

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday August 7, 2015
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner LeRoy Young, Commissioner Mark Liotta and Special Commissioner Troy Wilson.

Staff present to support the Commission: Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 8:54 a.m. by Chairman Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman 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 Monday, July 7, 2015 at 8:21 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 4:32 p.m. on August 5, 2015, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The portion of the drafted Minutes of the Special Meeting of July 10, 2015 relating to Gilstrap v. Southern Oklahoma Regional Disposal were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented that portion of the minutes of the July 10, 2015 special meeting for approval.

Motion: Commissioner Liotta made a motion to approve that portion of the minutes of the July 10, 2015 special meeting.

Second: Special Commissioner Wilson

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta, and Special Commissioner Wilson.

THE MOTION CARRIED: MINUTES APPROVED

9:00 a.m. Donell Childers v. Hobby Lobby Stores Inc., & Indemnity Insurance Co. of North America, File #CM2014-11308A

Special Commissioner Troy Wilson sat 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 Inhofe. E.W. Keller represented Claimant and James C. Ferguson represented Respondent.

Motion: After hearing the oral argument of counsel, Special Commissioner Wilson moved to affirm the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: *Commissioner Liotta*

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Special Commissioner Wilson and Commissioner Liotta

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:20 a.m. Justin Lawrence v. M4 Construction & Welding LLC & America First Insurance, File #CM2014-06662Q

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Nate Lawyer represented Claimant and Travis R. Colt represented Respondent.

Motion: After hearing the oral argument of counsel, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's Order and

authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:40 a.m. Stephanie Pauline Wilson v. WalMart Stores Inc. & Own Risk, File #CM2014-04292Y

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Brandon J. Burton represented Claimant and Jill R. Fidelie represented Respondent.

Motion: After announcement of agreement of the parties to modify the Administrative Law Judge's Order, Presiding Appellate Officer Chairman Gilliland moved that the Commission take preliminary action to modify the Administrative Law Judge's Order issued on the day of May 28, 2015, in Commission File # 2014-04292Y, on the grounds that Paragraph 3(e) in Section III of the Order is contrary to law and should be stricken.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta

THE MOTION CARRIED: ALJ ORDER MODIFIED

MINUTES:

- The remaining portion of the drafted Minutes of the Special Meeting of July 10, 2015 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the remaining portion of the minutes of the July 10, 2015 special meeting for approval.

Motion: Commissioner Young made a motion to approve the remaining portion of the minutes of the July 10, 2015 special meeting.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta.

THE MOTION CARRIED: MINUTES APPROVED

Announcements:

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

ADJOURNMENT

Motion: Commissioner Young moved to adjourn the meeting at approximately 10:13 a.m.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Young and Commissioner Liotta

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.