

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday October 21, 2016
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 August 12, 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. Larry McCann v. Dependable Mobile Home Transportation & Comp Source Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-04009H

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney & Bob Burke are the attorneys of record for the Claimant and John S. Oldfield, Jr. 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. Howard Lefler v. TPI Staffing Service Inc. & Comp Source Mutual Ins. Co. (FKA CompSource Oklahoma) File CM2015-02184A

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Ryan Polchinski is the attorney of record for the Claimant and Cynthia Dugger 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. Dwayne Smith v. Hotel Equities Group LLC, & Zenith Insurance Co. File #CM2015-05496J

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Antony Link is the attorney of record for the Claimant and Jennifer E. Jackson 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. Renee Ruth May v. Heritage Healthcare Inc. & Stonetrust Commercial Insurance Co., File #CM2014-05470R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther Sanders 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.

5. Sabrina D. Keithline v. OReilly Auto Parts & Safety National Casualty Corp. File #CM2014-06829Y

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Gus A. Farrar is the attorney of record for the Claimant and Jerrod Geiger 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. Jorge Talavera v. Landmark Outdoor Services LLC & National Fire Insurance Co. of Hartford, File #CM2014-10938A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and Raegan D. Sifferman 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. David Glenn Robertson v. Whirlpool Corp. (OWN RISK #18709), File #CM2015-01114A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Richard A. Shallcross is the attorney of record for the Claimant and Bradley J. McClure 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.

8. LaDonna Cotton v. Western Sizzlin Steak House & Mid Century Insurance Co., File #CM2015-07081A

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Henry Dalton is the attorney of record for the Claimant and Lacy N. Vassar 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.

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

1. Lester Schultz v. Ponca City Foods & RPCS Inc. (OWN RISK 19964), File CM2015-03659A

On August 12, 2016, Claimant attorney James G. Devinney presented a joint motion to remand this matter to allow the parties to submit relevant surveillance footage that was inadvertently omitted from the record. The Commission voted to remand the matter to the Administrative Law Judge with instructions in accordance with the agreement of the parties; and to instruct Commission staff to draft a proposed order for future consideration by 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.

D. Announcements

Commission's next regularly scheduled meeting is Thursday, November 2, 2016. Commission's next special meeting regarding Appeals is scheduled for Friday, November 10, 2016.

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