

Final Reply Brief of Appellant

The State of South Carolina  
In the Court of Appeals

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Appeal from Richland County  
S.C. Worker's Compensation Commission

SC Court of Appeals

Commissioner(s): A. Taylor, T. Beck, A. Wilkerson

Case No. 2021-000696

S.C. Department of Mental Health,  
Employer and State Accident Fund,  
Carrier

Respondent

Dana L. Dixon,  
Employee

Appellant

Appellant's Final Reply Brief

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## Table of Authorities and Cases

1. Six Months After the alleged date of injury and each 6 months thereafter until Commission file is closed. (R.p. 137-143)

2. Employer's Answer to request for hearing. (Form 51) for W.C.C. file No. 1623303, dated 04/02/2019. To show I was the person who filed the Form 50. My then attorney was relieved as Counsel on 03/15/2018. (R.p. 159, R.p. 162-166) This was Respondent's first Form 51 for W.C.C. 1623303.

Section 7. Physical Medicine; Authorization To Treat that is listed on S.C. W.C.C. Website states the following: Medical providers Must receive authorization from the insurance carrier, or if the employer is self insured from the employer prior to providing treatment, all treatments must be medically necessary.

If an insurance carrier/employers has reason to believe that the proposed treatment is not medically necessary to the employee's work related injury the insurance carrier/employer is not obligated to approve the treatment.

# Table Of Authorities And Cases

Section 42-19-10. Employer's record and report of injuries.

B. The employer's representative shall submit to the Commission a report indicating the claimant's final rating of permanent impairment (R.p. 123-128) shows respondents did NOT authorize medical treatment, for me to receive a final rating of impairment.

Section 67-1601; Expenses incurred in receiving medical treatment, reimbursement. (R.p. 137-143)

B. The claimant shall receive reimbursement from the employer's representative. (R.p. 135-136)

Section 42-17-30. Commission may appoint doctor to examine injured employee.

Section 67-412. Employers Report of Injury form 12 M. (Which respondents never filed, due to me NOT receiving authorization for medical treatment.)

A. The employer's representative shall report to the Commission injuries reported by the employer (R.p. 147) (R.p. 152) (R.p. 149)

B. This report shall be made in accordance with R-67-416, within 10 days of closing by the employer's representative

## Table Of Authorities And Cases

- 67-413: Periodic Report: The employer's representative shall file a form 18 periodic report, or EDT Sub annual (SA) as follows (R.p. 137-143, R.p. 152)

### Article 13

Medical Reports, physician's fee and hospital charges.

#### 67-1301: Medical Reports

A. A Medical practitioner or treatment facility shall furnish upon request all medical information relevant to the employer's complaint of injury to the claimant, the employer and employer representative or the Commission payment for services rendered maybe withheld from any medical practitioner or treatment facility who fails to comply with a request for this information. (R.p. 144) (R.p. 137-143) (R.p. 145)

B. The employer's representative shall submit to the Commission a report indicating the claimant's final rating of permanent impairment. I was not given the opportunity to receive authorized medical treatment (R.p. 123-128)

C. Late reports shall be subject to a fine for late reporting plus an additional penalty of five dollars for each day late.

## Statement of Issues On Appeal.

On December 22, 2016 I was assaulted by a male resident, while working for Respondent(s).

I reported the assault to the charge nurse, who then called the night supervisor who never came to unit. And neither of the two presented me with any documents (R.p. 147) to complete, or (R.p. 94-97).

On December 23, 2016 I went to Palmetto Health Richland emergency room, (R.p. 134) at 2:53 am, of my (R.p. 133) own free will. I had not received any documents from supervisor with an authorization number to give to the E.R. medical staff to put on the worker's compensation form (R.p. 129) like I had received for S.C. W.C.# 1712879 (R.p. 129) for injury date 01/31/2017. (R.p. 73, L. 9-14)

Respondent(s) wants it to appear as though they had (R.p. 65, L. 14-25, R.p. 66, L. 1-2) knowledge of my work injury and they authorized me to go to Palmetto Health Richland E.R. when in fact they had not. While at E.R. I received a Physician's Discharge Summary (R.p. 134) that instructs me to contact my doctor immediately and given 2 prescriptions (R.p. 133) and I was given a shot (R.p. 132) and discharged. On the same date the prescriptions were filled (R.p. 135-136) and I had to pay out of pocket for medicine that should <sup>have</sup> been covered under 42-15-60(a) but wasn't, if the Respondents knew I was injured on 12/22/2016 (R.p. 151, R.p. 152) and afterwards, I still have not been reimbursed. But on (R.p. 144) R.p. 135-136 shows Respondents paid for my medicine the same day for my work injury of 01/31/2017.

