

SUPREME COURT OF OKLAHOMA

McClanahan v. City of Tulsa

McClanahan, 2019 OK 15 (Okla. 2019) · No. 115802 · Decided April 2, 2019

SUMMARY

The Oklahoma Supreme Court affirmed an Oklahoma Workers' Compensation Commission decision involving a permanent partial disability award to Brian McClanahan. The court held that the challenged use of the American Medical Association's Guide and the employer credit authorized by 85A O.S. § 89 were constitutional, relying on its prior decisions in *Hill v. American Medical Response* and *Braitsch v. City of Tulsa*.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, J.; Wyrick, V.C.J.; Winchester, J.; Darby, J.; Edmondson, J.; Kauger, J.; Gurich, C.J.; Colbert, J.; Reif, J.
JURISDICTION	Oklahoma
DECIDED	April 2, 2019
DOCKET	115802
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Oklahoma Workers' Compensation Commission En Banc affirming an administrative law judge's decision awarding permanent partial disability benefits and allowing the City of Tulsa a credit against the award.
STANDARD OF REVIEW	Constitutionality of the challenged provisions of the Administrative Workers' Compensation Act reviewed as a question of law; the court reviewed the record and briefs.
PRECEDENTIAL VALUE	precedential
PARTIES	Brian McClanahan v. City of Tulsa, Own Risk #10435, Oklahoma Workers' Compensation Commission

TOPICS

workers compensation

administrative law

judicial review of agency action

constitutional law

municipal law

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Administrative Workers' Compensation Act's requirement that permanent partial disability be evaluated using the latest edition of the American Medical Association's Guide is constitutional.
2. Whether the employer credit against a permanent partial disability award authorized by 85A O.S. § 89 is constitutional.

HOLDINGS

1. The statutory requirement that the American Medical Association's Guide be used to evaluate and award permanent partial disability under the Administrative Workers' Compensation Act is constitutional.
2. The employer credit against permanent partial disability awards authorized by 85A O.S. § 89 is constitutional.

FACTUAL BACKGROUND

McClanahan sustained a compensable injury after the effective date of Oklahoma's Administrative Workers' Compensation Act. The ALJ awarded him permanent partial disability benefits but allowed the City of Tulsa a \$9,758.27 credit under 85A O.S. § 89. McClanahan challenged the constitutionality of the statutory requirement that permanent partial disability be evaluated using the latest edition of the American Medical Association's Guide and the constitutionality of the employer credit.

PROCEDURAL HISTORY

An administrative law judge awarded McClanahan permanent partial disability benefits and granted the City of Tulsa a \$9,758.27 credit under 85A O.S. § 89. The ALJ rejected McClanahan's constitutional challenges to the Administrative Workers' Compensation Act provisions requiring use of the AMA Guide and permitting the employer credit. The Workers' Compensation Commission En Banc affirmed, and McClanahan appealed to the Oklahoma Supreme Court.

DISPOSITION

affirmed

CASES CITED

- Hill v. American Medical Response, 2018 OK 57, 423 P.3d 1119
- Braitsch v. City of Tulsa, 2018 OK 100