

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

**APPEALS**

Friday, November 22, 2019  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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*AGENDA*

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**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**  
**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**  
**BUSINESS .....Presiding Appellate Officer, Chairman Liotta**

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of October 25, 2019, 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 Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side 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. Phyllis Biggiam v. Mathis Brothers Furniture Co. Inc., (Own Risk #19602), File #CM2016-02700Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. John R. Evans, Jr. is the attorney of record for the Claimant and Cathy C. Barnum is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**2. Kristin Marie Randall v. Multiple Injury Trust Fund, File #CM2016-08411RMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. J. Todd Willhoite is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**3. Vince Hernandez v. Oklahoma CVS Pharmacy LLC & New Hampshire Insurance Co., File #CM2017-06101A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Daniel J. Talbot is the attorney of record for the Claimant and John A. McCaleb is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the

Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**4. Jay Menefee v. Morrison Construction Co. Inc., & Transportation Insurance Co., File #CM2018-05161Q**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. William R. Emig 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; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**5. Teena Smith v. UPS STORE 6557 (NO INSURANCE), File #CM2018-03100J**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Robert A. Flynn is the attorney of record for the Claimant and Gregg G. Fuller is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; 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, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

**1. Vickie Elaine Franks v. Little Dixie Community Action Agency & CompSource Mutual Insurance (FKA CompSource Oklahoma) File #CM2016-05896A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Edward Grimes represented the Claimant and John S. Oldfield Jr., represented the Respondent.

This case came on for Oral Argument on August 23, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**2. John McArthur King Jr. v. Mulford Construction & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma), File #CM2018-01333L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Rodney Palmer is the attorney of record for the Claimant. Robert A. Manchester is the attorney of record for Respondent Milford Construction. Jon L. Derouen Jr. is the attorney of record for the Respondent Tim Brown.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**4. Djohn Brown v. Spring House Water Co., Inc. & CompSource Mutual Ins., Co. (FKA CompSource Oklahoma), File #CM2017-01710J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Brad W. Wicker is the attorney of record for the Claimant and D. Wade Christensen is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**5. Dennis Carbin Kolbe v. Multiple Injury Trust Fund, File #CM2016-07041KMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Sidney A. Musser Jr. is the attorney of record for the Claimant and Richard Cole is the attorney of record for the Respondent.

This case came on for Oral Argument on October 25, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**D. Announcements**

Commission's next special business meeting is Thursday, December 12 2019. Commission's next special meeting regarding Appeals is scheduled for Friday, December 13, 2019.

**ADJOURNMENT.....Presiding Appellate Officer, Chairman Liotta**