

SPECIAL MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Monday, December 15, 2014  
12:00 p.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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*MINUTES*

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Members present: Chairman Troy Wilson, Commissioner Denise Engle and Commissioner Bob Gilliland.

Staff present to support the Commission: Kim Bailey and Dana Esparza.

**CALL TO ORDER ..... Presiding Appellate Officer, Commissioner Gilliland**

Call to order 12:00 p.m. by Commissioner Gilliland, Presiding Appellate Officer.

**ROLL CALL ..... Presiding Appellate Officer, Commissioner Gilliland**

After the roll call was taken, Commissioner 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 Wednesday, November 26, at 8:49 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 11:15 a.m. on Thursday, December 11, 2014, 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.

**12:00 p.m. Ray Vinson Hopson v. Estenson Logistics LLC and National Interstate Insurance Co., File #CM2014-03000J**

Claimant and Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Ryan Polchinski represented the Claimant and Blake Farris represented the Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Chairman Wilson

**Those Voting Aye:** Commissioner Gilliland and Chairman Wilson

**Those Voting Nay:** Commissioner Engle

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**12:30 p.m. Brandy Sanchez v. Taco Bell and Continental National Indemnity Co., File #CM2014-03155X**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Ryan Polchinski represented the Claimant and Nichole S. Bryant represented the Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Engle moves that the Commission take preliminary action to reverse Administrative Law Judge's Order issued on this file on the grounds that it was coming and going and instruct the law clerk or other staff member to draft a proposed order with finding of facts and conclusion of law to be considered for continued action at a future meeting. For lack of a second the motion failed.

**Motion:** Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Gilliland

**Those Voting Aye:** Commissioner Gilliland and Chairman Wilson

**Those Voting Nay:** Commissioner Engle

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**1:00 p.m. Emilee Anne Mullendore v. Mercy Memorial Health Center and Mercy Health FKA Sisters of Mercy (Own Risk #17461), File #CM2014-04013R**

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. John Colbert represented the Claimant and Janet E. Dech represented Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Engle moved to affirm the Administrative Law Judge's Order and authorize the Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Chairman Wilson

**Those Voting Aye:** Commissioner Engle, Commissioner Gilliland and Chairman Wilson

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**1:30 p.m. Brad S. Harrison v. Landair Logistics Inc., and Travelers Indemnity Co. of America, File #CM2014-04480Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John Colbert represented the Claimant and Grady H. Parker, Jr. represented the Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Engle moved to take preliminary action to reverse the Administrative Law Judge's Order issued on the September 19, 2014 on the Commission file 2014-04480Q on the grounds that it is against the clear weight of the evidence and instruct the Law Clerk or other staff member to draft a proposed order with the finding of facts and conclusion of law to be considered for continued action at a future meeting.

**Second:** Chairman Wilson

**Those Voting Aye:** Commissioner Engle and Chairman Wilson

**Those Voting Nay:** Commissioner Gilliland

**THE MOTION CARRIED: ALJ ORDER REVERSED**

**2:00 p.m. Edgar I. Balbuena v. Rite Way Construction LLC and CompSource Oklahoma, File #CM2014-04719Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Phillip D. Ryan represented the Claimant and V. Ronald Frangione represented the Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Chairman Wilson

**Those Voting Aye:** Commissioner Gilliland and Chairman Wilson

**Those Voting Nay:** Commissioner Engle

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2:30 p.m. Lance Brown v. Great Plains Coca Cola Bottling Co. and Great Plains Coca Cola Bottling Co. (Own Risk #17344), File #CM2014-04727Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert represented the Claimant and Angela Odell Reinstein represented the Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Engle moves that the Commission take preliminary action to reverse Administrative Law Judge's Order issued on the 16<sup>th</sup> day of September, 2014 Commission file CM2014-04727Y on the grounds that it was not arising out of or in the course of their employment and instruct the law clerk or other staff member to draft a proposed order with finding of facts and conclusion of law to be considered for continued action at a future meeting. For lack of a second the motion failed.

**Motion:** Commissioner Gilliland moved to affirm the Administrative Law Judge's Order and authorize the Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Chairman Wilson

**Those Voting Aye:** Commissioner Gilliland and Chairman Wilson

**Those Voting Nay:** Commissioner Engle

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3:00 p.m. Kiefer C. Nighswonger v. AKL Services Inc. and CompSource Oklahoma, File #CM2014-04791J**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert represented the Claimant and Travis R. Colt represented the Respondent.

**Motion:** After hearing the oral argument of counsel, Commissioner Engle moves that the Commission take preliminary action to reverse Administrative Law Judge's Order issued on the 15<sup>th</sup> day of August, 2014 in Commission file CM2014-04791J on the grounds that as far as the compensability for the injury, it was treated and the further treatment doesn't appear to be out of the injury that arose on that occasion and instruct the law clerk or other staff member to draft a proposed order with finding of facts and conclusion of law to be considered for continued action at a future meeting. For lack of a second the motion failed.

**Motion:** Chairman Wilson moved to affirm the Administrative Law Judge's Order and authorize the Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Gilliland

**Those Voting Aye:** Commissioner Gilliland and Chairman Wilson

**Those Voting Nay:** Commissioner Engle

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3:30 p.m. Kevin M. Wallace v. Oklahoma City Fire Department and City of Oklahoma City (Own Risk #7800), File #CM2014-06275Q**

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

**Motion:** After hearing the oral argument of counsel, Commissioner Engle moved to affirm the Administrative Law Judge's Order and authorize the Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Chairman Wilson

**Those Voting Aye:** Commissioner Engle, Commissioner Gilliland and Chairman Wilson

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

#### **ANNOUNCEMENTS**

Commission's next regularly scheduled meeting is Thursday, December 18, 2014

#### **ADJOURNMENT**

**Motion:** Commissioner Gilliland moved to adjourn the meeting at approximately 2:29 p.m.

**Second:** Commissioner Engle

**Those Voting Aye:** Commissioner Engle, Commissioner Gilliland and Chairman Wilson

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**