

SUPREME COURT OF OKLAHOMA

Christopher Forrest v. City of Tulsa, Own Risk #10435, and the Workers' Compensation Commission

Forrest, 2019 OK 16 (Okla. 2019) · No. 115803 · Decided April 2, 2019

SUMMARY

The Oklahoma Supreme Court considered the constitutionality of an employer credit against a permanent partial disability award under 85A O.S. § 89. Relying on *Braitsch v. City of Tulsa*, the Court held the credit constitutional and affirmed the Oklahoma Workers' Compensation Commission En Banc order.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, J.; Wyrick, V.C.J.; Kauger, J.; Winchester, J.; Darby, J.; Edmondson, J.; Gurich, C.J.; Colbert, J.; Reif, J.
JURISDICTION	Oklahoma
DECIDED	April 2, 2019
DOCKET	115803
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 statutory credit against the award.
STANDARD OF REVIEW	The court reviewed the record and briefs and decided the constitutional issue as a question already resolved by controlling precedent.
PRECEDENTIAL VALUE	Oklahoma Supreme Court memorandum opinion; the decision applies the court's prior holding in <i>Braitsch v. City of Tulsa</i> .
PARTIES	Christopher Forrest v. City of Tulsa, Own Risk #10435, Workers' Compensation Commission

TOPICS

workers compensation

constitutional law

judicial review of agency action

appellate procedure

standard of review

PRACTICE AREAS

workers compensation

constitutional law

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the employer credit against a permanent partial disability award authorized by 85A O.S. § 89 is constitutional.

HOLDINGS

1. The credit authorized by 85A O.S. § 89 against permanent partial disability awards is constitutional.

FACTUAL BACKGROUND

Forrest sustained a compensable workplace injury after the Administrative Workers' Compensation Act became effective. The administrative law judge awarded him permanent partial disability benefits but allowed the City of Tulsa a \$1,095.20 credit against that award under 85A O.S. § 89. Forrest challenged the constitutionality of the employer credit.

PROCEDURAL HISTORY

The administrative law judge awarded Forrest permanent partial disability benefits and determined that the City of Tulsa was entitled to a \$1,095.20 credit under 85A O.S. § 89. Forrest challenged the constitutionality of the credit. The Oklahoma Workers' Compensation Commission En Banc affirmed, and the Oklahoma Supreme Court affirmed the Commission's order.

DISPOSITION

affirmed

CASES CITED

- Braitsch v. City of Tulsa, 2018 OK 100

OPINION

PER CURIAM.

FORREST v. CITY OF TULSA Skip to Main Content Accessibility Statement Help Contact Us e-payments Careers Home Courts Decisions Programs News Legal Research Court Records Quick Links OSCN Found Document:FORREST v. CITY OF TULSA Previous Case Top Of Index This Point in Index Citationize Next Case Print Only FORREST v. CITY OF TULSA2019 OK 16Case Number: 115803Decided: 04/02/2019THE SUPREME COURT OF THE STATE OF

OKLAHOMA Cite as: 2019 OK 16, __ P.3d __ NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION.

UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL. CHRISTOPHER FORREST, Petitioner, v. CITY OF TULSA, OWN RISK #10435, and THE WORKERS' COMPENSATION COMMISSION, Respondents. 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 \$1,095.20, pursuant to 85A O.S. § 89. The Petitioner challenged the constitutionality of this credit. The ALJ found the credit against PPD awards was constitutional.

The Oklahoma Workers' Compensation Commission En Banc affirmed. The dispositive issue on appeal concerns the constitutionality of 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 opinion in Braitsch v. City of Tulsa, 2018 OK 100, __ P.3d __, 2018 WL 6617141.

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., Kauger, Winchester, Combs and Darby, JJ., concur. ¶4 Edmondson, J., concurs by reason of stare decisis. ¶5 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 100, BRAITSCH v. CITY OF TULSA Cited Title 85A. Workers' Compensation CiteNameLevel 85A O.S. 89, Reimbursement - Deductions Discussed oscn EMAIL: webmaster@oscn.net Oklahoma Judicial Center 2100 N Lincoln Blvd. Oklahoma City, OK 73105 courts Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals District Courts decisions New Decisions Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals programs The Sovereignty Symposium Alternative Dispute Resolution Early Settlement Mediation Children's Court Improvement Program (CIP) Judicial Nominating Commission Certified Courtroom Interpreters Certified Shorthand Reporters Accessibility ADA Contact Us Careers Accessibility ADA

