

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday September 11, 2015
10:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland
ROLL CALL Presiding Appellate Officer, Chairman Gilliland
NOTICE OF COMPLIANCE.....Dana Esparza
BUSINESS Presiding Appellate Officer, Chairman Gilliland

A. MINUTES:

- The drafted Minutes of the Special Meeting of August 7, 2015 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 Emergency Rules, OAC 810. The procedure for the hearings before the Commission en banc is as follows:

- Each party 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. Olivia Heim v. Westhaven Nursing Home & Great American Alliance Ins. Co. File #CM2014-08318Q

Special Commissioner Neal Leader will sit on the panel instead of Commissioner LeRoy Young. Dr. Young has recused in this case.

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney is the attorney of record for the Claimant and John S. Oldfield 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 Law Clerk 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. Dallas Suits v. Transformers Disposal & CompSource Mutual Ins. Co. File #CM2014-10757A

Special Commissioner Neal Leader will sit on the panel instead of Commissioner LeRoy Young. Dr. Young has recused in this case.

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney is the attorney of record for the Claimant and M. Thad Groom 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 Law Clerk 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. Sue Gwendolyn Henderson v. HIS Wynnewood Care Center & Oklahoma Property & Casualty, File #CM2014-09762R

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Joe Farnan is the attorney of record for the Claimant and Larry C. Brawner 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

4. Betty Ragsdale v. Mitchell Manor, Inc. & CompSource Mutual Ins. CO., File #CM2014-10006A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Craig Dawkins is the attorney of record for the Claimant and Robert A. Manchester 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

5. Donal C. Lawson v. S&D Trucking LLC & CompSource, File #CM2015-00656A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Brandon J. Burton is the attorney of record for the Claimant and W. Jeffrey Dasovich 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 Law Clerk or other staff member to draft a proposed Order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

6. Helen Pitts v. Sooner Medical Staffing LLC (QE #864540), File #CM2015-04340H

Respondent filed a Motion to Dismiss for Lack of Subject-Matter Jurisdiction. Brandon J. Burton is the attorney of record for the Claimant and Dana L. Gish is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, granting the Motion to Dismiss, denying the Motion to Dismiss or continuing the matter.

7. Becky Lee Chennault v. Sequoyah Enterprises Inc. (QE #864627) (NP) Atlantic Specialty Insurance Co, File #CM2015-02560L

Respondent filed a Motion to Dismiss for Lack of Subject-Matter Jurisdiction. Brandon J. Burton is the attorney of record for the Claimant and Dana Gish is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action, granting the Motion to Dismiss, denying the Motion to Dismiss or continuing the matter.

8. Commission Consideration of Adoption of Final Order in the Following Case:

Stephanie Pauline Wilson v. WalMart Stores Inc. & Own Risk, File #CM2014-04292Y

At the August 7, 2015, Special Meeting, the Commission heard the oral arguments in this case. After hearing oral argument from Brandon Burton, counsel for the Claimant, and Jill Fidelie, counsel for the Respondent, the Commission voted to take preliminary action to remand the Administrative Law Judge's Order and instruct the Commission staff 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 adoption of a final Order.

Possible Action:

Possible action may include, but is not limited to: taking no action, taking final action, or continuing the matter.

9. In the Matter of the Petition of Donald A. Bullard for a Declaratory Ruling Determining the Application of Commission Rule 810:10-1-5

The Commission has before it a petition filed June 29, 2015 by Donald A. Bullard. The Petition requests a declaratory ruling regarding the application of Commission Rule 810:10-1-5 and the circumstances under which a Commission CC-Form 2A must be filed. After consideration of the applicable statutes and the underlying purpose of the CC-Form 2A, Commission Counsel has drafted a proposed Declaratory Order. The drafted Order has been distributed to the Commissioners. The Commission will consider final action and adoption of a final Order.

Possible Action:

Possible action may include, but is not limited to: taking no action, taking final action, or continuing the matter.

10. Announcements

Commission's next regularly scheduled meeting is Thursday, October 8, 2015. Commission's next Special Meeting regarding Appeals is scheduled for Friday October 9, 2015.

ADJOURNMENT.....Presiding Appellate Officer, Chairman Gilliland