

SUPREME COURT OF OKLAHOMA

McClanahan v. City of Tulsa

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

OPINION

MCCLANAHAN v. CITY OF TULSA

2019 OK 15

PER CURIAM.

MCCLANAHAN v. CITY OF TULSA

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MEMORANDUM OPINION

COMBS, J.: ¶1 This is an appeal of an Order Affirming Decision of Administrative Law Judge by the Oklahoma Workers' Compensation Commission En Banc filed on February 21, 2017. Petitioner suffered a compensable injury after the effective date of the Administrative Workers' Compensation Act (AWCA) (Title 85A). The Administrative Law Judge (ALJ) awarded Petitioner Permanent Partial Disability (PPD). The ALJ also determined the City of Tulsa was entitled to a credit from the PPD award in the sum of \$9,758.27, pursuant to 85A O.S. § 89. The 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. In addition, he challenged the constitutionality of the credit against PPD awards provided by 85A O.S. § 89. The ALJ found the use of the AMA Guide as well as the credit against PPD awards to be constitutional. The Oklahoma Workers' Compensation Commission En Banc affirmed. The dispositive issues on appeal concern the constitutionality of the sections of the AWCA which mandate the use of the AMA Guide as well as the employer credit against PPD awards. 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 opinions, Hill v. American Medical Response, 2018 OK 57, 423 P.3d 1119 and Braitsch v. City of Tulsa, 2018 OK 100, ____P.3d____, 2018 WL 6617141. In Hill

this Court held the required use of the AMA Guide in the AWCA was constitutional. In Braitsch, this Court held the credit provided under 85A O.S. § 89 was constitutional. The Order of the Oklahoma Workers' Compensation Commission En Banc is affirmed. ¶3 Wyrick, V.C.J., Winchester, Combs and Darby, JJ., concur. ¶4 Edmondson, J., concurs by reason of stare decisis. ¶5 Kauger, J., concurs in part; dissents in part; Kauger, J., concurring in part and dissenting in part I am concurring in part and dissenting in part for the reasons I expressed in Hill v. American Medical Response, 2018 OK 57, 423 P.3d 1119. ¶6 Gurich, C.J., Colbert 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	2018	OK	57,	423	P.3d	1119,	HILL	v.	AMERICAN	MEDICAL	RESPONSE
Discussed at Length	2018	OK	100,	BRAITSCH	v.	CITY OF TULSA	Cited Title	85A.	Workers' Compensation	CiteNameLevel	85A O.S. 89, Reimbursement - Deductions

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