

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

**APPEALS**

Friday September 21, 2018  
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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*AGENDA*

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

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

**BUSINESS .....Presiding Appellate Officer, Chairman Liotta**

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of August 17, 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. Marcus McDonald v. Kelvion Inc. FKA GEA Heat Exchangers Inc. (OWN RISK #17805), File # CM2014-09940A**

Respondent and Claimant both filed an appeal from the order issued by Administrative Law Judge Lawyer. Micah Felton is the attorney of record for the Claimant. Steven K. Bunting 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. Carey B. Howard v. Dane & Associates Electric Co. Inc. & Standard Fire Insurance, #CM2016-06350J**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis is the attorney 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 in further deliberations at a future Commission meeting, or continuing the matter.

**3. Paul E. Barnes v. Harp Electric Co. & Zenith Insurance Co., File #CM2018-00486F**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams 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.

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

**1. 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.

**2. 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.

**3. 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 represented the Claimant. John Derouen represented the Respondent.

This case came on for Oral Argument on August 17, 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.

**4. 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.

This case came on for Oral Argument on August 17, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judges Order and instruct Appellate Counsel or another staff member to draft a proposed order with findings of fact and conclusions of law 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 regular business meeting is Thursday, October 18, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, October 19, 2018.

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