

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday January 20, 2017
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 Appeal Meetings of December 15, 2016, 2016 and December 16, 2016 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 Permanent 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. Russell Stubblefield v. Buddy's Home Furnishings & Zurich Insurance Co., File #CM2014-09882F

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Richard A. Bell & Bob Burke are the attorneys of record for the Claimant and James B. Cassody 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. Stanley Lindley v. Thermal Windows Inc. & Acadia Insurance Company, File #CM2015-06605X

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Jack G. Zurawik is the attorney of record for the Claimant and Jace H. Powell 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. Donald Lewis Kirk, Jr. v. Southwestern Roofing & Metal & CompSource Mutual Ins. Co., File #CM2015-07930Q

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Eliot D. Yaffe is the attorney of record for the Claimant and Darren Derryberry 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. David A. Neal v. Lincoln County Sheriff's Department & CompSource Mutual ins. Co. (FKA CompSource Oklahoma), File #CM2015-08149H

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Randy D. Edmonson is the attorney of record for the Claimant and Barry Zlotogura 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. Darwin Seurer v. Murray Services Inc., & National American Insurance Co., File #CM2015-08451J

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Daniel Davis is the attorney of record for the Claimant and Angela Odell Reinstein 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.

B. Commission Consideration of Adoption of Final Order in the Following Case:

1. Doris Ward v. Walmart Stores Inc. (Own Risk #20000), File #CM2016 00262Q

On December 15, 2016, after hearing the oral argument of counsel and deliberating the Commission voted to take preliminary action to remand the Administrative Law Judge's order with instructions to make specific finding as to whether the alleged incident occurred, and if so, whether Claimant Sustained an identifiable and significant aggravation to a pre-existing condition and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission. The proposed order has been distributed to the Commissioners for consideration of adoption.

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.

2. Anthony L. Davis v. Unit Drilling Co. (Own Risk #17006), File #CM2015-01734F

On December 16, 2016, after hearing the oral argument of counsel and deliberating the Presiding Appellate Officer Chairman Gilliland announced that this case will be taken under advisement. The proposed order has been distributed to the Commissioners for consideration of adoption.

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.

3. Tanner David Cassell v. Jr. Reynolds Welding & Roustabout LLC & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-07668A

On December 16, 2016, after hearing the oral argument of counsel and deliberating the Commission voted to affirm the Administrative Law Judge's order and instruct Commission staff to draft a proposed order with additional findings supporting the decision. The proposed order has been distributed to the Commissioners for consideration of adoption.

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.

4. Lisa K. Brazeal v. Whataburger Restaurants LLC Commerce & Industry Insurance Co., File #CM2016-00499K

On December 16, 2016, after hearing the oral argument of counsel and deliberating the Commission voted to affirm the Administrative Law Judge's order as modified by the parties and instruct Commission staff to draft a proposed order with additional findings supporting the decision. However, the Commission order was issued without the said modifications. A proposed order has been distributed to the Commissioners for consideration of adoption.

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.

D. Announcements

Commission's next special business meeting is Tuesday, February 15, 2017. Commission's next special meeting regarding Appeals is scheduled for Friday, February 16, 2017.

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