

SUPREME COURT OF OKLAHOMA

Braitsch v. City of Tulsa

2018 OK 100 · No. 116510 · Decided December 18, 2018

SUMMARY

The Oklahoma Supreme Court affirmed the Workers' Compensation Commission's decision allowing the City of Tulsa to deduct wages paid above the statutory temporary disability maximum from Kelli Braitsch's permanent partial disability award. The court held that 85A O.S. § 89 did not violate procedural or substantive due process and was not an unconstitutional special law under the Oklahoma Constitution. The court also concluded that application of the statute did not impair Braitsch's collective bargaining agreement.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, C.J.; Kauger, J.; Winchester, J.; Wyrick, J.; Darby, J.; Gurich, V.C.J.; Edmondson, J.; Colbert, J.; Reif, J.
JURISDICTION	Oklahoma
DECIDED	December 18, 2018
DOCKET	116510
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Workers' Compensation Commission sitting en banc, which affirmed an Administrative Law Judge's decision allowing the City of Tulsa to deduct excess temporary-total-disability-equivalent wages from Braitsch's permanent-partial-disability award.
STANDARD OF REVIEW	De novo review applies to the constitutional validity, construction, and application of a statute. Statutes are presumed constitutional, and a party challenging a legislative enactment bears a heavy burden to establish unconstitutionality.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kelli Braitsch v. City of Tulsa, Own Risk #10435, Workers' Compensation Commission

TOPICS

workers compensation

procedural due process

substantive due process

constitutional law

statutory interpretation

PRACTICE AREAS

workers compensation

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statutory interpretation

QUESTIONS PRESENTED

1. Whether application of 85A O.S. § 89 denied Braitsch procedural due process by reducing her permanent partial disability award.
2. Whether 85A O.S. § 89 violated substantive due process by shifting an economic burden to an injured worker without a legitimate state interest.
3. Whether 85A O.S. § 89 constituted an unconstitutional special law under article 5, sections 46 and 59 of the Oklahoma Constitution.

HOLDINGS

1. Application of 85A O.S. § 89 did not violate procedural due process because Braitsch's permanent partial disability award was calculated under the statute in effect when she was injured, and she received notice, a hearing, representation by counsel, and an opportunity to contest the deduction.
2. Section 89 did not violate substantive due process because its deduction mechanism was rationally related to legitimate governmental interests in fairness, efficiency, objectivity, predictability, and uniformity in workers' compensation awards.
3. Section 89 is a general law, not an impermissible special law, because it applies uniformly to all similarly situated employers that pay wages above the temporary-disability maximum and all employees who receive those wages, without creating a subclass for different treatment.

KEY QUOTATIONS

"We hold the state interest articulated in support of 85A O.S. § 89 is legitimate: ensuring fairness, efficiency, objectivity, predictability, and uniformity in the awarding of PPD benefits." (¶ 8)

"We hold, 85A O.S. § 89 is a general law and not an impermissible special law and therefore it is unnecessary to determine whether it affects a prohibited subject found in Okla. Const. art. 5, § 46." (¶ 13)

"The provisions of 85A O.S. § 89 neither violate Braitsch's right to due process of law nor is the statute a special law." (¶ 14)

FACTUAL BACKGROUND

Kelli Braitsch, a Tulsa police officer, injured her right arm while performing her duties. Under a collective bargaining agreement, the City paid her full wages during periods when she was disabled instead of temporary-total-disability benefits. After awarding her permanent partial disability benefits, the ALJ reduced the award by \$5,228.61, representing wages paid above the statutory temporary-disability maximum under 85A O.S. § 89.

PROCEDURAL HISTORY

Braitsch, a Tulsa police officer, sought workers' compensation benefits after an on-the-job injury. The ALJ awarded permanent partial disability benefits but allowed a deduction under 85A O.S. § 89 for wages paid during the temporary-total-disability period in excess of the statutory maximum, rejecting Braitsch's constitutional challenges. The Workers' Compensation Commission sitting en banc affirmed, and the Oklahoma Supreme Court retained and affirmed the Commission's order.

DISPOSITION

affirmed

CASES CITED

- Corbeil v. Emricks Van & Storage, 2017 OK 71, ¶ 9, 404 P.3d 856
- Williams Companies, Inc. v. Dunkelgod, 2012 OK 96, ¶¶ 14-18, 295 P.3d 1107
- Lee v. Bueno, 2016 OK 97, ¶ 16, 381 P.3d 736
- Fent v. Oklahoma Capitol Improvement Authority, 1999 OK 64, ¶ 3, 984 P.2d 200
- Gilbert Central Corp. v. State, 1986 OK 6, 716 P.2d 654
- Hill v. American Medical Response, 2018 OK 57
- In re Adoption of K.P.M.A., 2014 OK 85, ¶ 17, 341 P.3d 38
- Thompson v. State ex rel. Board of Trustees of Oklahoma Public Employees Retirement System, 2011 OK 89, ¶ 16, 264 P.3d 1251
- Maxwell v. Sprint PCS, 2016 OK 41, ¶ 18, 369 P.3d 1079
- Baby F. v. Oklahoma County District Court, 2015 OK 24, ¶¶ 15-16, 348 P.3d 1080
- State ex rel. Board of Regents of the University of Oklahoma v. Lucas, 2013 OK 14, ¶ 43, 297 P.3d 378
- In the Matter of the Adoption of J.R.M., 1995 OK 79, ¶ 13, 899 P.2d 1155
- City of Edmond v. Wakefield, 1975 OK 96, ¶ 5, 537 P.2d 1211
- Griswold v. Connecticut, 381 U.S. 479, 511-12, 85 S. Ct. 1678, 1696-97, 14 L. Ed. 2d 510 (1965)
- Torres v. Seaboard Foods, LLC, 2016 OK 20, ¶¶ 27, 30, 373 P.3d 1057
- Grant v. Goodyear Tire & Rubber Co., 2000 OK 41, ¶¶ 5-12, 5 P.3d 594
- Vasquez v. Dillard's, Inc., 2016 OK 89, ¶ 11, 381 P.3d 768
- Reynolds v. Porter, 1988 OK 88, ¶¶ 14-19, 760 P.2d 816