

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Wednesday, April 1, 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: Lindsey Christopher and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Commissioner Gilliland

Call to order 8:30 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 Friday, March 6, 2015 at 2:29 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 3:30 p.m. on March 24, 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 March 26, 2015 were considered for approval.

Presiding Appellate Officer Commissioner Gilliland presented the minutes of the March 26, 2015 special meeting for approval.

Motion: Commissioner Engle made a motion to approve the minutes of the March 26, 2015 special meeting.

Second: Chairman Wilson

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

THE MOTION CARRIED: MINUTES APPROVED

8:30 a.m. Damien Lequint Smith v. Baze Corp. Investments Inc. & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2014-03432R

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Gary G. Prochaska & Bob Burke represented the Claimant and Preston Hanner represented the Respondent.

Motion: After counsel for both parties waved argument, 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: Chairman Wilson

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

THE MOTION CARRIED: ALJ ORDER AFFIRMED

8:50 a.m. Charles B. Liming v. Cameron University & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2014-05661A

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Kent S. Johnson represented the Claimant and Cindy Welch represented the Respondent.

Motion: After hearing the oral argument of counsel, Commissioner Engle moved that the Commission take preliminary action to reverse the Administrative Law Judge's Order issued on the 23th day of January, 2015, in Commission File # 2014-05661A on the grounds that the decision was contrary to law as the injurious event was not the result of an accident involving factors external to the employee therefore the injury is not compensable; and additionally the decision was against the clear weight of the evidence as the objective medical evidence did not confirm an identifiable and significant aggravation of a pre-existing 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. As there was no second, this motion failed.

Motion: 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: Chairman Wilson

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

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:10 a.m. Stephen R. Warner v. Federal Express Corp. (Own Risk #16593), File #CM2014-07192L

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Bryce A. Hill represented the Claimant and Samantha Benjamin-House 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: Chairman Wilson

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

Those Voting Nay: Commissioner Engle

THE MOTION CARRIED: ALJ ORDER AFFIRMED

9:30 a.m. Julie A. Blewett v. Oklahoma State University (Own Risk #14526), File #CM2014-07383X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert is the attorney of record for the Claimant and Heather A. Lehman Fagan is the attorney of record for the Respondent.

Respondent's and Claimant's attorneys informed the Commission that this case had settled. Based on that announcement the hearing on this appeal was continued to the next appellate docket. Counsel are to notify the Presiding Appellate Officer by next Friday as to whether the settlement has been finalized.

THE MOTION CARRIED: CASE CONTINUED

Announcements

Commission's next regularly scheduled meeting is Thursday, April 9, 2015 at 1:30 p.m.

ADJOURNMENT

Motion: Commissioner Engle moved to adjourn the meeting at approximately 9:36 a.m.

Second: Presiding Appellate Officer Commissioner Gilliland

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.