

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday November 13, 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 October 16, 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. 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 is the attorney of record for the Claimant and Tomothy E. Lurtz 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. 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. Esther M. Sanders is the attorney of record for the Claimant and Katherine Sommer 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. Jack Allen Mitchell v. Ram Transportation, LLC & Stonetrust Commercial Insurance File #CM2014-11051J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell L. Moore is the attorney of record for the Claimant and Jeffrey W. 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.

4. 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. Craig Dawkins is the attorney of record for the Claimant and Jay R. McAtee 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. 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 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.

**6. 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 is the attorney of record for the Claimant and Norman Lemonik 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.

**7. 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.

Possible Action:

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

C. Announcements

Commission's next regularly scheduled meeting is Thursday, December 10, 2015. Commission's next Special Meeting regarding Appeals is scheduled for Friday December 11, 2015.

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