

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday, November 21, 2014
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: Kim Bailey and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Commissioner Gilliland

Call to order 9:00 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 Tuesday, November 4, at 9:17 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 8:15 a.m. on Thursday, November 20, 2014, 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.

9:00 a.m.- Tommy Ray True v. Robison Medical Resource Group and Castlepoint National Insurance Co.- Commission File #2014-03455A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John Harlan represented the Claimant and Robert Powell represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Commission's Chair to Sign and File an order on behalf of the Commission.

Motion: Commissioner Engle requested to make a motion. Commissioner Gilliland stated his motion is pending without a second and called for a second.

Second: Chairman Wilson

Commissioner Gilliland asked if any statements would like to be made. Commissioner Engle stated she didn't know if it was appropriate to have a separate motion after a motion. With no further statements, Commissioner Gilliland called for the vote.

Those Voting Aye: Commissioner Gilliland and Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:30 a.m.- Aimee D. Henslee v. Franks Corner 2 and Firstcomp Insurance Co.- Commission File #2014-03499F

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. John Colbert represented the Claimant and James Gaston represented the Respondent.

Motion: After hearing the oral argument of counsel, Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Commission's Chair to Sign and File an order on behalf of the Commission.

Second: Commissioner Gilliland

Motion: Commissioner Engle moved to take the case under advisement. As there was no second the motion failed.

Those Voting Aye: Commissioner Gilliland and Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

10:00 a.m.- O'Neal Gillispie v. Estes Express Lines Inc. and New Hampshire Insurance Co.- Commission File #2014-03399K

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Joey Chiaf represented the Claimant and Travis Fulkerson 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 Chair to Sign and File an order on behalf of the Commission.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

10:45 a.m.-Lisa Arroyo v. Hobby Lobby Stores Inc. and Old Glory Insurance Co.- Commission File #2014-02999J

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Ryan Polchinski represented the Claimant and James Ferguson represented the Respondent.

Motion: After hearing the oral argument of counsel, Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Commission's Chair to Sign and File an order on behalf of the Commission.

Second: Commissioner Engle

Those Voting Aye: Commissioner Engle, Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

11:15 a.m. Jerry D. Harper v. Consolidated Builder's Supply Inc., and Old Glory Insurance Co. File #2014-02340L

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Kevin Locke represented the Claimant and Kelly Bodell represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved to take preliminary action to modify the Administrative Law Judge's order as follows: I move that the Commission take preliminary action to modify Administrative Law Judge's Order issued on the 11th day of July, 2014, in the Commission file #2014-02340L to deny temporary total disability, on the grounds that awarding temporary total disability when the claimant was terminated for cause is contrary to law; 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 the motion failed.

Motion: Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Commission's Chair to Sign and File an order on behalf of the Commission.

Second: Commissioner Gilliland

Those Voting Aye: Commissioner Gilliland and Chairman Wilson

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

11:45 a.m. Arturo Velasco v. Walmart Stores Inc., and Walmart Associates Inc. File #2014-05080F

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Ryan Polchinsky represented the Claimant and Blair McMillin represented the Respondent.

Motion: After hearing the oral argument of the parties, Commissioner Engle moved to affirm the Administrative Law Judge's Order and authorize the Commission's Chair to Sign and File an order on behalf of the Commission.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

ADJOURNMENT

Motion: Commissioner Engle moved to adjourn the meeting at approximately 12:16 p.m.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: The meeting was adjourned.