

SUPREME COURT OF OKLAHOMA

Lunt v. EZ Mart Stores, Inc.

Lunt, 2018 OK 73 (Okla. 2018) · No. 116174 · Decided September 18, 2018

SUMMARY

The Oklahoma Supreme Court reviewed the constitutionality of provisions of the Administrative Workers' Compensation Act requiring use of the latest American Medical Association Guide to evaluate permanent partial disability. Relying on *Hill v. American Medical Response*, the Court held the provisions constitutional and affirmed the Oklahoma Workers' Compensation Commission En Banc order.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, C.J.; Winchester, J.; Wyrick, J.; Darby, J.; Kauger, J.; Colbert, J.; Gurich, V.C.J.; Edmondson, J.; Reif, J.
JURISDICTION	Oklahoma
DECIDED	September 18, 2018
DOCKET	116174
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Oklahoma Workers' Compensation Commission En Banc's order affirming an administrative law judge's decision awarding permanent partial disability benefits and rejecting Petitioner's constitutional challenge to the Administrative Workers' Compensation Act's required use of the American Medical Association Guide.
PRECEDENTIAL VALUE	published
PARTIES	Robert Lunt v. EZ Mart Stores, Inc., The Workers' Compensation Commission

TOPICS

- workers compensation
- constitutional law
- administrative law
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Administrative Workers' Compensation Act provisions mandating use of the latest edition of the American Medical Association Guide to evaluate and award permanent partial disability are constitutional.

HOLDINGS

1. The Administrative Workers' Compensation Act's required use of the American Medical Association Guide to evaluate and award permanent partial disability is constitutional.

KEY QUOTATIONS

“In *Hill* this Court held the required use of the AMA Guide in the AWCA was constitutional.” (¶2)

FACTUAL BACKGROUND

Robert Lunt suffered a compensable injury after the effective date of the Administrative Workers' Compensation Act, Title 85A. The administrative law judge awarded him permanent partial disability benefits using the American Medical Association Guide, and Lunt challenged the constitutionality of the statutory provisions requiring that guide to be used to evaluate and award permanent partial disability.

PROCEDURAL HISTORY

The administrative law judge awarded Robert Lunt permanent partial disability benefits after a compensable workplace injury and determined that the Administrative Workers' Compensation Act's mandatory use of the latest edition of the American Medical Association Guide was constitutional. The Oklahoma Workers' Compensation Commission En Banc affirmed on June 19, 2017. The Oklahoma Supreme Court affirmed the Commission's order.

DISPOSITION

affirmed

CASES CITED

- *Hill v. American Medical Response*, 2018 OK 57

OPINION

LUNT v. EZ MART STORES INC. 2018 OK 73

PER CURIAM.

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Index This Point in Index Citationize Next Case Print Only LUNT v. EZ MART STORES INC.2018 OK 73Case Number: 116174Decided: 09/18/2018THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2018 OK 73, __ P.3d __ NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL. ROBERT LUNT, Petitioner, v. EZ MART STORES, INC. and THE WORKERS' COMPENSATION COMMISSION, Respondents.

MEMORANDUM OPINION

COMBS, C.J.: ¶1 This is an appeal of an Order Affirming Decision of Administrative Law Judge by the Oklahoma Workers' Compensation Commission En Banc, on June 19, 2017. Petitioner suffered a compensable injury after the effective date of the Administrative Workers' Compensation Act (AWCA) (Title 85A). The Administrative Law Judge awarded Petitioner Permanent Partial Disability (PPD). Petitioner challenged the constitutionality of several sections of the AWCA which mandate the exclusive use of the latest edition of the American Medical Association's Guide (AMA Guide) to evaluate and award PPD. The ALJ found the use of the AMA Guide to be constitutional. The Oklahoma Workers' Compensation Commission En Banc affirmed. The dispositive issue on appeal concerns the constitutionality of the sections of the AWCA which mandate the use of the AMA Guide. This cause was assigned to this office on March 28, 2018. ¶2 Upon review of the record and briefs of the parties, this Court has determined the issues raised in this appeal have already been decided in our recent opinion, Hill v. American Medical Response, 2018 OK 57, __P.3d__, 2018 WL 3121718. In Hill this Court held the required use of the AMA Guide in the AWCA was constitutional. The Order of the Oklahoma Workers' Compensation Commission En Banc is affirmed. ¶3 Combs, C.J., Winchester, Wyrick and Darby, JJ., concur; ¶4 Kauger and Colbert, JJ., concur by reason of stare decisis; ¶5 Gurich, V.C.J., Edmondson and Reif, JJ., dissent. Citationizer© Summary of Documents Citing This Document Cite Name Level None Found. Citationizer: Table of Authority Cite Name Level Oklahoma Supreme Court Cases CiteNameLevel

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