

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday October 16, 2015
9:00 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 September 11, 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. Mark A. Caron v. Asplundh Tree Expert Co. & Mutual Insurance Co. File #CM2015-01147R

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz is the attorney of record for the Claimant and Travis R. Colt 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. Kimberly Jackson v. Remeo Danais, Raleigh Square Apartments & CompSource Mutual Ins. Co. File #CM2014-11233K

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

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Craig Dawkins is the attorney of record for the Claimant and Warren E. Mouledoux, III 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. Commission Consideration of Adoption of Final Order in the Following Case:

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.

At the September 11, 2015 Special Meeting, the Commission heard the oral arguments in this case and voted to affirm the Administrative Law Judge's decision and issue an order with a finding that the Claimant failed to overcome the presumption of constitutionality of Title 85A, Section 56. On September 14, 2015, the Commission issued an Order Affirming Decision of Administrative Law Judge that did not include the finding of constitutionality. The Commission will consider final action and adoption of a drafted Order Nunc Pro Tunc to add the omitted finding of constitutionality to the Commission's Order issued on September 14, 2015.

Possible Action:

Possible action may include, but is not limited to: taking no action; adopting the Order Nunc Pro Tunc as proposed or as modified at the hearing; or continuing the matter.

4. Edith Butler v. Tulsa Transit Lift & Indemnity Insurance Co. of North America File #CM2014-09512K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. John Colbert is the attorney of record for the Claimant and Donald A. Bullard 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. Chazdon McIntyre v. Phillips & Sons Trucking LLC & HDI Gerling America Insurance Co., File #CM2015-04340H

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Ryan Polchinski is the attorney of record for the

Claimant and Thad M. 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.

C. Announcements

Commission's next regularly scheduled meeting is Thursday, November 12, 2015. Commission's next Special Meeting regarding Appeals is scheduled for Friday November 13, 2015.

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