

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