## Statement Of Issues On Appeal

For the Commission to write a letter to the Respondents (R.p. 151) to inform them they had NOT filed the first Report of injury, for the work injury they have stated several times I received authorization for medical treatment on 12/23/2016. But filed their first Report (R.p. 152) of injury 9 months AFTER my work injury.

On 01/13/2017, my Supervisor Loraine Tracy called me at home (R.p. 148) to tell me I had to report to her office to write my (R.p. 147) statement, knowing I had been out on sick leave for my back. (she authorized it) Respondents claim that I had authorization for medical treatment from Palmetto Health Richland where I was evaluated (R.p. 130) only and instructed to contact my doctor for complete medical diagnosis, care and treatment. EKG's, X-Rays (R.p. 134) which I NEVER RECEIVED. In the Respondents Form 51(s) they list (R.p. 123) the reason for denial is "No additional medical treatment has been AUTHORIZED since 12/23/2016." And for Respondents reason listed on their form 58(s) is: "Claimant was released from care on 12/23/2016. Claimant has NOT received AUTHORIZED treatment since that date." (R.p. 123-125)

Respondents have stated numerous times in their briefs that there was no mention of further recommended medical treatment, and also have stated on line #6 of R.p. 11 that Section 42-15-60(A) addresses the requirements of medical evidence that the Commission must when treatment beyond ten(10) weeks after the date of accident is requested.

The employer SHALL provide medical, surgical, hospital, and other treatment including medical and surgical supplies as reasonably may be required for a period NOT exceeding (10) ten weeks from the date of injury. (R.p. 123-128)

## Statement Of Issues On Appeal

So if the Physician's at Palmetto Health Richland instructed me to Contact my doctor immediately (R.p. 134) On the Morning Of 12/23/2016. And the Respondents did give Authorization the Morning of then Where Are the Authorization Numbers?

And if Respondents NEVER authorize treatment for me to Contact my doctor as the E.R. doctor's instructed for me to receive Complete medical diagnosis as the E.R. doctor's recommended With out Authorization how and when did I receive Authorized medical treatment from Respondents?

If I never received medical treatment why Wasnt 10 weeks of treatment authorized treatment given to me that is under the Workers Compensation Act? (R.p. 123-125)

- (1) The Respondents has been untruthful to the Commission by stating they had not received my Subpoenaed medical (R.p. 144) (R.p. 121. Line 2).
- (2) The Respondents asked me questions in detail about my work injury for 12/22/2016, at my Subpoenaed (02-22-19) deposition (R.p. 399-400) (R.p. 65, Lines 14-25, R.p. 66, Lines 1-18).
- (3) The Respondents filed medical pages from Palmetto Health Richland for services rendered on 12/23/2016, that was filed on 02/22/2018 (R.p. 118)
- (4) Respondents continually changed the date of my submitted evidence (R.p. 158) to 07/17/2017 to make it read as though Dr. Saunders was the doctor on record. (R.p. 11, Lines 8-9)
- (5) The Respondent added a weekly worker's comp rate of \$299.57 that was and is NOT listed in the Order Instructions of Commissioner James. (R.p. 11)
- (6) The Respondents intentionally gave Commissioner James the wrong Form 20 (statement of earnings of injured Employee) that has Date of injury as 01/31/2017 (R.p. 327, L. 13-25, R.p. 329, L. 1-22) and listed that dollar amount in all Submitted Decisions and Orders for W.C. file No. 1423303 and Case No. 2021-000696 (R.p. 154)

Instead of the correct Form 20, (R.p. 155) that Commissioner Barden requested on 10/18/2019, for (R.p. 12, 13) W.C.C. file NO. 1623303, that list "Date of Injury as ~~12/12/2011~~" with Weekly Compensation Rate as \$490.88.

