

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday August 17, 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

STATEMENT OF COMPLIANCE BY CHAIRMAN

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of July 20, 2018, 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. Edith Butler v. Multiple Injury Fund, File # CM2014-09512K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. John R. Colbert is the attorney of record for the Claimant. Richard Cole 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 in further deliberations at a future Commission meeting, or continuing the matter.

2. Kevin Cantwell v. Flex N Gate Oklahoma LLC, & Trumbull Insurance Co., #CM2016-04789A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. TR Banks is the attorney of record for the Claimant and Steven E. Hanna 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 in further deliberations at a future Commission meeting, or continuing the matter.

3. Terry Bennett v. Multiple Injury Fund, File #CM2016-07242A

Claimant 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, 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 in further deliberations at a future Commission meeting, or continuing the matter.

4. Debbie A. Youman v. Owasso Public Schools & Zenith Insurance Co., File #CM2017-01989A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bryce A. Hill is the attorney of record for the Claimant and Malcom D. Smith, Jr 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 in further deliberations at a future Commission meeting, or continuing the matter.

5. Brian A. Cobb v. Insperity Inc. & Indemnity Insurance Co. of North America, File #CM2017-05431Y

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Bret A. Unterschuetz is the attorney of record for the Claimant and Paul A. Scott 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 in further deliberations at a future Commission meeting, or continuing the matter.

6. Jeffery A. Ravelette v. Cobb Vantress Inc. (Own Risk #12220) & Tyson Foods (Own Risk #12220), File #CM2017-04507F

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bryce A. Hill is the attorney of record for the Claimant and Rose MJ Sloan 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 in further deliberations at a future Commission meeting, or continuing the matter.

7. Miguel Torres v. Stone Trucking & New York Marine & General Insurance Co. File #CM2017-07630A

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Eric W. Quandt 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, 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 in further deliberations at a future Commission meeting, or continuing the matter.

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

1. 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 represented the Claimant and Mia C. Rops represented the Respondent.

This case came on for Oral Argument on July 20, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission affirmed the Administrative Law Judge's order and instructed Appellate Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law. 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.

2. 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. Pam Cornett represented the Claimant and Dana L. Gish represented the Respondent.

This case came on for Oral Argument on July 20, 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, or continuing the matter.

3. 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 represented the Claimant and Jennifer Aaron represented the Respondent.

This case came on for Oral Argument on July 20, 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, or continuing the matter.

4. 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 represented the Claimant and John S. Oldfield, Jr. 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 modify and remand the Administrative Law Judges Order. 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 regular business meeting is Thursday, August 23, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, September 21, 2018.

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