

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

APPEALS

Friday, August 23, 2024
9:00 a.m.
Commission En Banc Courtroom
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

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 Special Appeals Meeting of June 28, 2024, will be considered for approval.

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

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 Permanent Rules, OAC 810. The Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side will be allowed ten (10) minutes for oral arguments.
- The appellant will present first. Appellant may divide his or her ten minutes for argument, allowing a portion of that time for rebuttal.

Both parties are subject to questioning by Commissioners.

1. **Marcelino Aquino v. Nonis Food LLC and Hartford Insurance Co. of the Midwest, File #CM3-2016-04454Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Claimant is representing himself, pro se. Charles S. Plumb and Travis R. Colt are the attorneys of record for the Respondents.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. **William Krchmar v. MITF, File #CM3F-2017-06095J**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Phillip C. Hawkins is the attorney of record for the Claimant and Travis R. Colt is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. **Lashawna Bowman v. Oklahoma Forensics Center and the State of Oklahoma, File #CM3-2021-05385F**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Phillip C. Hawkins is the attorney of record for the Claimant and Cynthia J. Braly is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

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

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. **Shana Stone v. Southwest Airlines Co. and Indemnity Insurance Co. of North America, File #CM3-2019-04356A**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Mitchell E. Shamas is the attorney of record for the Claimant and H. Grady Parker Jr. is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. **Elvia Morales v. OBI Holding Co. and Sentry Casualty Co., File #CM3-2022-06338R**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Milly Daniels is the attorney of record for the Claimant and Patrick S. Parr is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. **Gary Griffiths v. MITF, File #CM3F-2022-06997R**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz is the attorney of record for the Claimant and Connor E. Brittingham is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the

Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

8. Miguel Trejo v. Araiza Gilberto & Yvonne DBA Strong Rock Drywall and COMPSOURCE Mutual Insurance Company, File #CM3-2023-03605W

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Kathryn Black is the attorney of record for the Claimant and Bradley J. McClure is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

9. Effie Tucker v. City Year Inc. and Sentinel Ins. Co., File #CM3-2022-01803Y

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Craig R. Armstrong is the attorney of record for the Claimant and Jennifer A. Sloan is the attorney of record for the Respondent.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

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

1. 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.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. 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.

This case came on for Oral Argument on April 19, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take preliminary action to reverse and remand the Administrative Law Judge's order issued on November 16, 2023.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

ADJOURNMENT.....Presiding Appellate Officer, Commissioner Tilly