(7) The Respondents was untruthful to the lower court as well as this court by stating that (R.p. 100) was not before the lower court but on Monday February 23, 2021, (R.p. 381, Lines 1-25) the Full Commission admitted the Employee/Supervisor Notification that is dated 02/03/17 (R.p. 99) that has my signature into the record. A Form that I've filed a motion to add several times for S.C.W.C.C. NO. 1712879 and was denied. (R.p. 175-177) shows my motion with date(s) of 2-3-2017. No mention of 2016 but due to my forgetting to add W.C.C. file NO 1712879, the Commission put the wrong file NO. 1623303.

But on Friday February 22, 2019, I received a (R.p. 93-98) copy of Respondents Exhibits at my subpoenaed deposition (R.p. 97) is the Employee/Supervisor notification that Respondents used as THEIR APA, that has my doctor instructions of me being out of work from 01/31/2017 through 02/08/2017, a form I never received. But Respondents made sure I signed the fabricated (R.p. 100) Employee/Supervisor notification my 2<sup>nd</sup> day back at work, (02/03/2017. And Respondents copied me a copy of the pre-hearing brief (R.p. 100-101) they sent to Commissioner Wilkerson that lists their evidence they intended (used) to (R.p. 102)(R.p. 398) use at the hearing for 03/07/2019, dated 02/22/2019. (R.p. 117) is copy of envelope dated 02/22/2019, the same as the mailed pre-hearing brief, R.p. 116) is the envelope that contained subpoenas that's dated 02/27/2019.

## Statement Of Issues On Appeal

73 days after my work injury as I've stated (December 22, 2016 til March 05, 2017) I was in a mva. As I have stated on record on 02/22/2019, at my subpoenaed deposition (R.p. . . .) (R.p. 61. Lines 15-25)  
Respondents never sent me for medical treatment prior to the mva. (R.p. 352. L. 17-25, R.p. 123-128)

If Respondents knew of my work injury of 12/22/2016, that they have alleged they gave authorization for medical treatment on 12/23/2016. Why was I questioned about work injury on 02/22/2019? (R.p. 65. Lines 14-25, R.p. 66. Lines 1-16)

Why didn't I have a deposition for w.c.c. file no. 1623303, like I did for w.c.c. file no 1712879 since this work injury happened in 2016? (R.p. 399)

For respondent purpose only they have tried to make it appear as though I am untruthful by stating I never filed a worker's comp claim. (In transcript of Commissioner James (R.p. 353. L. 9-25)  
When in fact I gave that information to the respondent on 02/22/2019, at my deposition. (R.p. 20-99)  
(R.p. 60. Lines 21-25)

# Statement Of The Case

This hearing comes before the full Commission Appellate panel via appeal by the Appellant from the hearing of Commissioner's Order, dated November 03, 2020. This was an admitted claim in which MS. Dixon, Suffered admitted injuries to her Jaw, Neck, Back on December 23, 2014, after being struck by a patient while assisting them into bed. (R.p. 147, R.p. 65, Lines 14-25, R.p. 66, Lines 1-2) She received medical treatment for that injury from Palmetto (R.p. 130) Health Richland emergency room on December 23, 2014.

She was released from care the same day, (R.p. 134) and Appellant received no additional (R.p. 123-128) authorized medical care for this accident.

During March of 2017, Appellant was involved in a motor vehicle accident (R.p. 235-237, R.p. 239-249) on September 07, 2017 (R.p. 159-166) Appellant then Attorney Benjamin Cruse filed a claim on Appellant's behalf via a form 50 (R.p. 160) not requesting a hearing in which Appellant alleged an injury to Wrist, Neck, Back. In February 2018, Appellant requested to terminate the attorney-client relationship with Mr. Cruse and he was relieved as her Counsel by Order of the Commission (R.p. 163) on March 15, 2018. Appellant, while advised of her right to Counsel, proceeded pro-se. Appellant subsequently filed a form 50 February 26, 2019, seeking treatment for her Wrist, Neck, Back. This was past the statutory period for treatment and lapse for an injury. (R.p. 134, R.p. 122-127) And Appellant has provided no evidence (R.p. 1-397) which would allow any of the exceptions to the rule S.C. Code § 42-15-60 (2012) R.p. 134, R.p. 135-143 (R.p. 123-124) (R.p. 118)

# Standard Of Review

Section 42-15-20: Notice to employer of accident or repetitive trauma.  
(R.p. 147)

Section 42-15-60(B.3) "In no case shall an employer be required to provide medical treatment or modalities in any case where there is a lapse in treatment of the employee by an authorized physician in excess of one year unless:  
(R.p. 123-128)

a) the Settlement Agreement or Commission Order provides otherwise; or

b) the employee has made reasonable attempts to obtain further treatment or modality from an authorized physician, but through no fault of the employee's own, is unable to obtain such treatment or modalities. (Respondent's did not authorize the recommended medical treatment from physician's Discharge Summary (R.p. 134) for date of Service 12/23/2016) (R.p. 123-128.)

