

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Thursday November 17, 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 Mark Liotta and Commissioner Russell.

Staff present to support the Commission: Lindsey Christopher and 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 Regular Meeting was filed with the Secretary of State's office on Monday, October 17, 2016 at 10:04 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 8:45 a.m. on Tuesday, November 15, 2016, 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.

MINUTES:

- The drafted Minutes of the Special Meeting of November 10, 2016 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the November 10, 2016 Special Meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the November 10, 2016 Special Meeting.

Second: Commissioner Russell

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

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Richard A. Russe v. Goodyear Tire & Rubber Co. (OWN RISK #14760), File # CM2014-07633F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Ryan Polchinski represented the Claimant and Matthew J. Graves represented the Respondent.

Motion: After the parties agreed to submit the case on the record without oral argument. After deliberation, Commissioner Russell 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, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Jared Upton v. City of Tulsa (OWN RISK #10435), File # CM2014-07767R

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bob Burke & Mike Green represented the Claimant and Brandy Inman 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 and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Daniel Louis Bridges v. Salvation Army & American Zurich., File # CM2014-11374X

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Tim Tipton represented the Claimant and Edward Grimes 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 Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Robert Hill v. American Medical Response & Indemnity Insurance Co. of North America, File # CM2015-01094H

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bob Burke & Mike Green represented the Claimant and Lee Endicott represented the Respondent.

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Paul Edward Lewis v. Freymiller Trucking & Travelers Insurance Co. & D&M Carriers & Travelers Indemnity Co. of America, File # CM2015-01094H

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Paul Edward Lewis Pro se Claimant did not appear and Ryan Curthoys represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to remand the Administrative Law Judge's order with instructions to Appoint an IME and take other action consistent therewith 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 Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER REMANDED

Greg James v Oklahoma Department of Corrections & CompSource Mutual Ins., File # CM2015-05912J

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Micah Felton represented the Claimant and Preston G. Hanner represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to modify the Administrative Law Judge's order to modify paragraph V1 of the Administrative Law Judge's Order denying compensability and authorize the Commission's Presiding Appellate Officer to sign and file an order reflecting such modification on behalf of the Commission.

Second: Commissioner Liotta

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

THE MOTION CARRIED: ALJ ORDER MODIFIED

Carla Rhamy v. WalMart Stores Inc. (OWN RISK 20000), File # CM2015-07248J

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. James G. Devinney represented the Claimant and Norman Lemonik represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order stating the constitutional issue was properly raised. The order was not unconstitutional as applied to this case, 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 Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Barbara Jo Talley v. Halliburton Energy Services Inc. & Ace American Insurance Co., File # CM2016-00318Q

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Joe Farnan represented the Claimant and John A. McCaleb represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order stating question as to constitutional issue was raised correctly. Denies that the order was unconstitutional as applied to this case, 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 Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements

Commission's next regularly scheduled meeting is Thursday, November 29, 2016. Commission's next special meeting regarding Appeals is scheduled for Thursday, December 9, 2016.

ADJOURNMENT

Motion: Commissioner Liotta moved to adjourn the meeting at approximately 12:42 p.m.

Second: Presiding Appellate Officer Chairman Gilliland

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.