

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday January 29, 2016
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 and Commissioner Mark Liotta.

Staff present to support the Commission: Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 9:00 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 Tuesday, December 15, at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 2:24 p.m. on Wednesday January 27, 2016, 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 drafted Minutes of the Special Meeting of December 11, 2015, were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the December 11, 2015 special meeting for approval.

Motion: Commissioner Young made a motion to approve the minutes of the December 11, 2015 special meeting.

Second: Commissioner Liotta

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

THE MOTION CARRIED: MINUTES APPROVED

Debra Taylor v. Eskridge Honda & Oklahoma Auto Dealers SIA (Group #75058) File #CM2014-04667Q

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Tim Reese represented the Claimant and Eric L. Tabor represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Young

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

John P. Lagueux v. Smith & Pickel Construction Inc., & National Fire Insurance Co. of Hartford, File #CM2014-06559X

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Joey Marks is the attorney of record for James M. Odor, M.D., Philip D. Ryan is the attorney of record for the Claimant, and Robert P. Powell is the attorney of record for the Respondent.

Motion: After Respondent's attorney announced the parties' agreement to dismiss the appeal, Presiding Appellate Officer Chairman Gilliland moved to dismiss the appeal and issue an order to that effect.

Second: Commissioner Liotta

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

THE MOTION CARRIED: APPEAL DISMISSED

Jack Allen Mitchell v. Ram Transpiration LLC & Stonetrust Commercial Insurance Co., File #CM2014-11051J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell L. Moore represented the Claimant and Jeffrey W. Dasovich represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, 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

Loretta J. Clay v. First Call Medical Inc., & QBE Insurance Corp., File #CM2015-00391K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz represented the Claimant and Nichole S. Bryant represented the Respondent.

Motion: Pursuant to the agreement of the parties that the Order be vacated and upon their representation that this matter will be settled, Presiding Appellate Officer Chairman Gilliland moved to vacate 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 Young

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

THE MOTION CARRIED: ALJ ORDER VACATED

WCC Compliance Department v. Stout Transportation (No Insurance) File #CM2015-01479J

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Lindsey Christopher represented the WCC Compliance Department and Harris A. Philips, III represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Liotta 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: Presiding Appellate Officer Chairman Gilliland

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Kelley S. Walker v. Circle K Stores INC., & Ace American Insurance CO., File #CM2015-02004K

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Tim Reese represented the Claimant and Todd A. Estes is represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, 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 and Commissioner Liotta

Those Voting Nay: Commissioner Young

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Reachelle E. Hatcher v. Independent Opportunities Inc., (OWN RISK #19522), File #CM2015-03525K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Craig Armstrong represented the Claimant and John G. Barnhart represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Young 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: Presiding Appellate Officer Chairman Gilliland

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements:

Commission's next regularly scheduled meeting is Thursday, February 11, 2016. Commission's next Special Meeting regarding Appeals is scheduled for Friday, February 12, 2016.

ADJOURNMENT

Motion: Commissioner Young moved to adjourn the meeting at approximately 11:46 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.