

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Monday June 15, 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 and Commissioner Mark Liotta.

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 5, 2015 at 9:06 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at 11:52 a.m. on June 11, 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.

A. Hearing on Respondent's Motion in James Knight v. Holiday Inn Express & Suites & Zenith Insurance Co., File #CM2014-06101Q

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 Emergency Rules, OAC 810.

1. Consideration and Discussion of Respondent's Motion to Set Aside and Request for Rehearing

Respondent filed a Motion to Set Aside and Request for Rehearing. The motion seeks to set aside the Order Affirming Decision of Administrative Law Judge issued by the Commission en banc on May 26, 2015 and requests rehearing of oral arguments. Greg A. Barnard represented the Claimant and Jennifer E. Jackson represented the Respondent.

Motion: Presiding Appellate Officer Chairman Gilliland moved that the Commission en banc Order of May 26, 2015 be set aside, for good cause shown, and that the request for rehearing be granted.

Second: *Commissioner Liotta*

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

THE MOTION CARRIED: COMMISSION ORDER SET ASIDE

2. Rehearing of Oral Arguments

9:00 a.m. James Knight v. Holiday Inn Express & Suites & Zenith Insurance Co., File #CM2014-06101Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Greg A. Barnard represented the Claimant and Jennifer Jackson represented Respondent.

Motion: Presiding Appellate Officer Chairman Gilliland moved that the Commission take preliminary action to modify the Administrative Law Judge's Order filed on the 31st day of March, 2015 in order to authorize treatment, that is reasonable and necessary, including surgery, on the grounds that the Order's finding that "the ODG Guidelines authorize a discogram to determine if the claimant is a surgical candidate" is against the clear weight of the evidence and contrary to law; and instruct Commission Counsel or other appropriate staff member to draft a proposed order with findings of fact and conclusions of law to be considered for continued action at a future meeting.

Second: Commissioner Liotta

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

Those Voting Nay: Commissioner Young

THE MOTION CARRIED: ALJ ORDER MODIFIED

Announcements:

The Commission's next regularly scheduled meeting is Thursday, June 18, 2015 at 1:30 p.m. The Commissions next regularly scheduled appeals are set to heard on Friday, June 19, 2015 at 9:00 a.m.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 9:53 a.m.

Second: Commissioner Liotta

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

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.