

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

APPEALS

Friday August 12, 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 July 15, 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. George Ward, Sr. v. Multiple Injury Fund, File #CM2014-05879HMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Arthur H. Adams is the attorneys of record for the Claimant and Leah P. Keele and Douglas B. Cubberley are the attorneys 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. Lester Schultz v. Ponca City Foods & RPCS Inc. (OWN RISK 19964), File CM2015-03659A

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. James G. Devinney is the attorney of record for the Claimant and R. Jay McAtee 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. Charlotte Coston v. Pride Plating Inc., & American Zurich Insurance Co., & Valence Surface Technologies LLC, & American Zurich Insurance Co., File #CM2016-00318Q

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 William J. Archibald 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. Justin Jean Chulewah v. One Gas Inc., (OWN RISK #20152), File #CM2015-00189A

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Jack G. Zurawik is the attorney of record for the Claimant and Richard Blanchard 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. Stormy Leonard v. Headrick Landscape LLC & Peerless Insurance Co. File #CM2015-04154Y

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Donald E. Smolen, II is the attorney of record for the Claimant and Michael D. Gilliard 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. Shonda Cato v. Party City Holdings Inc., & Travelers Indemnity Co. of America, File #CM2015-07579X

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Donald E. Smolen, II is the attorney of record for the Claimant and Nichole S. Bryant 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. Connie Andrews v. WalMart Stores Inc. (OWN RISK #20000), File #CM2015-06104A

On July 15, 2016, the Commission heard oral arguments from Tim Tipton, counsel for the Claimant, and Jordan S. Ensley, counsel for the Respondent. After deliberating, the Commission voted to affirm in part, vacate in part the Order of the Administrative Law Judge and remand the matter to the Administrative Law Judge with instructions for the Administrative Law Judge to make additional findings related to the award of temporary total disability benefits and to designate the treating physician or authorize Respondent to select the treating physician; and to instruct Commission staff to draft a proposed order for future consideration by the Commission.

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, September 8, 2016. Commission's next regular meeting regarding Appeals is scheduled for Friday, September 2, 2016.

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