

BEFORE THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

ORDER FILED

April 13, 2026

**WORKERS'
COMPENSATION COMMISSION**

JOHN HAMBRICK)	
Claimant)	Commission File No.
)	CM3-2023-02469K
CITY OF NORMAN)	
Employer-Respondent)	Claimant's Social Security
)	Number: xxx-x2-4672
CITY OF NORMAN)	
Insurer)	

**ORDER DETERMINING COMPENSABILITY AND
AWARDING PERMANENT PARTIAL DISABILITY BENEFITS**

Hearing before Administrative Law Judge MOLLY H LAWYER on March 10, 2026, in OKLAHOMA CITY, Oklahoma.

Claimant appeared by counsel, JEFFREY M COOPER.

Respondent CITY OF NORMAN and appeared by counsel, BRADLEY J MCCLURE.

I. STATEMENT OF THE CASE

Claimant filed his claim for compensation on April 27, 2023, alleging injuries to the body as a whole as a result of cancer. The CC-Form 3 describes the injuries as occurring on cumulative basis due to exposure with a date of awareness on January 26, 2023. Claimant filed a request for contested hearing seeking a finding of compensability to the body as a whole (goblet cell carcinoma) with consequential injuries to both hands as a result of chemotherapy. Claimant requests that Respondent authorize CMM with Dr. George, a finding that prior treatment was reasonably necessary and connected to his work injury, and PPD to the whole man and bilateral hands. Respondent requests a reservation of out of pocket expenses and TTD for future hearing. Respondent argues that Title 11 O.S. §49-110(a) cancer presumption applies in this case.

Respondent denies Claimant sustained compensable injuries arising out of the course and scope of employment and alleges a major cause and/or sole cause defense. Respondent also argues that the presumption Claimant relies on is unconstitutional as it is a special law and that even if the presumption exists then Respondent's medical rebuts said presumption. Respondent denies the requests for medical treatment and temporary total disability benefits. With the issues framed, the parties proceeded to hearing on March 10, 2026.

Claimant testified that he has worked as a firefighter and paramedic for the City of Norman since February 22, 2021. Prior to working for the City of Norman, Claimant worked as a firefighter from 2013 through 2022 for the City of Lawton. Claimant underwent a pre-employment physical in 2021 with the City of Norman and he passed it and no cancer was found. Claimant's job requires him to work 120 hours per month which includes 24 hour shifts and sometimes 48 hour shifts. Claimant also sometimes

works overtime. Claimant's job duties require him to make runs for medical and fire emergencies. Claimant handles structure fires, vehicle fires, grass and brush fires and salvage and overhaul fires. Claimant admitted that he was provided top of the line safety gear and a SCBA mask which is personally fitted and provides him oxygen but that he is still exposed to the fire itself and has open air exposure to his skin.

Claimant testified that with structure fires, particles become airborne and he is exposed to toxins. After a fire, he takes a shower and can smell the toxins come out of his pores. Claimant also blows his nose after a fire and has stuff come out. He smells like the fire for days and his wife can smell it on him as well. With vehicle fires, he comes in direct contact with burning chemicals, metal and anything in the vehicle. With grass and brush fires, he does not use a SCBA mask. He only wears lighter fire resistant materials. Claimant does not wear a mask for these type of fires, but since his cancer diagnosis, he brings his own personal mask to wear. With salvage and overhaul fires, Claimant has to go through to makes sure nothing is still hot or on fire so that a new fire does not start. He has to disturb the items and it the dirtiest part of his job. Sometimes he still has his bunker gear on and SCBA mask, but the majority of the time he takes those items off so that he is able to see and breathe easier. After a fire, his bunker gear should be cleaned immediately, but he cannot always do so as they only have two sets and if one is still being cleaned, he will have to leave the other dirty in case he needs it. The bunker gear is covered in soot which he comes in direct contact with. Claimant also testified that he is exposed to diesel fumes in the fire station. Although some stations have an exhaust, his station had a non-functioning exhaust. His living quarters are separated from the garage with one wall and he can smell the exhaust when the rigs start up. At the scene of a fires, the engines are revved up because they are pumping water so he is again exposed to exhaust. Claimant testified that his is exposed to a number of carcinogens and chemicals.

On January 16, 2023, Claimant underwent an appendectomy due to appendicitis when his doctor found something abnormal. His doctor took a sample and completed a biopsy. The biopsy showed cancer and Claimant had to undergo surgery. Claimant had a second surgery to remove part of his colon and intestine. A port was also placed in for chemotherapy. Claimant was ordered to undergo four rounds of infusion therapy and 8 rounds of pill chemotherapy. Claimant suffered significant side effects due to the chemotherapy. Each infusion, the side effects got worse. Initially he suffered from numbness and cold sensitivity to his hands and feet. After the second infusion Claimant suffered from chest and back pain and was unable to walk or talk for a period of time. When he went in for the fourth infusion, his oncologist recommended that he not go forward with the infusion due to the side effects. Claimant still suffers from a loss of sensation in both of his hands. While treating, Claimant was off work and received sick and vacation time. Co-workers also donated 700-800 hours of leave to him. On August 8, 2023, Claimant's port was removed and he returned to work in September of 2023 working light duty. He still has not returned to his normal job. Claimant is required to follow up with his oncologist, Dr. George, for blood tests and scans.

