

**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, were considered for approval.

Motion: Commissioner Biggs made a motion to approve the Special Appeals Meeting of June 28, 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. 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 was representing himself, pro se. and failed to appear at the hearing. Travis R. Colt appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to take preliminary action to modify the Administrative Law Judge's order to appoint an IME to replace Dr. Trinidad with Dr. Munecke and remand the decision back for further disposition of the case.

Second: Commissioner Tilly

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

THE MOTION CARRIED: ALJ ORDER MODIFIED AND REMANDED

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

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Micah Felton appeared for the Claimant and Travis R. Colt 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. 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. Micah Felton appeared for the Claimant and Cynthia J. Braly 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. Patricia Podolec appeared for the Claimant and Kenneth L. Brune 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

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.

Motion: Commissioner Biggs moved to strike this case from the docket.

Second: Chairman Russell

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

THE MOTION CARRIED: CASE STRICKEN

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

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 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

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 appeared for the Claimant and Bradley J. McClure 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

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 appeared for the Claimant and Jennifer A. Sloan 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. 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

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.

Motion: Commissioner Biggs moved to accept the order as circulated.

Second: Chairman Russell

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

THE MOTION CARRIED: ORDER ACCEPTED

ADJOURNMENT

Motion: Commissioner Biggs moved to adjourn the meeting at approximately 2:56 p.m.

Second: Chairman Russell

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

THE MOTION CARRIED: MEETING ADJOURNED.