

Meeting Minutes

Wednesday, May 2, 2007 - 1:30 p.m.
30 West Spring Street, 30th Floor
Conference Room A

Present: Patrick Gannon, Chairman
William Thompson, Commissioner
Kevin Abrams, Commissioner

Attendees: Tim Adams, Executive Director
Tom Connor, Director, Hearing Services
Rick Tilton, Hearing Officer Trainer
Paul Walker, Legal Counsel
Debbie Fodey, Administrative Assistant
Colin McCafferty, Administrative Assistant
Susan Murnane, Administrative Assistant

Chairman Gannon called the meeting to order. Mr. Adams called the roll.

Roll Call:	Chairman Gannon	Present
	Commissioner Thompson	Present
	Commissioner Abrams	Present

Old Business:

- (A) Approval of the March 28, 2007 Meeting Minutes: Commissioner Thompson moved to approve the minutes of the March 28, 2007 meeting. Commissioner Abrams seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

New Business:

- (A) Resolution No. R07-1-02 - Lump Sum Payment for Attorney's Fees: The Commission members and staff discussed the proposed resolution. Mr. Walker pointed out that the current resolution adopted in 1995 provides that no application for lump sum payment of attorney's fees shall be approved if either the amount of the advancement is in excess of \$8,000 or where the advancement would cause the compensation rate to be reduced more than 20% and provides that the lump sum payment to reimburse the attorney for expenses shall not exceed \$500. Commissioner Abrams moved to adopt Resolution No. R07-1-02 which provides: no application for lump sum payment for attorney's fees for services rendered in

securing an award of permanent total disability compensation or death benefits shall be approved if either the amount of the advancement is in excess of \$10,000 or where the advancement would cause a reduction in the injured worker's existing compensation rate of more than 20%; no application for lump sum payment for attorney's fees for services rendered in securing a scheduled loss award or permanent partial disability compensation shall be approved if the amount of the advancement is in excess of \$10,000 or where the advancement would cause a reduction in the injured worker's compensation rate of more than 33 1/3%; and applications for lump sum payment for attorney's fees that include requests for reimbursement of expenses for obtaining medical or vocational reports are to be based on the actual expenses incurred and in no event shall exceed \$1,000.

Chairman Gannon seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

- (B) Resolution No. R07-1-03 - Ethics Guidelines: The Commission members and staff discussed the proposed resolution as well as the Governor's Executive Order 2007-015 and BWC Memo 4.04 entitled Gift Acceptance Policy. The resolution would serve as the Commission's overall guidelines on gifts and would provide that the Office of Human Resources develop a work rule and policy to enforce the provisions of the resolution. The resolution would further provide that the work rule and policy would be provided to OCSEA-AFSCME for review and comment. Commissioner Thompson moved to adopt Resolution No. R07-1-03. Mr. Gannon seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

- (C) Hearing Officer Manual Policy Memo C3 - Maximum Medical Improvement: The Commission members and staff discussed proposed Policy Memo C3. The proposed change in the policy would provide that when terminating temporary total disability compensation due to the issue of maximum medical improvement on the date of hearing, temporary total disability compensation should be paid through the date of the hearing which terminated the compensation. Mr. Abrams moved to adopt Hearing Officer Manual Policy Memo C3, effective May 7, 2007. Chairman Gannon seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

- (D) Hearing Officer Manual Policy Memo R2 - Commission Hearings - Court Reporters: The Commission members and staff discussed proposed Policy Memo R2. The proposed change in the policy would provide that parties wishing to have a court reporter present for any Commission hearing notify the Hearing Administrator at least seven days prior to the hearing. Commissioner Thompson moved to adopt Hearing Officer Manual Policy Memo R2, effective May 7, 2007. Commissioner Abrams seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

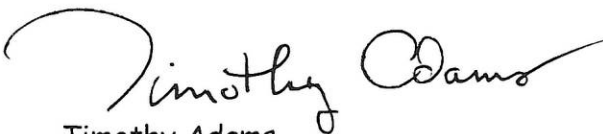
- (E) Hearing Officer Manual Policy Memo S13 - Scheduling IC and BWC Employees, Relatives, and Significant Others for Hearing: The Commission members and staff discussed proposed Policy Memo S13. The proposed policy would provide that to avoid any conflict, all claims for current or former IC or BWC employee, IC or BWC current or former employee relative, or individual with a significant relationship to a current or former IC or BWC employee will be scheduled for hearing in an office outside the employee's region. Commissioner Thompson moved to adopt Hearing Officer Manual Policy Memo S13, effective May 7, 2007. Commissioner Abrams seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

Commissioner Thompson moved to adjourn. Commissioner Abrams seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

Respectfully submitted,



Timothy Adams
Executive Director