

BEFORE THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

HARDIE L. BIGGS, Employee-Claimant)	COURT No: 2010-02435L
)	
)	
HOLCIM, INC, Employer-Respondent)	COMMISSION ORDER No: 2014-03-20-01
)	
)	
OWN RISK, Insurance Carrier)	

ORDER

The above case comes on for entry of a final order of disposition by the Oklahoma Workers' Compensation Commission ("Commission"). Having reviewed the Oklahoma Workers' Compensation Court's ("Court") Order Awarding the Nature and Extent of Permanent Partial Disability Benefits and the Respondent's Request for Review by Commission En Banc, the Commission denies the request of the Respondent for a hearing en banc and makes the following Findings of Fact and Conclusions of Law and enters the following order.

STATEMENT OF THE CASE

The Respondent appeals from an Order of the Court awarding Permanent Partial Disability, claiming benefits awarded are excessive.

FINDINGS OF FACT

Upon review of the Order Awarding the Nature and Extent of Permanent Partial Disability Benefits and the Respondent's Request for Review by Commission En Banc, the undersigned finds:

1. On August 22, 2011, the Court entered an order finding that on July 27, 2009, Claimant sustained an injury to the back arising out of and in the course of Claimant's employment.
2. On January 21, 2014, an Order Awarding the Nature and Extent of Permanent Partial Disability Benefits was entered by the Honorable Carla Snipes from the Court.
3. On February 4, 2014, the Respondent filed a Request for Review by Commission En Banc.

CONCLUSIONS OF LAW

WHEREFORE, premises considered, the undersigned conclude as a matter of law:

1. The vesting of jurisdiction with the Oklahoma Workers' Compensation Commission for the appeal of an order by the Workers' Compensation Court of Existing Claims is set forth in 85A O.S. Supp. 2013, §400 (J) ("Statute") which provides in part:

Any appeal of an order by the Workers' Compensation Court of Existing Claims shall be heard by the Commission en banc.

2. The Commission promulgated Emergency Rule 810:2-5-67 to implement and administer the Statute, which reads in pertinent part as follows:
 - (a) Any party aggrieved by an order of a judge of the Workers' Compensation Court of Existing Claims, 85A O.S. Supp. 2013, §400, entered on or after February 1, 2014, may appeal the order to the Commission in the same manner and subject to the same time lines as applicable to the appeals to the Commission en banc of orders by a Commission Administrative Law Judge¹.

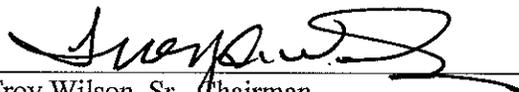
ANALYSIS

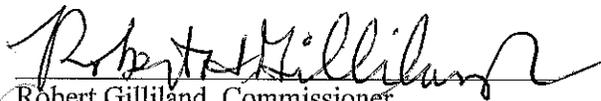
Here, an order was entered by the Oklahoma Workers' Compensation Court on January 21, 2014, which is prior to the Court becoming the Workers' Compensation Court of Existing Claims. The Commission only has appellate jurisdiction over orders entered on or after February 1, 2014, by the Workers' Compensation Court of Existing Claims.

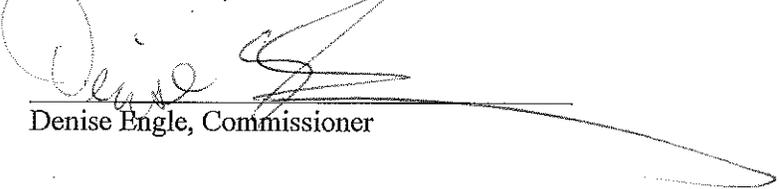
DISPOSITION

THEREFORE, based on the above and foregoing findings of fact and conclusions of law, it is ORDERED that Respondent's Request for Review by Commission En Banc is denied.

OKLAHOMA WORKERS' COMPENSATION COMMISSION


Troy Wilson, Sr., Chairman


Robert Gilliland, Commissioner


Denise Engle, Commissioner

¹ OKLA. ADMIN. CODE §810:2-5-67(a) (2014).