

SPECIAL MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday November 20, 2015  
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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*MINUTES*

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Members present: Chairman Bob Gilliland, Commissioner LeRoy Young and Commissioner Mark Liotta.

Staff present to support the Commission: Lindsey Christopher and Dana Esparza.

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

Call to order 9:00 a.m. by Chairman Gilliland, Presiding Appellate Officer.

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

After the roll call was taken, Chairman 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, November 12, 2015 at 4:49 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 3:33 p.m. on Thursday, November 13, 2015, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted at 1915 North Stiles, the Commission's principal office.

**MINUTES:**

- The drafted Minutes of the Special Meeting of October 16, 2015 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the October 16, 2015 special meeting for approval.

**Motion:** Presiding Appellate Officer Chairman Gilliland moved that the Commissioners approve the minutes for the cases on which they sat.

**Second:** Commissioner Young

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

**THE MOTION CARRIED: MINUTES APPROVED**

**Darla Jean Camp v. Atwood Distributing LP & Zurich American Insurance Co. File #CM2014-05687X**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Brandon J. Burton represented the Claimant and Tomothy E. Lurtz represented the Respondent.

**Motion:** After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Order and issue an order with further findings supporting the Administrative Law Judge's decision.

**Second:** Commissioner Liotta

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Toby Eugene West v. Coca Cola Refreshments USA Inc. & Indemnity Ins. Co. of North America File #CM2014-08931K**

Claimant & Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Timothy E. Tipton represented the Claimant and Katherine Sommer is the attorney of record for the Respondent.

**Motion:** After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman 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 Liotta

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland and Commissioner Liotta.

**Those Voting Nay:** Commissioner Young

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Charlie Gray v. Central Transport Inc., & Cherokee Insurance Co. File #CM2015-00699A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Mark Litton represented Claimant and Jay R. McAtee attorney of record for Respondent. Mark Litton appeared for both parties and announced that the parties had agreed to waive their oral arguments, as the sole issue on appeal was constitutional.

**Motion:** After hearing the announcement, Presiding Appellate Officer Chairman 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 Young

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Robert D. Nix v. First Staffing Group USA & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma) #CM2015-01976K**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. John R. Colbert represented the Claimant and Terry Phillips represented the Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Liotta 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 Young

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Regina Ann Killough v. Wal-Mart Stores Inc., (Own Risk #20000)  
#CM2015-02115R**

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Chris D. Caldwell represented the Claimant and Norman Lemonik represented the Respondent.

**Motion:** After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved that the Commission take preliminary action to remand the Order and instruct the law clerk or other staff member to draft a proposed order with instructions to the Administrative Law Judge to provide specific findings relating to the sufficiency of the Employer's initial light duty offer, the circumstances of Claimant's termination and basis for the award of Temporary Total Disability from June 29, 2015 to August 24, 2015.

**Second:** Commissioner Liotta

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta

**THE MOTION CARRIED: ALJ ORDER REMANDED**

**Commission Consideration of Adoption of Final Order in the  
Following Case:**

**Kimberly Jackson v. Remeo Danais, Raleigh Square Apartments &  
CompSource Mutual Ins. Co. File #CM2014-11233K**

At the September 11, 2015, Special Meeting, the Commission heard oral arguments in this case. After hearing oral argument from Mark Litton, counsel for the Claimant, and Warren E. Mouledoux, III, counsel for the Respondent, the Commission voted to affirm the Order with a finding that the post-trial evidentiary ruling of the Administrative Law Judge was not an abuse of discretion, as it was proper to admit the Brooks Clinic records and exclude the other records, which were discoverable prior to the hearing; and instructing the Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting.

**Motion:** Presiding Appellate Officer Chairman Gilliland moved to adopt the proposed Order and authorize the Commissioners to sign and file an order on behalf of the Commission.

**Second:** Commissioner Liotta

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland and Commissioner Liotta.

**Abstain:** Commissioner Young

**THE MOTION CARRIED: ORDER ADOPTED**

**Announcements:**

Commission's next regularly scheduled meeting is Wednesday, December 9, 2015. Commission's next Special Meeting regarding Appeals is scheduled for Friday, December 11, 2015.

**ADJOURNMENT**

**Motion:** Commissioner Young moved to adjourn the meeting at approximately 10:50 a.m.

**Second:** Commissioner Liotta

**Those Voting Aye:** Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**