# BEFORE THE OKLAHOMA WORKERS' COMPENSATION COMMISSION FILED

WORKERS' COMPENSATION COMMISSION STATE OF OKLAHOMA January 27, 2020 Norma McRae COMMISSION CLERK

RECEIVED CYNTHIA S JOY McCLURE LAW OFFIC Employee-Claimant Commission File No. CITY OF NORMAN CM-2018-00679X Employer-Respondent CITY OF NORMAN (OWN RISK) Claimant's Social Security Insurer Number: xxx-xx-0446

### ORDER DENYING COMPENSABILITY

Hearing before Administrative Law Judge T SHANE CURTIN on JANUARY 15, 2020, in Oklahoma City, Oklahoma.

Claimant appeared by counsel, RICHARD A BELL.

Respondent and insurance carrier appeared by counsel, ROBERT C SIMPSON for BRADLEY J MCCLURE.

#### I. STATEMENT OF THE CASE

The claimant filed a claim for compensation on February 2, 2018, alleging compensable injury to the back as the result of cumulative trauma and alleged single incident accidents occurring on December 5, 2017 and February 23, 2016. The claimant filed a request for hearing seeking a finding of compensability, medical treatment and temporary total disability.

The respondent denies claimant sustained a compensable injury in the course and scope of employment. The contested issues were framed and the parties agreed to submit the case via stipulations, deposition testimony and medical evidence.

## II. FINDINGS AND CONCLUSIONS

From review of the record as a whole, including stipulations of the parties, medical reports, documentary evidence and other matters properly before the Commission, and having had an opportunity to read the testimony of the claimant, the following findings of fact and conclusions of law are made in accordance with 85A O.S. § 72:

The claimant worked approximately twelve years for the respondent as a animal welfare officer. She alleges injury to the back as the result of cumulative trauma and single incident accidents. The respondent denies the claimant sustained compensable injuries as plead.

The claimant failed to prove by a preponderance of the evidence that she sustained a compensable injury. She offered no corroborating evidence. The claimant bears the burden of proving by a preponderance of the evidence that he sustained a compensable injury. 85A O.S. §2(9)(e). There must be objective medical evidence of a compensable injury. 85A O.S. §2(9)(d). Here the claimant has failed to meet these statutory requirements. Based on the evidence submitted, and the lack thereof, the claim for compensation is denied.

#### III. ORDER

1. The claimant did not sustain a compensable injury back as the result of cumulative trauma or the alleged single incident accidents. Therefore, this claim for compensation is hereby DENIED and DISMISSED.

IT IS SO ORDERED.

DONE this 24th day of JANUARY, 2020.

BY ORDER OF:

T SHANE CURTIN

ADMINISTRATIVE LAW JUDGE

Shane Cutin

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A copy of the above and foregoing Commission Order was mailed, by regular or certified United States Mail, on this filed stamped date to:

Claimant's Attorney:

RICHARD A BELL

3151 W TECUMSEH RD SUITE 100

NORMAN, OK 73072-

Respondent's Attorney: BRADLEY J MCCLURE

1327 N ROBINSON

OKLAHOMA CITY, OK 73103-4848

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this Commission on this date.

Norma MY Car

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Norma McRae Commission Clerk January 27, 2020