Claimant denies any family history of cancer other than melanoma on his dad's toe and possibly his great grandmother. Claimant underwent genetic testing just in case. Claimant admitted that his siblings "got rid of their appendix just in case." Claimant also admitted that he sprays yards for pests. He wears rubber boots, pants, face covering, a hat and gloves when spraying.

Claimant continues to suffer from fatigue, numbness in his hands, feet and legs and a fogginess when he tries to think. He denies having any of these symptoms before his cancer diagnosis and

chemotherapy. Claimant testified that he believes that his cancer was caused by his work at the City of Norman.

Pertinent medical records show Claimant presented to Dr. Goates on January 26, 2023, post laparoscopic appendectomy. Dr. Goates stated that Claimant had a pathology report demonstrating goblet cell adenocarcinoma in his appendix. Dr. Goates states that the patient denied any family history of colon cancer and only noted a family history of melanoma. Dr. Goates recommended a robotic right hemicolectomy to treat the pathology and then recommended a referral to oncology. Claimant later presented to Cancer Centers of Southwest Oklahoma on March 22, 2023. The report notes a family history of melanoma in his father in his 50s, leukemia in his maternal second cousin and DCIS in his mother. Claimant denied smoking and noted he works as a firefighter. The report also notes under "Assessment" that genetic testing is negative (see Claimant's Exhibit #2 and Respondent's Exhibit #2)." Dr. Najera did recommend that his siblings obtain a colonoscopy at that time as they have an increased risk for appendiceal cancers. Claimant returned to Dr. Najera on April 12, 2023 with complaints of mild irritation in his hands and feet, numbness in the tips of his fingers, and chest pain during the night. At follow up appointments, Claimant continued to have symptoms related to hand-foot syndrome and was provided capecitabine in the morning and at night. On July 26, 2023, Dr. Najera noted "multigene genetic testing with Invitae multicancer panel is negative (see Claimant's Exhibit and Respondent's Exhibit #2)." Claimant continued to suffer from hand-foot syndrome. Dr. Najera also indicated that his siblings should consider a prophylactic appendectomy due to their increased risk for appendiceal cancers.

Claimant relies on Dr. Rosson's March 29, 2024 report and October 22, 2024 report which find that Claimant was diagnosed with goblet cell adenocarcinoma after he underwent an appendectomy on January 16, 2023 and an additional surgery on January 30, 2023. Claimant was referred to Dr. Nejera, an oncologist, and was diagnosed with grade III stage II goblet cell adenocarcinoma. Dr. Rosson opined that Claimant developed goblet cell adenocarcinoma of the appendix/large colon as a result of his repetitive exposure to smoke, chemicals, fumes, diesel exhaust, products of combustion, and multiple carcinogens. He further finds that Claimant sustained 16% PPD to his colon and 15% to each hand due to consequential injuries resulting from chemotherapy. Dr. Rosson also recommends CMM with his oncologist. Claimant also provided evidence, found at Claimant's Exhibit #3, to support a causal connection with firefighting and cancer.

Respondent relies on Dr. Jones's January 23, 2025 report and May 22, 2025 report. Dr. Jones opined that "there is no sole or major cause relationship between the patient's current complaints of appendix cancer with spread to a portion of the colon, and his employment as a firefighter for the City of Norman cumulative to January 15, 2023. He states that there is no evidence Claimant's exposure, noted in Dr. Rosson's reports, are risk factors for appendix cancer. Dr. Jones states that known risk factors of such cancer are chronic bowel diseases (Crohn's disease or Ulcerative Colitis) and a family history of appendix cancer. Regardless of causation, Dr. Jones opines that Claimant sustained 7% PPD due to appendix cancer but find 0% PPD related to his work. He finds 0% PPD to the right and left hands.

II. DISCUSSION

Claimant points this Commission to the presumption found in 11 O.S. §49-110, which states:

- A. No firefighter shall be retired, as provided in Section 49-109 of this title, or receive any pension from the System, unless there shall be filed with the State Board certificates of the firefighter's disability. Any member of the fire department of any municipality who is disabled as a result of heart disease, injury to the respiratory system, infectious disease, or the existence of any cancer which heart disease, injury to the respiratory system, infectious disease, or cancer was not revealed by the physical examination passed by the member upon entry into the department, shall be presumed to have incurred the heart disease, injury to the respiratory system, infectious disease, or cancer while performing the firefighter's duties as a member of such department unless the contrary is shown by competent evidence. As used in this section, "infectious disease" means hepatitis, human immunodeficiency virus, meningitis and tuberculosis. Effective November 10, 1999, the provisions of this subsection relating to infectious disease shall apply.

