

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

**APPEALS**

Friday, April 19, 2024  
9:00 a.m.  
Commission En Banc Courtroom  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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**AGENDA**

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- CALL TO ORDER** .....Commission’s Chair, Chairman Russell
- ROLL CALL** .....Presiding Appellate Officer, Commissioner Tilly
- BUSINESS** .....Presiding Appellate Officer, Commissioner Tilly

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION**

**A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of February 23, 2024 were considered for approval.

*Motion:* Commissioner Biggs made a motion to approve the Regular Appeals Meeting of February 23, 2024, minutes.

*Second:* Commissioner Tilly

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Adelaide Sims v. Lankmark Recovery of Oklahoma City OPS LLC and General Casualty Company of Wisconsin, File #CM3-2022-00330L**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Claimant represented herself, pro se and Nicole S. Bryant appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

*\*Item was revisited\**

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**2. Jordan Girouard v. Arcosa Wind Towers Inc. and AIU Insurance Co. (NATIONAL UNION FIRE OF PITTS PA), File #CM3-2022-04769T**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Claimant is represented himself, pro se and Travis A. Fulkerson appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

*\*Item was revisited\**

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and

authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3. Sheridan Greenhaw v. St. John Medical Center, Inc. and Ascension Health Alliance, File #CM3-2022-06820R**

Cross Respondent and Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green appeared for the Claimant and Daniel C. Blanchard appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take preliminary action to reverse and remand the administrative law judge's order issued on November 16, 2023.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER REVERSED AND REMANDED**

**4. Travis Dukes v. Plan B Services and Solutions, File #CM3C-2022-03376P**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Esther M. Sanders is the attorney of record for the Claimant and Kenneth L. Brune is the attorney of record for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to continue this case to a later docket.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: CASE CONTINUED**

**5. Jose Bosquez v. MITF, File #CM3F-2019-07162L**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Alex Forbes appeared for the Claimant and Stefan Wenzel appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**6. Arlena Davenport v. Daylight Donuts and State Farm Fire and Casualty Co., File #CM3-2020-06662A**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Eric W. Quandt appeared for the Claimant and Jennifer Finley appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**C. Commission Consideration of Adoption of Final Order in the Following Cases:**

**1. James Brock v. Starlight Express LLC and Compsource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2021-04119R**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Susan H. Jones appeared for the Claimant and Travis R. Colt appeared for the Respondent.

This case came on for Oral Argument on September 22, 2023. After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to preliminary action to reverse the order sustaining Respondent's request for dismissal of certain body parts and authorize the Commission's appellate counsel or other staff member to draft a proposed order findings and facts and conclusion of law to be considered for continued action at a future meeting.

*Motion:* Commissioner Biggs moved to adopt the order as previously circulated.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER REVERSED**

**2. Jimmy Mills v. Gary A. Crain Inc. and Imperium Insurance Co., File #CM3-2020-00795Q**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Daniel J. Talbot appeared for the Claimant and R. Jay McAtee appeared for the Respondent.

This case came on for Oral Argument on September 22, 2023. After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take this case under advisement.

*Motion:* Commissioner Biggs moved to continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

3. **Kevin Power v. Flow Testing Inc. and Compsource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2020-02016R**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. J. Kord Hammert appeared for the Claimant and David J. Frette appeared for the Respondent.

This case came on for Oral Argument on September 22, 2023. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

4. **Rachel Fritz v. City of Tulsa (OWN RISK #10435), File #CM3-2019-06216R**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Anthony Blair appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

This case came on for Oral Argument on December 1, 2023. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order on the TTD issue.

*Motion:* Commissioner Biggs moved to continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

5. **Charles Caul v. Shelton Redi Mix LLC and Ins. Co. of the West, File #CM3-2023-00661K**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Kathryn Black appeared for the Claimant and David Custar appeared for the Respondent.

This case came on for Oral Argument on January 26, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

*Motion:* Commissioner Biggs moved to continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

6. **Juliette Santos v. The Kaiser Group Inc. DBA Dynamic, Compsource Mutual Insurance Company, Ross Innovative Employment Solutions, and QBE Insurance Corporation, File #CM3A-2021-05456Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Anthony F. Gorospe is the attorney of record for the Claimant. Stan Koop, Connor Brittingham, and Nicole S. Bryant appeared for the Respondents.

This case came on for Oral Argument on February 23, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order in part and reserve the right to request additional briefing from the parties via order of the Chairman.

*Motion:* Commissioner Biggs moved to continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

7. **Lewis Buchtel v. Bennett International Group LLC and AIU Insurance Co. (NATIONAL UNION FIRE OF PITTS PA), File #CM3-2023-00209K**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Pam Cornett appeared for the Claimant and Connie M. Wolfe appeared for the Respondent.

This case came on for Oral Argument on February 23, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to affirm the order and instruct the Appellate Counsel to draft a proposed order for commission deliberation, to be considered at a later date.

*Motion:* Commissioner Biggs moved to continue this order to the next appeals meeting.

*Second:* Chairman Russell

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: ORDER CONTINUED**

**ADJOURNMENT**

*Motion:* Chairman Russell moved to adjourn the meeting at approximately 11:50 a.m.

*Second:* Commissioner Biggs.

*Those Voting Aye:* Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

**THE MOTION CARRIED: MEETING ADJOURNED.**