

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Tuesday, May 26, 2015
9:00 a.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: Lindsey Christopher and Dana Esparza. Also in attendance, Dr. Leroy Young.

CALL TO ORDER Presiding Appellate Officer, Commissioner Gilliland

Call to order 9:07 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 Monday, May 4, 2015 at 11:37 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 2:08 p.m. on May 21, 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 April 22, 2015 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the April 22, 2015 special meeting for approval.

Motion: Commissioner Engle made a motion to approve the minutes of the April 22, 2015 special meeting.

Second: Chairman Wilson

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

THE MOTION CARRIED: MINUTES APPROVED

9:00 a.m. James Knight v. Holiday Inn Express & Suites & Zenith Insurance Co., File #CM2014-06101Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Greg A. Barnard represented the Claimant and there was no attorney present to represent 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: Chairman Wilson

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

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:20 a.m. Easter Louise Brown v. Delaware North Co. Inc. & New Hampshire Insurance Co., File #CM2014-06221A

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

Motion: After hearing the oral argument of counsel, Commissioner Engle moved that the Commission take preliminary action to remand Administrative Law Judge's Order issued on 17th day of March, 2015, in Commission File # 2014-06221A on the grounds that the decision was against the clear weight of the evidence and contrary to law as the Respondent was denied the opportunity to address whether the Claimant sustained an aggravation to a preexisting condition; 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, this motion failed.

Motion: 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: Presiding Appellate Officer Commissioner Gilliland

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

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**9:40 a.m. Paul Hickman v. Pro Drivers & XL Specialty Insurance Co.,
File #CM2014-08209R**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green represented the Claimant and Karen McGivern Curthoys represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved that the Commission take preliminary action to remand Administrative Law Judge's Order issued on 11th day of March, 2015, in Commission File # 2014-08209R on the grounds that the Order was against the clear weight of the evidence as the differing MRI results suggest an intervening injury may have occurred, therefore an IME should be appointed to address causation of the injuries to the neck, right shoulder, right arm and right hand; 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, this motion failed.

Motion: 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: Presiding Appellate Officer Commissioner Gilliland

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

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

10:00 a.m. Annette Legarde Bober v. Oklahoma State University (Own Risk #14526), File # CM2014-08314Y

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. John R. Colbert represented the Claimant and Heather A. Lehman Fagan 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: Presiding Appellate Officer Commissioner Gilliland, Commissioner Engle and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

MINUTES:

- The drafted Minutes of the Regular Meeting of May 8, 2015 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the May 8, 2015 regular meeting for approval.

Motion: Commissioner Engle made a motion to approve the minutes of the May 8, 2015 regular meeting.

Second: Chairman Wilson

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

Announcements:

Commission's next regularly scheduled meeting is Thursday, June 18, 2015 at 1:30 p.m.

Special Presentation: Presiding Appellate Officer Commissioner Gilliland presented Chairman Wilson, Commissioner Engle and Executive Director Rick Farmer each with a plaque to express the Commission's appreciation for their service.

Report from Executive Director Rick Farmer: Executive Director, Rick Farmer reported on the Commission's 2015 fiscal year budget.

ADJOURNMENT

Motion: Chairman Wilson moved to adjourn the meeting at approximately 10:33 a.m.

Second: Commissioner Engle

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.