

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

**APPEALS**

Friday, June 28, 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 Special Appeals Meeting of May 17, 2024, were considered for approval.

***Motion:*** Commissioner Biggs made a motion to approve the Regular Appeals Meeting of May 17, 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. George Montoya v. Matherly Mechanical Contractors LLC and Valley Forge Insurance Co., File #2018-01421L**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. D. Eliot Yaffe appeared for the Claimant and Angela Odell Reinstein 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**

**2. Miriam Bryant v. City of Tulsa (OWN RISK #10435), File #CM3-2019-06964H**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Jack G. Zurawik appeared for the Claimant and Connor Brittingham 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**

**3. Linda Atchley v. LX Hausys America Inc. and Great American Alliance Ins. Co., File #CM3-2021-05334H**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Laura Beth Murphy appeared for the Claimant and Michael A. Fagan 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**

**4. Travis Dukes v. Plan B Services and Solutions, File #CMC-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.

*Motion:* Chairman Russell moved to continue this case to the next available docket.

*Second:* Commissioner Biggs

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

**THE MOTION CARRIED: CASE CONTINUED**

**5. Shaneese Schultz-Butzbach v. OBI Holding Co. and Sentry Casualty Co., File #CM3-2022-05254R**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. J. Kord Hammert appeared for the Claimant and Loren Poss 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**

*Motion:* Commissioner Biggs moved to deny motion for attorney's fees.

*Second:* Chairman Russell

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

**THE MOTION CARRIED: MOTION DENIED**

**6. Michael Reiss Jr. v. City of Broken Arrow, File #CM3-2023-00148P**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Jeff Cooper appeared for the Claimant and Connor E. Brittingham 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**

**7. Bonnie Duvall v. Express Employment Professionals DBA and AIU Insurance Co. (NATIONAL UNION FIRE OF PITTS PA), File #CM3-2023-02250T**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. April Spurgeon appeared for the Claimant and Travis A. Fulkerson 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**

**8. Maria Mota v. SJS Hospitality Inc. and New Hampshire Insurance Company, File #CM3-2023-06004M, File #CM3-2023-06004M**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Bret Unterschuetz appeared for the Claimant and Connie M. Wolfe 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. 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 adopt the order as circulated.

*Second:* Chairman Russell

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

**THE MOTION CARRIED: ORDER ADOPTED**

2. **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:* Chairman Russell moved to continue this order to the next appeals meeting.

*Second:* Commissioner Biggs

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

**THE MOTION CARRIED: ORDER CONTINUED**

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.

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.

*Motion:* Chairman Russell moved to continue this order to the next appeals meeting.

*Second:* Commissioner Biggs

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

**THE MOTION CARRIED: ORDER CONTINUED**

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH THE COMMISSION'S AUTHORITY.**

**D. Business Meeting Item**

**4. Discussion and Possible Action to Approve List of Independent Medical Examiners and Independent Case Managers**

Title 85A OS §112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IMEs). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured employees. The period of qualification shall be two (2) years. Likewise, for case managers, 85A OS. §113 requires a list of qualified case managers be developed, maintained and periodically reviewed by the Commission.

Attached is the list of IMEs and case managers requiring approval by the Commission. These physicians and case managers have been vetted by the Medical Director and the staff in Medical Services. It is our recommendation that the Commission approve the list of IMEs and case managers.

Chairman Russell moved to approve the independent medical examiner and case manager applications. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

**5. Discussion and Possible Approval of Interagency Agreement with the Administrative Office of the Courts regarding the performance of certain administrative duties and shared costs with the Oklahoma Court of Existing Claims.**

**NO ACTION WAS TAKEN**

**ADJOURNMENT**

***Motion:*** Commissioner Biggs moved to adjourn the meeting at approximately 2:00 p.m.

***Second:*** Chairman Russell

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

**THE MOTION CARRIED: MEETING ADJOURNED.**