

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday July 20, 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

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. Marvin Lee Hopkins v. ESPN & Indemnity Insurance Co. of North America, File # CM2014-09998J

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Esther M. Sanders is the attorney of record for the Claimant. Jack B. Fried and Cyrus Nathaniel Lawyer are the attorneys of record for the 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

2. Marcella Ayisi v. Sequel Youth & Family Services LLC & Travelers Indemnity Co. of America, File #CM2015-06146X

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Jeffrey M. Cooper & Bob Burke are the attorneys of record for the Claimant and Mia C. Rops is the attorney of record for the 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

3. Johnnie Mae Brown v. A New Haven Transportation (No Insurance), File #CM2016-02956A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Robert A. Fynn is the attorney of record for the Claimant and Dana L. Gish is the attorney of record for the 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

4. Dan Mitchell v. American Airlines Inc. & New Hampshire Insurance Co., File #CM2016-06177Y

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann is the attorney of record for the Claimant and Jordan S. Ensley is the attorney of record for the 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

5. Terri Jean Fitzwilson v. AT&T Corp. & Ace American Insurance Co., File #CM2016-08088Q

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Eric W. Quandt is the attorney of record for the Claimant and Nicole S. Bryant 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

6. Gordon Carriger v, City of Claremore (Own Risk #20096), File #CM2017-01056X

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. J.L. Franks is the attorney of record for the Claimant and Leah P. Keele 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

7. Donna Brooks v. Oklahoma Sports Science & Orthopedics & CompSource Mutual Ins. Co (FKA CompSource Oklahoma), File #CM2017-04655J

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Reagan D. Sifferman is the attorney of record for the Claimant and John S. Oldfield, Jr. 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

8. Cody Gann v. Trinity Industries Inc. & Ace American Insurance Co., File #CM2017-07707F

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Robert A. Flynn is the attorney of record for the Claimant and Travis A. Fulkerson 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 Appellate Counsel or other staff member to draft a proposed Order to be considered at a future Commission meeting, or continuing the matter.

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

1. Cynthia Harwell v. City of Del City (Own Risk #11388) File #CM2015-01284J

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Jeffrey M. Cooper represented the Claimant. Heather A. Lehman Fagan represented the Respondent.

This case came on for Oral Argument on June 15, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this 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, affirming the decision of the Administrative Law Judge and issuing an order to that effect, or continuing the matter.

2. Robert J. Hudson, Jr. v. Probuild Holdings Inc. & Liberty Mutual Insurance Co., File #CM2015-08091Y

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel Paul represented the Claimant and Christopher Crouch the Respondent.

This case came on for Oral Argument on June 15, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this 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, , affirming the decision of the Administrative Law Judge and issuing an order to that effect, or continuing the matter.

3. Thomas E. Tanner v. American Airlines & New Hampshire Insurance Co., File #CM2017-05203R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bryce A. Hill represented the Claimant and Dale Kimsey represented the Respondent.

This case came on for Oral Argument on June 15, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judges Order and instruct Appellate Counsel or another staff member to draft a proposed order for consideration at a future meeting. 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.

D. Announcements

Commission’s next special business meeting is Thursday, August 3, 2018. Commission’s next regular meeting regarding Appeals is scheduled for Friday, August 17, 2018.

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