# STANDARD OF REVIEW

The documents that I've submitted are the same documents that I submitted at the lower court that shows (R.p. 123-128) Respondents did NOT send me for the recommended treatment (R.p. 134) due to me being released on 12/23/2016.

Respondent has stated (R.p. 11, Line 7) that the S.C. Supreme Court has reiterated the requirement of medical opinion evidence stated to a degree of medical certainty required in Section 42-15-60(a) for treatment beyond (R.p. 123-128) ten weeks of the date of accident. And Employer's responsibility for providing medical treatment to covered employees under the Worker's Compensation (R.p. 10, L. 7) Act is limited to 10 weeks following an injury.

But due to Respondents never sending me for medical treatment I could not receive the opinion of a doctor. And since I never (R.p. 123-124, R.p. 125-128) received medical treatment aside from the shot of Torodal I received from Palmetto (R.p. 132) Health Richland on 12/23/2016, where I choose to go the morning of 12/23/2016, without consent or authorization.

And the Commissioner (James) denied my request for medical (R.p. 11, Line 13) treatment, based on reasons listed in order R.p. 11, Line 11.

R.p. 11 The Respondents stated on line 11 that they found that the MVA is an intervening event. "Injuring the claimant's back" but submitted documents from Providence Hospital (R.p. 238-248) list the reasons for my E.R. visit of 03/07/2017, following my MVA of 03/05/2017 (R.p. 234-236) (R.p. 237)

## Standard Of Review

So I pray and beg this Court to ask the question(s)

If I only wrote 1 document dated 01/13/2017 (R.p. 147) that stated how my work injury happened 22 days after my injury. There was no S.C. Dept of Mental Health Worker's Comp packet (R.p. 94-98). So how was Respondents able to give authorization on 12/23/2016 and NOT on the date of actual injury date of 12/22/2016? (R.p. 149)

Why was Respondents first report of injury filed 9 months after my work injury? (R.p. 152)

Why was this claim (2016) handled second?

Why did the Respondents wait until after my (R.p. 20-98) deposition of 02/22/2019 for W.C.C. NO. 1712879 (2017) and the hearing of 03/07/2019 after questioning me (2-22-19) about my work injury of 12/22/2016, and then file (answers) paperwork for a hearing dated 04/02/2019, for W.C.C. NO 1623303? (R.p. 119)

If Respondents had sent me for medical treatment at Palmetto Health Richland on 12/23/2016 as they have alleged why haven't they submitted any documents that list an authorization number. But was able to provide authorization numbers for my 2017 claim? (R.p. 237) where are the documents that list "Workers Compensation" for 2016? (R.p. 249-255)

# ARGUMENT

5 years 2 Months and 28 days later, I am still requesting Medical treatment for my work injury of 12/22/2016. Something that should have been under S.C. Worker's Compensation 42-15-60(a). (R.p. 123-124, R.p. 125-128)

In My Record On Appeal, I Submitted (R.p. 149-150) letters I had received from the Respondents for each claim. For W.C.C. file NO. 1712879, I wrote my statement the morning of work injury (01/31/2017) and the letter is dated 02/02/2017 (R.p. 150) stating Respondents "had received from my Employer the report of my job related injury" the report that I had written, A form just like (R.p. 147). the differences are for this claim (see 1712879)

I had received authorization for medical treatment the same day of work injury, I received W.C.C. packet (R.p. 93-96) with Supervisor signature. And 2 days later (R.p. 102) I received letter forms that Respondents used as their A/P

For W.C.C. file NO. 1623303, I did not receive any forms to complete on 12/22/2016, the day of my work injury like I had for my 01/31/2017 work injury (R.p. 93-96)

