



Workers' Compensation Commission's Authority to Review Court of Existing Claims Decisions

Labor & Employment Practice Group

May 1, 2014



Christina Toon, Associate
christina.toon@crowedunlevy.com



Madalene Witterholt, Director
madalene.witterholt@crowedunlevy.com

Chairs

Randall Snapp, Director
randall.snapp@crowedunlevy.com
Adam Childers, Director
adam.childers@crowedunlevy.com

Members

Gayle Barrett, Of Counsel
gayle.barrett@crowedunlevy.com
Tanya Bryant, Director
tanya.bryant@crowedunlevy.com
Leonard Court, Director
leonard.court@crowedunlevy.com
Bruce Day, Director
bruce.day@crowedunlevy.com
Arlen Fielden, Director
arlen.fielden@crowedunlevy.com
Michael Gibbens, Director
michael.gibbens@crowedunlevy.com
Linda Greaves, Of Counsel
linda.greaves@crowedunlevy.com
Craig Hoster, Director
craig.hoster@crowedunlevy.com
Allen Hutson, Associate
allen.hutson@crowedunlevy.com
Daniel Johnson, Director
daniel.johnson@crowedunlevy.com
Tara LaClair, Director
tara.laclair@crowedunlevy.com

On April 17, 2014, in *Carlock v. Workers' Compensation Commission*,¹ the Oklahoma Supreme Court held that the Workers' Compensation Commission (Commission) cannot review an order of award made by the Court of Existing Claims for an injury occurring prior to February 1, 2014, despite provisions in 85A O.S. § 400(I) and (J), which provides for the Commission's authority to review such matters.

In *Carlock*, the Court specifically addressed whether the Commission has jurisdiction to review orders and awards made by the Court of Existing Claims for injuries occurring prior to February 1, 2014, pursuant to 85A O.S. § 400(A).² The Court concluded that "[a]ll aspects of the adjudication of claims for injuries occurring prior to February 1, 2014, are governed by the law in effect at the time of the injury,³ including the rights of the parties to seek review of an order or award (1) before a three-judge panel of the Court of Existing Claims, as successor to the Workers' Compensation Court,⁴ or (2) before the Supreme Court, either directly from an order or award of a trial judge, or after review by a three-judge panel."^{5,6} In support of its holding, the Court stated, "[b]ecause the Workers' Compensation Commission had no jurisdiction to review orders or awards prior to February 1, 2014, that tribunal cannot review an order or award made by the Court of Existing Claims for an injury occurring prior to February 1, 2014."⁷

If you have any questions about this recent ruling or need assistance with other workers' compensation issues, contact Christina Toon, Madalene Witterholt or any other member of Crowe & Dunlevy's Labor & Employment practice group.

Contact:

Christina Toon
918.592.9859
christina.toon@crowedunlevy.com

Madalene Witterholt
918.592.9809
madalene.witterholt@crowedunlevy.com

1 2014 OK 29, _ P.3d _ Opinion at <http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=472858>.

2 *Carlock*, ¶1.

3 Okla. Const. art. V, § 54; *King Manufacturing v. Meadows*, 2005 OK 78, 127 P.3d 584; 85A O.S. § 400(L) (*emphasis in original*).

4 85 O.S. § 340, 85A O.S. § 400(D) and Rule 60, Rules of the Workers' Compensation Court, effective January 31, 2014.

5 85 O.S. § 340 and Rule 2 of the Rules of the Workers' Compensation Court, effective January 31, 2014.

6 *Carlock*, ¶12.

7 *Id.*

Allison Osborn, Associate
allison.osborn@crowedunlevy.com
Michael Pacewicz, Director
michael.pacewicz@crowedunlevy.com
Mary Snyder, Of Counsel
mary.snyder@crowedunlevy.com
Christina Toon, Associate
christina.toon@crowedunlevy.com
Courtney Warmington, Director
courtney.warmington@crowedunlevy.com
Madalene Witterholt, Director
madalene.witterholt@crowedunlevy.com

About Crowe & Dunlevy

For more than 110 years, Crowe & Dunlevy has provided innovative and effective legal services to clients in numerous industries. The firm's attorneys are regularly ranked among the top lawyers in the nation by recognized peer-review organizations.

The firm's labor and employment attorneys are involved in a number of networks and professional resource groups, including the Employment Law Alliance, the most comprehensive network of labor and employment attorneys in the world. Our membership provides access to employment, labor, and immigration expertise in more than 135 countries around the globe and throughout the United States.

Copyright 2014 Crowe & Dunlevy

This document is provided by Crowe & Dunlevy for educational and/or informational purposes only and does not constitute legal advice. No attorney-client relationship is established by the provision of this document.

Oklahoma City
20 North Broadway
Suite 1800
Oklahoma City, OK 73102
405.235.7700

Tulsa
500 Kennedy Building
321 South Boston Avenue
Tulsa, OK 74103
918.592.9800

crowedunlevy.com