Respondent argues that said presumption is unconstitutional as a special law. However, this issue was addressed by the Court in City of Edmond vs. Vernon, 2009 OK CIV APP 36, which applied said statutory presumption in a cancer claim filed by a firefighter. Based upon the Court's analysis, I reject Respondent's argument that the presumption is unconstitutional.

Claimant testified that he was exposed to a multitude of materials and fumes while fighting structure fires, vehicle fires, grass and brush fires and salvage and overhaul fires and at the fire station. Claimant performed those job duties for Respondent for two to three years before he received a cancer diagnosis. Claimant underwent a pre-employment physical that did not reveal cancer. After Claimant's diagnosis of cancer, Claimant underwent genetic testing which was negative. Further, Dr. Jones noted risk factors of goblet cell adenocarcinoma, of which Claimant had none of the risk factors. Based upon the totality of the evidence, I find Claimant sustained a cumulative trauma injury to the body as a whole with consequential injury to the bilateral hands as a result of chemotherapy.

III. FINDINGS AND CONCLUSIONS

From review of the record as a whole, including medical reports, documents and other matters properly before the Commission, and having an opportunity to hear testimony of the Claimant and observe his demeanor, the following findings of fact and conclusions of law are made in accordance with 85A O.S. §72:

I am most persuaded by Dr. Rosson's medical reports, which are most consistent with my findings of fact in this claim regarding the alleged mechanism of injury.

After assigning weight and credibility to all evidence submitted, I find Claimant has proven by a preponderance of the evidence he sustained a compensable injury to the WHOLE MAN (goblet cell adenocarcinoma) with a date of awareness on January 26, 2023 and with CONSEQUENTIAL INJURIES TO THE BILATERAL HANDS as a result of chemotherapy. Based on Claimant's testimony, the treating medical records and the rating medical reports offered, I find Claimant has sustained 11% PPD to the BODY AS A WHOLE (goblet cell adenocarcinoma) and 2% PPD to the RIGHT HAND and 2% PPD to the LEFT HAND as a result of his compensable injury and consequential injuries and is entitled to compensation as set forth below.

Benefits due are ordered below.

IV. ORDER

The Commission, having considered the evidence and records on file, and being duly advised in the premises, FINDS AND ORDERS AS FOLLOWS:

1. Claimant sustained a compensable cumulative trauma injury in the form of GOBLET CELL ADENOCARCINOMA and CONSEQUENTIAL INJURIES TO THE RIGHT AND LEFT HANDS arising in the course and scope of employment with a date of awareness of January 26, 2023.
2. That claimant's rates for permanent partial disability is adjudicated at \$360.00, respectively.
3. That as a result of said injury, claimant has sustained 11% Permanent Partial Disability to the WHOLE MAN (goblet cell adenocarcinoma), 2% Permanent Partial Disability to the RIGHT HAND and 2% Permanent Partial Disability to the LEFT HAND. At claimant's rate of compensation, this is equal to an award of \$17,424.00, which shall be paid to claimant weekly at the rate of \$360.00 commencing October 22, 2024, until the entire award is paid in full. All accrued amounts shall be paid in a lump sum.
4. That Claimant's request for continuing medical maintenance is GRANTED.
5. The issues of temporary total disability and reimbursement of out-of-pocket costs are reserved for future hearing.
6. Maximum attorney fees of 20% of the permanent partial disability benefits are awarded herein, pursuant to 85A O.S., §82.
7. That pursuant to Title 85A O.S., §118, a final award fee of one hundred forty dollars (\$140.00) is taxed as a cost in this matter, and shall be paid by respondent to the Workers' Compensation Commission if not previously paid.
8. Pursuant to 40 O.S., §418, the Respondent-Insurer shall pay to the Oklahoma Tax Commission the Special Occupational Health and Safety tax in the amount of \$130.68, representing three-fourths of one percent of the total workers' compensation losses ordered herein, excluding medical payments and temporary total disability compensation.
9. Pursuant to 85A O.S., §122(B)(2), Respondent, if OWN RISK, shall pay a workers' compensation assessment in the amount of \$348.48 to the Oklahoma Tax Commission, representing two percent (2%) of the (permanent disability benefits) herein.
10. Pursuant to 85A O.S. § 31(7), For injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$522.72, representing (3%) of the Claimant's permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission by the Respondent.

IT IS SO ORDERED.

DONE this 9th day of APRIL, 2026.

BY ORDER OF:



MOLLY H LAWYER
ADMINISTRATIVE LAW JUDGE

mp/CRichardson

A copy of this order was sent by electronic mail or registered mail on this file stamped date to:

Claimant's Attorney:

JEFFREY M COOPER
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Respondent's Attorney:

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NORMAN, OK 73070

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 McRae
Commission Clerk
April 13, 2026