On 01/13/2017, is when my Supervisor called me to (R.p. 146) tell me to report to her office to write my statement (R.p. 147) since I had been out of work from 01/09/2017 thru 01/15/2017 (R.p. 148) and my time sheet reflects I was out on sick leave. And after I had written my statement, I received a letter from the Respondents (R.p. 149-150) dated 01/18/2017, letting me know they had received from my employer the report (R.p. 147) of my job related injury in the letter it states "you are eligible to receive workers Compensation benefits for that injury as provided by the South

# ARGUMENT

Respondents themselves have stated that I received NO Authorized Medical treatment since 12/23/2016, due to me being released. (R.P. 123-128)

But on the Physician Discharge Summary (R.P. 134) it states for me to contact my doctor immediately. The discharge Summary states for Continued and Complete Medical diagnosis that has the date of 12/23/2016. And also states that "My Signature Authorizes this Medical Center to RELEASE ALL OR AND part of my MEDICAL Record to the referred Physician listed above. There is NO mention of S.C. Worker's Compensation Commission.

Respondents NEVER Spoke to me the night of 12/22/2016 I was NEVER given (R.p. 93-96) the S.C. Dept of Mental Health Worker's Comp packet as I had on 01/31/2017. I NEVER seen the Supervisor to receive any documents to complete and was NEVER given Consent to leave 2200 Harden St. (C.M. Tucker Center) I left my work site of my own free will to seek medical treatment. (my work injury happened on 12/22/2016 PM. After waiting on Supervisor who never came to unit I left Job site and signed in at Palmetto Health Richland at 2:53 AM (R.p. 134) on 12/23/2016.

So by Respondents own admission I did not receive Authorized Medical treatment, even after the Physicians (R.p. 134) stated for Continued and Complete medical diagnosis. I needed to contact my doctor, but could not due to not receiving authorization. And Respondents never sent me for medical treatment. (R.p. 123-128)

# ARGUMENT

If the Respondents had sent me to Palmetto Health Richland with authorization for medical treatment, why couldn't I go for further medical treatment after 12/23/2016? (R.p. 123-128, R.p. 149, R.p. 134)

The Respondents alleged authorization ENDED on 12/23/2016, once I was discharged. (R.p. 123-128)

Respondents did not pay for my medication on 12/23/2016 (R.p. 135-137) \* Section 67-1601\*

Respondents did NOT file first Report of Injury until 09/25/2017 after S.C.W.C.C. wrote a letter to the Respondents. (R.p. 151-152) But Respondents has been untruthful about giving authorization on 12/23/2016 and not on 12/22/2016. Like they had for date of injury of 01/31/2017 (R.p. 94-97) by sending me for medical treatment the same morning. W.C.C. No. 1712879

Respondents has had medical records of BOTH claims for W.C.C. Nos. 1623303 and 1712879, and filed pages from medical records of BOTH claims. (R.p. 118) Stamped 2018 (R.p. )

Respondents sent me a letter informing me they had received my work injury report, (R.p. 147) dated 01/18/2017 (R.p. 149) for W.C.C. 1623303. But never sent me for medical treatment, due to Respondents had not given alleged authorization (R.p. 123-128) since 12/23/2016.

## A R GUMENT

I got injured on 12/22/2016, and I never received any paperwork (R.p. 94-97) for S.C.W.C.C. file NO. 1623303 as I did for S.C.W.C.C. file NO. 1712879. When the fact is W.C.C. 1623303 injury happened first and Respondents never gave authorization of any kind for medical treatment. (R.p. 123-128)

Respondents themselves has stated they gave authorization on 12/23/2016, Not on the date of 12/22/2016, date of injury (work)

Respondents has not provided one document to show an authorization number for W.C.C. file NO. 1623303 work injury date of 12/22/2016. Or any documents dated 12/22/2016, or 12/23/2016. But were able to for 2017 injury.

On 12/23/2016, the physicians from Palmetto Health Richland where Respondents have stated I had authorization for medical treatment, verbally instructed me (R.p. 134) to contact my doctor immediately. But due to the E.R. doctor recommended further medical care and released me on 12/23/2016, Respondents would NOT give authorization for me to receive medical treatment. (R.p. 123-128)

If Respondents did not feel the need to send me for the recommended medical care from Palmetto Health Richland, how did I allow 10 weeks to lapse?

