

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

AGENDA

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

A. MINUTES:

- The drafted Minutes of the Special Meeting of November 21, 2014 will be considered for approval.
- The drafted Minutes of the Special Meeting of December 15, 2014 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. 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 represents the Claimant and Amanda K. Naifeh represents 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. 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 represents the Claimant and Travis A. Fulkerson represents 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. 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. Bob Burke represents the Claimant and Molly H. Lawyer represents 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. 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 represents the Claimant and Louis G. Buchanan represents 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. 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 will consider final action and the 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.

6. 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.

Possible Action:

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

C. Announcements

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

ADJOURNMENT.....Presiding Appellate Officer, Commissioner Gilliland