

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday July 28, 2017
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 Gilliland
ROLL CALL Presiding Appellate Officer, Chairman Gilliland
NOTICE OF COMPLIANCE.....Dana Esparza
BUSINESS Presiding Appellate Officer, Chairman Gilliland

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of June 16, 2017 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 procedure for the hearings before the Commission en banc is as follows:

- Each party 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. Florine Yolanda Ogundipe v. Stillwater Headstart Daycare & Compsource Mutual Ins. Co. (FKA CompSource Oklahoma), File # CM2015-00383K

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. F. William Thetford and Bob Burke are the attorneys of record for the Claimant and Nick C. Linholm 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

2. Kalesha Gorden v. Braum's Inc., (OWN RISK #13610), File #CM2015-06428Q

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 Fulkerson 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

3. Ana Bautista v. Seaboard Foods LLC, & American Zurich Ins. Co., File # CM2015-06512Y

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Carole A. Wangrud is the attorney of record for the Claimant and Connie M. Wolfe 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

4. Joni Charlene Guzman v. Michelin North America Inc., (Own Risk #16730), File # CM2015-02999F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Warren E. Mouldoux, III and Bob Burke are the attorneys of record for Claimant and Connie M. Wolfe 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

5. Amy D. Cheatham v. Stillwater Public Schools & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File # CM2015-06798J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Brad W. Wicker is the attorney of record for the Claimant and Dean Lott 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

6. Lisa Annette Graves v. University of Oklahoma (OWN RISK #14839), File # CM2016-05726X

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Brandon J. Burton is the attorney of record for the Claimant and Jean Jacob 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

7. Brandalynn Pappé v. Oklahoma Forensic Center State of Oklahoma Insurance Carrier, File # CM2016-06204L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and J. Nick Crews 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

8. Elizabeth A. Houck v. Grace Living Centers & Amity Care LLC, (Own Risk #14907), File # CM2016-06312H

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Phillip D. Ryan is the attorney of record for the Claimant and Julie Thompson Weller 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

9. Colin Horton v. Baker Hughes Oilfield Operations Inc. &/or Baker Petrolight Corp., & Ace American Insurance Co., File #CM2016-06719K

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt is the attorney of record for the Claimant and Paul A. Scott 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

B. Commission Consideration of Adoption of Final Order in the Following Case:

Jesus Hidalgo v. Unit Corporation (Own Risk #17006), File # CM2015-01454R

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Joseph C. Biscone, II, Emily Biscone and James Biscone represented the Claimant and Andrew J. Morris, Peter Mills & Clyde Muchmore the Respondent. Andrew J. Morrisare was present on behalf of the State Chamber.

On June 16, 2017, after reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to affirm the Administrative Law Judge's order with the agreed modification as to stipulation on the right leg and instruct Commission counsel or other staff member to draft a proposed order with the agreed upon modification.

The proposed order was drafted and 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.

Sherron Jones v. City of Tulsa (OWN RISK #10435), File # CM2016-01963J

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. John N. Mackenzie represented the Claimant and Steven Kuperman represented the Respondent.

On June 16th 2017, after reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to affirm the Administrative Law Judge's order and instruct Commission counsel or other staff member to draft a proposed order with the additional findings of fact and conclusions of law, to be considered for continued action at a future meeting.

The proposed order was drafted and 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 17, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, August 18, 2017.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Gilliland