

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Thursday, February 5, 2015
8:30 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

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 9:00 a.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 Thursday, January 22, 2015, at 10:35 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 3:01 p.m. on February 3, 2015, 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

MINUTES:

- The drafted Minutes of the Special Meeting of January 20, 2015 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the January 20, 2015 special meeting for approval.

Motion: Commissioner Engle made a motion to approve the minutes of the January 20, 2015 special meeting.

Second: Chairman Wilson

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

8:50 a.m. Jared Michael Bennett v. IWTS Gas & Supply & Gray Insurance Company, File #CM2014-05569R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Brandon J. Burton represented the Claimant and Jeffrey represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved to dismiss the appeal.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: APPEAL DISMISSED

9:10 a.m. Yuamary Concepcion Torres v. Seaboard Foods LLC & American Zurich Insurance Co., CM2014-07602Y

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Bob Burke represented the Claimant and Connie M. Wolfe represented the Respondent.

Motion: After hearing the oral argument of counsel, Chairman 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 Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer
Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:30 a.m. Angie Deason v. Integris Baptist Medical Center (Own Risk #18722), CM2014-08709J

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Bob Burke represented the Claimant and John B. Vera represented the Respondent.

Motion: After hearing the oral argument of counsel, Presiding Appellate Officer Commissioner 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 Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer
Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

(Moved to end of docket) 8:30 a.m. Henry Lopez v. Charles Machine Works, Inc.; (Own Risk #15130), CM2014-04251H

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Nathan Philips represented the Claimant and Connie M. Wolfe represented the Respondent.

Motion: After hearing the oral argument of counsel, Presiding Appellate Officer Commissioner 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 Engle

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer
Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Possible Executive Session for Confidential Communications Between the Commission and Its Attorneys Concerning Ongoing Bankruptcy Involving Texoma Peanut Company Pursuant to Title 25 O.S. § 307(B)(4)

Pursuant to 25 O.S. § 307(B)(4), an Executive Session is proposed for the purpose of conducting confidential communications between the Commission and its attorneys concerning ongoing bankruptcy involving the Texoma Peanut Company, a former self-insured.

The Commission's counsel from the Attorney General's Office has advised that public disclosure of the communications relating to this claim will seriously impair the ability of the Commission and their counsel to take appropriate action in the ongoing bankruptcy proceeding and protect the Commission's interest.

a. Motion and Vote to (A) Determine That Disclosure Will Seriously Impair the Ability of the Commission to Take Appropriate Action in the Ongoing Bankruptcy Proceeding and Protect the Commission's Interest and (B) Vote to Go Into Executive Session.

b. Vote to Reconvene in Open Session

Discussion and Possible Action to Protect the Commission's Interest in the Bankruptcy Proceeding Involving Texoma Peanut Company.

Motion: Presiding Appellate Officer Commissioner Gilliland moved to postpone proposed executive session.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: EXECUTIVE SESSION POSTPONED

Announcements

Commission's next regularly scheduled meeting is Thursday, February 19, 2015.

ADJOURNMENT

Motion: Commissioner Gilliland moved to adjourn the meeting at approximately 10:55 a.m.

Second: Chairman Wilson

Those Voting Aye: Commissioner Engle, Presiding Appellate Officer
Commissioner Gilliland and Chairman Wilson

THE MOTION CARRIED: The meeting was adjourned.