. Defehr appeared 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 Liotta.

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

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

4. **J. Asuncion Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM2015-08100F/CM2016-03867H**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz appeared for the Claimant. Michael Fagan and Taylor K. Weder appeared for the Respondent.

*Motion:* Commissioner Tilly moved to allow 15 minutes for oral arguments.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: 15 MINUTE ORAL ARGUMENTS WERE APPROVED**

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

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

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

1. **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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

2. **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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

3. **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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

4. **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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**5. 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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**6. 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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**7. 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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**8. 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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**9. 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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**10. 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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

11. **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.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**D. Announcements**

The Commission's next SIGFB meeting is Wednesday, July 21, 2021, at 1:00 p.m. The Commission's next regular business meeting is Thursday, August 19, 2021, at 1:30 p.m. The Commission's next regular appeals meeting scheduled for Friday, August 20, 2021, at 9:00 a.m. has been struck.

**ADJOURNMENT**

*Motion:* Commissioner Tilly moved to adjourn the meeting at approximately 11:45 a.m.

*Second:* Commissioner Liotta.

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

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**