

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

APPEALS

Friday, September 20, 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 August 23, 2024, were considered for approval.

Motion: Commissioner Biggs made a motion to approve the Special Appeals Meeting of August 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. Fernando Islas v. Sherwood Construction Co. Inc. and Sentinel Ins. Co., File #CM3-2023-05118H

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Stan K. Bearden appeared for the Claimant. 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

2. Courtney Shaw v. Express Employment Professionals DBA and AIU Insurance Co. (NATIONAL UNION FIRE OF PITTS PA), File #CM3-2023-02904J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan H. Jones 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

3. Brenda Jackson v. MITF, File #CM3F-2021-06385G

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett 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

4. Tyler Dudley v. JB & KL Inc. and Standard Fire Insurance Company, File #CM3-2023-04720G

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Pam Cornett appeared for the Claimant and Jill R. Fidelie 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. 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. is the attorney of record for the Claimant, and Mitchell C. Maurer is the attorney of record for the Respondent.

An order has been circulated to the Commissioners for consideration of adoption.

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

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 appeared 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.

An order has been circulated to the Commissioners for consideration of adoption.

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

3. **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.

This case came on for Oral Argument on August 23, 2024. After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved modify the order to appoint an IME to replace Dr. Trinidad with Dr. Munecke and remand the decision back to the Administrative Law Judge.

An order has been circulated to the Commissioners for consideration of adoption.

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

4. **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.

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

5. **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.

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

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

CONTINUED

5. **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. Guinise Marshall Eldridge appeared for the Claimant. John Shears 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

6. **Donald Williams v. A&A Tank Truck Co. Inc. and Starr Indemnity & Liability Co., File #CM3-2019-08110X**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green appeared for the Claimant and Timothy E. Lurtz 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

ADJOURNMENT

Motion: Commissioner Biggs moved to adjourn the meeting at approximately 12:15 p.m.

Second: Chairman Russell

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

THE MOTION CARRIED: MEETING ADJOURNED