

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday February 26, 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, Commissioner Mark Liotta and Special Commissioner Leader.

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 Special Meeting was filed with the Secretary of State's office on Monday, February 8, 2016 at 2:17 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 8:46 a.m. on Thursday, February 25, 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.

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

**David M. Waltman v. Five Star Equipment Leasing & Rental Co. LLC &
Liberty Mutual Insurance Co., File #CM20154-04492J**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert S. Post represented the Claimant and Jacque Dean Brawner represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to remand the Order, clarifying that Claimant saw the CIME approximately six months after the date of injury, not well over one year after the claimed event; and issue an order remanding the case to the Administrative Law Judge with instructions to clarify what, if any, effect this would have on the decision in the case.

Second: Commissioner Young

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

THE MOTION CARRIED: ALJ ORDER REMANDED

**In the Matter of the Death of Jared Frank Clark: Jennifer Danielle
Clark v. Colburn Electric LLC & National Fire Insurance Co. of
Hartford, File #CM2014-0787A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Herbert E. Elias Jr. & Bob Burke represented the Claimant, and Diane Black 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: Commissioner Young

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

THE MOTION CARRIED: APPEAL AFFIRMED

David Rials v. WILJO Interiors Inc. & Old Republic General Insurance Corp., File #CM2014-09459K

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Esther M. Sanders represented the Claimant and Richard Blanchard represented the Respondents.

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

Ashley Rudd v. Dollar General Corp. (OWN RISK #18469), File #CM2015-00727Y

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. David Custer represented the Claimant and Warren E. Mouldoux, III 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

Antonio Rodriguez v. PARFAB Industries Inc., & Indemnity Insurance Co., File #CM2015-04233R

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Valerie Sparks represented the Claimant and Malcom D. Smith, Jr. 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

Discussion and Consideration of Adoption of Final Order in the Following Case:

Jonnie Yvonne Vasquez v. Dillard's Department Store Inc., (QE #864529), File #CM2014-11060L

At the Special Meeting on February 24, 2016, this matter came before the Commission en banc on the Claimant's Request for Review of an Adverse Benefit Determination and the Respondent's Motion for Summary Judgment. Oral arguments were presented by Bob Burke, for the Claimant, and Jay Wallace, for the Respondent. The Commission voted to take the matter under advisement.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Special Commissioner Leader moved to adopt the proposed Order finding that 85A O.S. §203 unconstitutionally deprives injured workers of equal protection, is a special law, and in combination with §209, deprives injured workers of access to the Court.

Second: Commissioner Liotta

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

THE MOTION CARRIED: CASE REFERRED TO ADMINISTRATIVE LAW JUDGE

Announcements

Commission's next regularly scheduled meeting is Wednesday, March 2, 2016. Commission's next Special Meeting regarding Appeals is scheduled for Friday, March 4, 2016.

ADJOURNMENT

Motion: Commissioner Liotta moved to adjourn the meeting at approximately 11:46 a.m.

Second: Presiding Appellate Officer Chairman Gilliland

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.