

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday, August 23, 2019
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 Regular Appeal Meeting of July 19, 2019, 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. Gerald Edward Poe v. MITF, File #CM2015-00870FMIF

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Joe Farnan 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.

2. Bennie E. Herring v. City of Tulsa (Own Risk #10435), File #CM2016-05263A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. JL Franks is the attorney of record for the Claimant and Travis R. Colt 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. Tyrone McConnell v. MITF File #CM2016-06655KMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Donald E. Smolen 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. William D. French v. City of Tulsa (Own Risk #10435) File #CM2016-08454R

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. JL Franks is the attorney of record for the Claimant and Cyrus Nathaniel Lawyer 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. In The Matter of the Death of Kevin Michael Minyen v. Safety Plus USA LLC & CompSource Mutual Insurance (FKA CompSource Oklahoma), File #CM2016-05634A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. D. Eliot Yaffe is the attorney of record for the Claimant and Heather Lehman Fagan 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.

6. Vickie Elaine Franks v. Little Dixie Community Action Agency & CompSource Mutual Insurance (FKA CompSource Oklahoma) File #CM2016-05896A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. William E. Sparks is the attorney of record for the Claimant and John S. Oldfield 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.

7. James G Stirling v. Lowes Home Centers LLC (Own Risk #18931) File #CM2018-01618Y

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams is the attorney of record for the Claimant. 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 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. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

2. Meredith Cochrane v. Comanche County Memorial Hospital (Own Risk #13032), File #CM2017-0860K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis represented the Claimant and Gary D. Long represented the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this matter 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. Jayme Byassee v. 7 Eleven Stores Inc. & Great American Alliance Insurance Co., File #CM2017-07246Q

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green is the attorney of record for the Claimant and Heather A. Lehman Fagan is the attorney of record for the Respondent.

This case came on for Oral Argument on July 19, 2019. 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. Kenneth Christensen v. Stevens Trucking Co. & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2016-06441Y

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Joey Chiaf is the attorney of record for the Claimant and Grant M. Spencer is the attorney of record for the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to modify the ALJ's decision.

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. Terry W. Garrett v. MITF, File #CM2015-04717JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Micah Felton represented the Claimant and Heather Lehman Fagan represented the Respondent.

This case came on for Oral Argument on July 19, 2019. 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. Linda Carpenter v. ATC Drivetrain Inc. and Great American Alliance Insurance Co., File #CM2018-02862L

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Timothy Kent represented the Claimant and Heather A. Lehman Fagan represented the Respondent.

This case came on for Oral Argument on July 19, 2019. 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.

D. Announcements

Commission's next special business meeting is Thursday, September 5, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, September 20, 2019.

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