

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Tuesday, January 20, 2015
1:00 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 9:00 a.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 Tuesday, December 20, at 9:07 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 10:53 a.m. on Thursday, January 15, 2014, 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 November 21, 2014 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the November 21, 2014 special meeting for approval.

Motion: Commissioner Engle made a motion to approve the minutes of the November 21, 2014 special meeting.

Second: Commissioner Gilliland

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

- The drafted Minutes of the Special Meeting of December 15, 2014 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the December 15, 2014 special meeting for approval.

Motion: Chairman Wilson made a motion to approve the minutes of the December 15, 2014 special meeting.

Second: Commissioner Engle

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

1:00 p.m. Crystal Nowlin v. Medicalodges Inc. & Transportation Insurance Co., File #CM2014-04128R

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. James G. Devinney represented the Claimant and Angela Reinstein 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, Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

1:20 p.m. Michael S. Gritts v. D&L Tools & Bitco Insurance Co. (FKA Bituminous Casual), File #CM2014-05111L

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy W. Schneidau represented the Claimant and Travis A. Fulkerson represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved to modify the Administrative Law Judges Order. As there was no second the motion failed.

Motion: 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: Commissioner Gilliland and Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

1:40 p.m. Rodney Stanley Brown v. Claims Management Resources Inc. & Harford Accident & Indemnity Co., File #CM2014-05628X

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. T.R. Banks represented the Claimant and Brandy Inman represented Respondent.

Motion: After hearing the oral argument of counsel, 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, Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2:00 p.m. Douglas Keith Freeman v. Weyerhaeuser Co. (Own Risk #11419), File #CM2014-05870Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Albert L. Wheeler represented the Claimant and Louis G. Buchanan represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved to reverse the Administrative Law Judges Order. As there was no second the motion failed.

Motion: 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: Commissioner Gilliland and Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Commission Consideration of Adoption of Final Order on the Following Case:

Dion D. Fails v. Center for Employment & CompSource, File #CM2014-03097Y

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer dismissing the Claimant's claim without prejudice. After Claimant's attorney received an Order from the Commission to file a reply brief, the Commission received a letter from the Claimant's attorney stating he is unable to refute the Respondent's request that this claim be dismissed with prejudice. A drafted Order has been distributed to the Commissioners. The Commission considered final action and the adoption of a final order.

Motion: Chairman Wilson moved to adopt the final order as written.

Second: Commissioner Engle

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

THE MOTION CARRIED: ALJ ORDER MODIFIED

Commission Consideration of Adoption of Final Order on the Following Case:

Brad S. Harrison v. Landair Logistics Inc., & Travelers Indemnity Co. of America, File #CM2014-04480Q

At the December 15, 2014, Special Meeting, the Commission heard the oral argument in this case. After hearing argument from Mr. John Colbert, counsel for the Claimant, and Mr. Grady H. Parker, Jr., counsel for the Respondent, the Commission voted to take preliminary action to reverse the Administrative Law Judge's Order and instruct the Commission's Law Clerk to draft a proposed Order for consideration in continued deliberation at a future meeting. The drafted Order has been distributed to the Commissioners. The Commission will consider final action and the adoption of a final order.

Motion: Commissioner Engle moved to adopt the final order as written.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle and Chairman Wilson

Those Voting Nay: Commissioner Gilliland

THE MOTION CARRIED: ALJ ORDER REVERSED
Announcements

Commission's next regularly scheduled meeting is Thursday, January 22, 2015.

ADJOURNMENT

Motion: Commissioner Gilliland moved to adjourn the meeting at approximately 2:45 p.m.

Second: Chairman Wilson

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

THE MOTION CARRIED: The meeting was adjourned.