Even with the physician's stating (R.p. 130) I was seen and evaluated only. NO X-RAYS, MRI, C.A.T Scan (R.p. 134) I was to go to my Dr. for those.

## A R GUMENT

Carolina Worker's Compensation Law. Again the letter (R.p. 149) is dated 01/18/2017, 5 days after I wrote my (R.p. 147) Statement. So if I was eligible for Worker's Compensation benefits from the date of the letter and released from Palmetto Health Richland (Where Respondents claim I had authorization on 12/23/2016) where the physicians instructed and gave (R.p. 134) document instructions for me to contact my doctor. How then did I receive authorized medical treatment from Respondents when their submitted documents (R.p. 122-128) states "The reason for denial are: Claimant was released from care on 12/23/2016. Claimant has NOT received authorized medical treatment since that date."

I got injured on 12/22/2016. I was not given any forms to complete. I never spoke to the supervisor the night of work injury. Work injury happened on 12/22/2016, I waited for supervisor to come to the unit, that didn't happen. I signed in at Palmetto Health Richland at 2:53 AM (R.p. 134) I was never given X-rays, MRI or examination of my back (R.p. 130) I was visually examined (if there were X-rays Respondents would have used them as their APAs) like they used the X-rays from Providence of Services rendered on 03/07/2017) I receive a narcotic called (R.p. 132) Toradol and (R.p. 135) given a prescription for Naprosyn. Discharged home. On the same day (12/23/2016, Respondents didn't authorize payment for my prescription. I had to pay (R.p. 11. Line 6) out of pocket (R.p. 135) for something that is under the W.C.C. Law 42-15-60(A) I sent emails with receipt to Respondents and placed receipts in Respondents hands (still have emails) but Respondents claim I didn't ask for

# ARGUMENT

Reimbursement either. Respondents file their first form 51 (r.p. 119) on 04/02/2019, for W.C.C. file No. 1623303 for my 2016 work injury. Respondent have falsely submitted that Dr. Jerry Saunders was to have been the doctor that was to have referenced the work place assault of 2016, when the letter is dated 07/17/2019. The malfeasance of Respondents is very unbecoming.

Respondents untruthfulness of the following:

- 1) Stating I had authorization for medical treatment on 12/23/2016, when authorization would be given the day of work injury (R.p. 93-96) (R.p. 123-128)
- 2) Can't and have not provided 1 document with an authorization number from start to finish, like they did for claim number 1712879, just 1 month 9 days after my 12/22/2016, work injury. (R.p. 129) (R.p. 94-97)
- 3) Added a weekly compensation rate that was not listed in Commissioner James Order instructions. (R.p. 154) (R.p. 11.L)
- 4) Intentionally gave Commissioner James, the wrong form 20 from my 2017 work injury (R.p. 154) instead of the correct form 20 that Commissioner Barden, stopped the hearing due to Respondents had not submitted a form 20 (R.p. 12, R.p. 155)
- 5) Was untruthful to this court by stating that I had not filed the documents they motioned to strike with full knowledge all documents I've submitted was used at the lower court. (R.p. 01-399) (R.p. 121.L.12)

# ARGUMENT

- 6) Respondents filed their first Report of Injury on 09/25/2017 for my 2016 work injury after S.C.W.C.C. wrote State Accident to let them know they had not filed the report. (R.p. 151), (R.p. 152)
- 7) Respondents stated on 03/07/2019, to the Commission that they had NOT received the subpoenaed medical records (R.p. 121) but had received medical records (R.p. 118), (R.p. 251) per Respondents request. (R.p. 144) on 11/18/2017. for S.C.W.C.C. No. 1712879 but used them for W.C.C. file No. 1623303. (R.p. 105-115) after filing Subpoenas on 02/27/2019.
- 8) Respondents stating that I had authorized medical treatment on 12/23/2016, from Palmetto Health Richland, where they have alleged I was (R.p. 130) sent. And had denied me the recommended medical treatment/instructions from the physician of Palmetto Health Richland (R.p. 134). Due to me being released on 12/23/2016 (R.p. 123-127). And then states that I want additional medical treatment. When in fact I never received medical treatment (authorized) from (R.p. 123-128) Respondents at any time before or after 12/22-23/2016 under the S.C. Worker's Compensation Law (R.p. 11. L. 6) states "The employer shall provide medical, surgical, hospital and other treatment including medical and surgical (R.p. 119-120) supplies as reasonably may be required, for a period (R.p. 123-128) not exceeding 10 weeks from the date of injury." so if I was instructed by the physicians verbally, documented to contact my doctor for COMPLETE MEDICAL CARE, diagnosis and to have x-rays, EKG's and lab studies (R.p. 134)

