

**REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION**

APPEALS

Friday, October 18, 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 Regular Appeals Meeting of September 20, 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. Kendall Taylor v. City of Tulsa, File #CM3-2023-05762E

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. D. Elliot Yaffe 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.

2. Robert Stewart v. City of Tulsa, File #CM3-2022-04004H

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Kevin B. White 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.

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

1. 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. Allyson Knox appeared for the Claimant and Patrick S. Parr appeared for the Respondent.

This case came on for Oral Argument on August 23, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

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. **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 appeared for the Claimant and Bradley J. McClure appeared for the Respondent.

This case came on for Oral Argument on August 23, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

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. **Doug London v. City of Okmulgee and Compsource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2016-01176K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Rich S. Toon Jr. appeared for the Claimant and Mitchell C. Maurer appeared for the Respondent.

This case came on for Oral Argument on September 20, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to accept the order to show cause directing Claimant to show cause why the appeal should not be dismissed as premature.

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. **Bradley Burton v. Frontier Tank Lines Inc. and Old Republic Ins. Co., File #CM3-2023-02914H**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Kent Eldridge appeared for the Claimant and John Shears appeared for the Respondent.

This case came on for Oral Argument on September 20, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take this case under advisement.

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. **Stephen Coffee v. Hales Trucking LLC, File #CM3-2023-07056G**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Pamla Cornett is the attorney of record for the Claimant and John Shears 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.

D. Business Meeting Items:

1. **Discussion and Possible Action to Approve Minutes**

The drafted minutes of October 8, 2024, Special Meeting of the Commission will be considered for approval.

2. **Discussion and Possible Action to Approve the Consent Agenda for Travel Vouchers Currently Outstanding**

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today’s meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

3. Request to Approve the Distribution of Surplus Monies to Members of the Oklahoma Association of Electric Coop #75034

Rule 810:25-11-10 of the Workers' Compensation Commission provides that any distributions of surplus funds back to the members of a group self-insurance association shall be subject to the prior approval of the Commission. The Oklahoma Association of Electric Coops’ (“the Group”) has requested to make a partial distribution in the amount of \$2,804,924.00, which will be payable from Fund Years 2015 (\$1,645,822) and 2016 (\$1,159,102). All claims for these fund years are closed.

The Group has submitted financial statements for the period ending June 30, 2024, in support of their request.

4. Commission Review of the FY2026 Operating Budget for the Oklahoma Multiple Injury Trust Fund (“MITF”) to either take no action or reject administration expenses, as provided in Title 85A O.S. § 31(S).

5. Update and Discussion on CaseOK and Possible Action to Approve Objectstream’s Request to Increase the CaseOK Support & Maintenance Contract Hourly Rate

6. Discussion and Possible Action to Approve the 2025 Draft Proposed Agency Permanent Administrative Rules and the Submission of Notices of Rulemaking Intent (NRI)

7. Discussion and Possible Action to Approve Amendments to CC-Form-93, CC-Form-7, and CC-Form-3s and Setting the Effective Dates

8. Discussion on Commission Procedures for Pauper’s Affidavits

9. Discussion and Approval of Dates for the Commission’s 2025 Regular Business Meetings

In accordance with 25 O.S. § 311, the Commission is required to provide written notice to the Secretary of State by December 15 of each calendar year of the date, time, and place of its regularly scheduled meetings for the following calendar year. The Commission will consider scheduling the following dates for its 2025 regular meeting schedule:

<u>Business Meetings</u>	<u>Appeals Hearings</u>	<u>En Banc Courtroom</u>
<u>Thursdays – 2:00 p.m.</u>	<u>Fridays – 9:00 a.m.</u>	
January 16, 2025	January 17, 2025	
February 13, 2025	February 14, 2025	
March 20, 2025	March 21, 2025	
April 17, 2025	April 18, 2025	
May 15, 2025	May 16, 2025	

June 19, 2025

July 17, 2025

August 14, 2025

September 18, 2025

October 16, 2025

November 20, 2025

December 11, 2025

June 20, 2025

July 18, 2025

August 15, 2025

September 19, 2025

October 17, 2025

November 21, 2025

December 12, 2025

10. Discussion and Update on Annual Conference

11. Discussion and Update on CEC

12. New Business

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