

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Wednesday, February 25, 2015
12:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Troy Wilson, Commissioner Denise Engle and Commissioner Bob Gilliland.

Staff present to support the Commission: Kim Bailey and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Commissioner Gilliland

Call to order 12:30 p.m. by Commissioner Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Commissioner Gilliland

After the roll call was taken, Commissioner Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Special Meeting was filed with the Secretary of State's office on Thursday, February 9, at 2:24 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 1:34 p.m. on February 23, 2015, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Special Meeting of February 5, 2014 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the February 5, 2014 special meeting for approval.

Motion: Chairman Wilson made a motion to approve the minutes of the February 5, 2014 special meeting.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Commissioner Gilliland and Chairman Wilson.

12:30 p.m. Annette Morse v. Custom Facility Services & CompSource Mutual Ins. Co., File #CM2014-03229F

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Michael Green represented the Claimant and Dana L. Gish represented the Respondent.

Motion: After hearing the oral argument of counsel, Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

12:50 p.m. Alecia Hicks v. Ameristar Fence Products Inc. & Travelers Indemnity Co. of America, File #CM2014-05650K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Michael Green represented the Claimant and Stefan Doughty represented the Respondent.

Motion: After hearing the oral argument of counsel, Presiding Appellate Officer Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer
Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**1:10 p.m. Spencer E. Harrell v. Action Safety Supply Co. AGC Comp
& Safety Group of Oklahoma (Group #75022), File #CM2014-05813A**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Ryan Philip represented Claimant and Stefan Doughty represented Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved that the Commission take preliminary action to Reverse the Administrative Law Judge's Order issued on 7th day of November, 2014, in Commission File # CM-2014-05813A on the grounds that authorizing further treatment was against the clear weight of the evidence- the treating physician had released the claimant from treatment and the IME had deferred the question of additional treatment until further testing; and instruct the law clerk or other staff member to draft a proposed order with finding of facts and conclusions of law, to be considered for continued action at a future meeting. As there was no second the motion failed.

Motion: Presiding Appellate Officer Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Chairman Wilson

Those Voting Aye: Presiding Appellate Officer Commissioner Gilliland and
Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**1:30 p.m. Cynthia Robinson v. Fairview Fellowship Home for Senior
Citizens Inc. & Stonetrust Commercial Insurance Co., File
#CM2014-06250A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney represented Claimant and Jeffrey W. Dasovich represented the Respondent.

Motion: After hearing the oral argument of counsel, Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

1:50 p.m. Mark E. Gilstrap v. Southern Oklahoma Regional Disposal Inc. & CompSource Mutual Ins. (FKA CompSource Oklahoma), File #CM2014-06551J

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. John R. Colbert represented Claimant and Warren E. Mouldoux, III represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved that the Commission take preliminary action to Reverse Administrative Law Judge's Order issued on 15th day of December, 2014, in Commission File # CM-2014-06551J on the grounds that the finding of a compensable injury to the neck and back was against the clear weight of the evidence presented; and instruct the law clerk or other staff member to draft a proposed order with finding of facts and conclusions of law, to be considered for continued action at a future meeting.

Motion: Presiding Appellate Officer Commissioner Gilliland moved to amend Commissioner Engle's motion to remand on the grounds that the Administrative Law Judge may have misconstrued the testimony of Richard Self at page 88 of the trial transcript where the witness called into question the Claimant's version of the facts by stating that in view of the GPS data he questioned the Claimant's version of the accident.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER REMANDED

**2:10 p.m. Lynez Ricker v. Siemens Corp., & LM Insurance Corp.,
File #CM2014-06605A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green represented the Claimant and Kevin D. Berry represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to Sign and File an order on behalf of the Commission.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer
Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements

Commission's next regularly scheduled meeting is Monday, March 23, 2015.

ADJOURNMENT

Motion: Presiding Appellate Officer Commissioner Gilliland moved to adjourn the meeting at approximately 2:30 p.m.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer
Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.