# ARGUMENT

How did I exceed 10 weeks if Respondents never sent me to a doctor for medical care per instructions of doctor's from Palmetto Health Richland on 12/23/2016? Or after mailing me the letter? (R.p. 149) R.p. 123-128)

I have submitted documents to the lower court and this court that shows respondents filed pages from my medical record of 2017 work injury and 2016, that shows respondents had medical records that they filed at S.C.W.C.C. on (R.p. 118) 02/22/2018. Respondents requested

medical records of 12/23/2016, (R.p. 144) and on (R.p. 105-115) 02/27/2019, Respondents files subpoenas for same medical records, list them in their pre-hearing brief (R.p. 102) and then on 03/07/2019, Respondents stated they had not received subpoenaed records (R.p. 121, L. 1-13) but was able to mail me copies of subpoenas (envelope is dated with same date on subpoenas) (R.p. 116) and copies of medical records (R.p. 117), pre-hearing brief (envelope has the same date on pre-hearing brief) and ~~that~~ had listed "Written Medical Reports" and stated "I am providing Dana Dixon, pro-se claimant with a copy of the same" dated 02/22/2019 (R.p. 104) Why use a subpoena to retrieve SAME medical records and not use them for claim of W.C.C. NO. 1712879? But instead use them for W.C.C. NO. 1623303? (R.p. 398)

# ARGUMENT

The Malfeasance of the Respondents is Saddening due to Respondents dishonesty at the lower Court as well as this Court. (I mean no disrespect to this Court) If Respondents was told by the Commissioner (Borden) on 10/18/2019 (R.p. 12) that they needed to provide the Commission with a form 20, why did the Respondent give Commissioner James, the form 20 from my 01/31/2017 work injury (R.p. 154) instead of the supported form 20 (R.p. 155) for my work injury of 12/22/2016 that Respondents provided after 10/18/2019, but before hearing before Commissioner James?

# Conclusion

The Respondents have fabricated the truth by stating I received Authorized medical (R.p.126) treatment on December 23, 2016, when I went to Palmetto Health Richland after being attacked (by a male resident) (R.p.147) of my own free will and choosing. (R.p.66.L.9-16) (R.p.129)

Respondents have not provided one document with an authorization number for SCWCC (R.p.18) file number 1423303, for injury of 12/22/2016.

As they did (R.p.249, R.p.250-255) for my 01/31/2017 work injury that happened after 2016. And Respondents have NOT provided (R.p.94-97) a S.L.D.M.H.

Worker's Compensation package (Exhibit) that has Supervisor Signature as the one for my 2017 work injury.

Since I was never given any documents to complete the night of 12/22/2016, by the Charge Nurse, and the Supervisor (Director of Nursing) never came to the unit and Respondents never listed any name(s) of whom they gave authorization to, and the (1) one document (R.p.147) I received was on 01/13/2017, 22 days AFTER my work injury. After being told by Supervisor Lorain Tracy (R.p.336.L.1-9) I had to report to her office via phone call. (R.p.148) shows I was out of work on sick (R.p.339.L.2-10) leave from 01/10/2017-01/13/2017. So my question I've always wanted Respondents to answer was if there was no paper trail, how did they know I was injured to give authorization?

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Respondents denied me medical treatment due to me being released from care on 12/23/2016 (R.p. 123-128) and would not give authorization for further recommended <sup>treatment</sup> (R.p. 134). And then write in their briefs and replies that I am asking (R.p. 356.L. 1-10) (R.p. 356.L. 1425) for additional treatment of my back. (R.p. 11.

Lines 5-7) When Palmetto Health Richland E.R. doctor's looked at me (visually) No X-rays (R.p. 118.L. 14) MRT's nothing and determined my diagnosis was a muscle spasm. R.p. 65.L. 24-25, R.p. 66.L. 1-2)

Respondents submitted subpoenaed medical records (R.p. 105-115) that were used for W.C.C. file No. 1712879 dated 02/27/2019, on the envelope (R.p. 116). that contained the subpoenaed medical records (R.p. 117) and (R.p. 101-104) pre-hearing brief dated 02/22/2019, the same as the envelope from respondents. That respondents stated they had NOT received (R.p. 121. Lines 1-2) (R.p. 144) dated 01/18/2017 for "payment purposes". Both envelopes has same date as the content, which was before the hearing.

