

WORKERS' COMPENSATION INDUSTRIAL COUNCIL
SEPTEMBER 24, 2015

Minutes of the meeting of the Workers' Compensation Industrial Council held on Thursday, September 24, 2015, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 1124 Smith Street, Room 400, Charleston, West Virginia.

Industrial Council Members Present:

Bill Dean, Chairman
Kent Hartsog, Vice-Chairman
James Dissen
Dan Marshall

1. Call to Order

Chairman Bill Dean called the meeting to order at 1:00 p.m.

2. Approval of Minutes

Chairman Bill Dean: The minutes of the previous meeting were sent out. Did everyone have a chance to look them over? Is there a motion to approve?

Dan Marshall made the motion to approve the minutes from the July 23, 2015 meeting. The motion was seconded by James Dissen and passed unanimously.

3. Office of Judges' Report – Alan Drescher, Deputy Chief Administrative Law Judge

Judge Alan Drescher: I wanted to make everybody aware that we are going to have our Fall Workshops in October. We will be in Morgantown on Friday, October 16, and in Charleston on Friday, October 23, at the Marriott. You are all invited.

Regarding our monthly report, there is nothing significantly different from last month's report or the previous months. I will note that we did acknowledge 310 protests for the month of August. We are projecting somewhere around 3,700 to 3,800 protests acknowledged this year, which would be a slight decrease from the approximate 4,100 we had last year. So, that trend is continuing. Our pending caseload is at 2,534. It has roughly been the same amount for the last three months, but that's about 500 less than it was a year

ago. I don't know if that's getting ready to level off or not. I'll be happy to address any questions that anybody might have.

Chairman Dean: Mr. Dissen, do you have any questions sir?

James Dissen: The Fall Workshops. . .I've been to these before and I've registered for the one in Charleston. These are good if you can make it.

Judge Drescher: Thank you. I look forward to seeing you.

Chairman Dean: Mr. Marshall, do you have any questions sir?

Dan Marshall: Are you now fully staffed?

Judge Drescher: We are.

Dan Marshall: Good.

Judge Drescher: I want to point out one other thing, which Mr. Dissen reminded me. We are applying with the Bar for CLE credits for attorneys, so there will be two or three hours of CLE. It's free. The price is right.

Chairman Dean: Mr. Hartsog, do you have any questions for Judge Drescher?

Kent Hartsog: No questions.

Chairman Dean: Very good. Thank you.

4. General Public Comments

Chairman Dean: Does anybody from the general public have a comment today that they would like to make? [No comments from the public.]

5. Old Business

Chairman Dean: We'll move onto old business. Does anybody from the Industrial Council have anything they would like to bring up under old business? Mr. Dissen?

Mr. Dissen: No, sir.

Chairman Dean: Mr. Hartsog?

Mr. Hartsog: No.

Chairman Dean: Mr. Marshall, do you have anything that you would like to bring up?

Mr. Marshall: No, Mr. Chairman.

6. New Business

Chairman Dean: We'll move onto new business. Does anybody from the Industrial Council have anything they would like to bring up under new business? Mr. Dissen?

Mr. Dissen: No, sir.

Chairman Dean: Mr. Hartsog?

Mr. Hartsog: No, sir.

Chairman Dean: Mr. Marshall?

Mr. Marshall: No, Mr. Chairman.

Chairman Dean: Commissioner Riley?

Commissioner Michael Riley, OIC: No items.

Chairman Dean: Mr. Pauley?

Andrew Pauley, General Counsel, OIC: No, sir.

7. Next Meeting

Chairman Dean: The next meeting is Thursday, November 5, 2015 at 1:00 p.m. Does that meet everybody's approval?

8. Executive Session

Chairman Dean: The next order of business is the Executive Session. The next item on the agenda is related to self-insured employers. These matters involve discussion as specific confidential information regarding a self-insured employer that would be exempted from disclosure under the West Virginia Freedom of Information Act pursuant to West Virginia Code §23-1-4(b). Therefore it is appropriate that the discussion take place in Executive Session under the provisions of West Virginia Code §6-9A-4. If there is any action taken regarding these specific matters for an employer this will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

Mr. Dissen made the motion to go into Executive Session. The motion was seconded by Mr. Marshall and passed unanimously.

[The Executive Session began at 1:06 p.m. and ended at 1:16 p.m.]

Chairman Dean: We are back in regular session. We have a Resolution here for the renewal of self-insured status for 12 companies:

Alex Energy, Inc.
Amfire LLC
Aracoma Coal Company, Inc.
Bon Ton Department Stores, Inc. (The)
Brooks Run South Mining LLC
City of Huntington
Heartland Employment Services LLC
Highland Mining Company
Kingston Mining, Inc.
Performance Coal Company
Rockspring Development, Inc.
Spartan Mining Company

Chairman Dean: Is there a motion?

Mr. Marshall: So moved.

Mr. Dissen: Second.

Chairman Dean: A motion has been made and seconded for renewal of self-insured status for the 12 companies. Question on the motion? All in favor, "aye." All opposed, "nay." The aye's have it. [Motion passed.]

9. Adjourn

Chairman Dean: Is there anything else to be brought up in Industrial Council under regular session before adjournment? Is there a motion for adjournment?

Mr. Marshall made the motion for adjournment. The motion was seconded by Mr. Dissen and passed unanimously.

There being no further business the meeting adjourned at 1:17 p.m.