

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

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PRACTICE AREAS

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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