

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday July 10, 2015
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 Troy Wilson.

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, June 2, 2015 at 3:12 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 3:47 p.m. on July 8, 2015, 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.

MINUTES:

- The portion of the drafted Minutes of the Special Meeting of June 19, 2015 related to Gibby v. Hobby Lobby were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the June 19, 2015 special meeting for approval.

Motion: Presiding Appellate Officer Chairman Gilliland made a motion to approve the minutes of the June 19, 2015 special meeting.

Second: Special Commissioner Wilson

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

THE MOTION CARRIED: MINUTES APPROVED

9:00 a.m. Mark Gilstrap v. Southern Oklahoma Regional Disposal, Inc. & CompSource Oklahoma, File #CM2014-06551J

Special Commissioner Troy Wilson sat on the panel instead of Commissioner LeRoy Young. Dr. Young has recused in this case.

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. John Colbert represented the Claimant and Warren Mouldoux represented the Respondent.

Motion: After hearing the oral argument of counsel, Special Commissioner Wilson 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, Special Commissioner Wilson and Commissioner Liotta

THE MOTION CARRIED: ALJ ORDER AFFIRMED

MINUTES:

- The remaining portions of the drafted Minutes of the Special Meeting of June 19, 2015 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the remaining portions of the minutes of the June 19, 2015 special meeting for approval.

Motion: Commissioner Liotta made a motion to approve the remaining portions of the minutes of the June 15, 2015 special meeting.

Second: Commissioner Young

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

THE MOTION CARRIED: MINUTES APPROVED

9:20 a.m. Delano Majors v. Accent Staffing Inc., & CompSource Mutual Insurance, File #CM2014-09638A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Valerie Sparks represented the Claimant and David J. Frette represented the Respondent.

Motion: After hearing the oral argument of counsel, 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

9:40 a.m. Andrew Michael Jackson v. Danco Inspection Service Inc., & CompSource Mutual, File #2014-10506Q

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Joseph C. Biscone represented the Claimant and R. Ted Leslie represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Young moved that the Commission take preliminary action to vacate and remand Administrative Law Judge's Order issued on the 1st day of May, 2015, in Commission File # 2014-10506Q, on the grounds that the Administrative Law Judge failed to consider obesity as a contributory cause of Claimant's condition; and instruct the law clerk or other staff member to draft a proposed order with finding of facts and conclusions of law, to be considered for continued action at a future meeting. That motion failed for lack of a second.

Motion: 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 and Commissioner Liotta

Those Voting Nay: Commissioner Young

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements:

Commission's next Special Meeting regarding Appeals is scheduled for Friday August 7, 2015. Commission's next regularly scheduled meeting is Thursday, August 6, 2015.

ADJOURNMENT

Motion: Commissioner Liotta moved to adjourn the meeting at approximately 9:51 a.m.

Second: Commissioner Young

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.