Respondents listed the X-rays from my E.R. visit of 03/07/2017, (R.p. 11. Line 10) from Providence Hospital (Respondent listed wrong date of March 03, 2017. MVA occurred March 05, 2017. Respondents APA(s) 34, 53 lists the date.

Respondents state the X-rays were taken as "a result of my symptoms." Also APA(s) from respondents (subpoenaed APA(s)) (R.p. 238-248) lists Chief Complaint as Neck Pain. R.p. 248 reads "you were seen in the E.R. . . . 23

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On 03/07/2017 For Neck pain! R.p. 240 States Hit Car from behind and left side. But (R.p. 235-237) damage was on RIGHT passenger rear side only. (R.p. 237)

On 01/13/2017, I wrote my statement (R.p. 147) and afterwards I received a letter from Respondents dated 01/18/2017, informing me they received from my employer the report (R.p. 149) of my job related injury. And I still did not receive any medical treatment, because I was release from care on 12/23/2016, and I had NOT received AUTHORIZED treatment since that date. (R.p. 123-128) And NO additional medical treatment was AUTHORIZED since 12/23/2016. (R.p. 123-128)

Respondents first form 51 (Employer's answer to request for hearing) (R.p. 119) dated 04/02/2019 for W.C.C. file NO. 1623303, was the start of the claim. But on 02/21/2018, Respondents filed a form 19 (status (R.p. 18) Report and Compensation receipt) and at the bottom of the page it reads "form 19 must be filed within (16) sixteen days of final payment of compensation. Form 19 must be filed when a claim is denied." The question is: If the amount is not the amount of payment (R.p. 144-145) and I never received compensation where did \$618.90 come from? (R.p. 352, Lines 24, 25) How was claim denied in 2/2018, if Respondents filed their 1st form 51, on 4/2/2019 for this claim?

Respondents filed form 18(s) periodic reports (R.p. 137-143) lists the same amount of \$618.90, on 12/22/2017, 03/06/2019, 06/24/2019, 07/31/2019. At bottom of page it reads: File this form 6 months after alleged injury date and each 6 months.

Until the Commission's file is closed. Form 1<sup>8</sup> must be (R.p. 354.L. 17-25) filed whether or not compensation is on going. But listed on (R.p. 142) line 5, (b) Medical (include nursing, hospital, drugs, (R.p. 135-136) Etc) the dollar amount is \$ 4,323.90. form is dated 06/22/2020. And (R.p. 143 line 5 b) dollar amount is \$ 6,701.40 (09/30/2020)

The Respondents Stated in their form 51(s) (R.p. 123-125) No additional treatment has been authorized. Respondents form 58(s) R.p. 126-128 States Claimant has NOT received authorized treatment since that date 12/23/2016. And the forms were submitted before 6 months. So for what purpose the "Medical" payment increased? (R.p. 144-145) And if the Respondents would have authorized Medical treatment it would have been the SAME date of On the Job Injury NOT the next day.

The final Conclusion is 5 years ago I was injured on the job. I reported it. I received no documents to complete from my employer the night of, the Supervisor never came to unit. I went (R.p. 131) to Palmetto Health Richland, where I was visually (R.p. 130), R.p. 118 evaluated. No X-rays, MRI(s) or any other procedures aside from the shot of Torodal and instructed (R.p. 132) to contact my doctor for an X-ray or other medical procedures, given 2 prescriptions and a physician discharge summary that again instructed me to contact my doctor. And (R.p. a work excuse, @ days excused) I was released on 12/23/2016. (R.p. 134) on 12/23/2016 (R.p. 135) I had to pay for my own medicine. I begged Supervisor to contact someone so I could receive medical treatment. That never happened. Respondents have stated I am wanting additional treatment for my back when the Discharge Summary instructed me

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to Contact my doctor Immediately. But Respondents denied that because No additional treatment was authorized since 12/23/2016 (R.p. 123-128) And because I was released from care on 12/23/2016, and I have not (alleged) received authorized treatment since that date. (R.p. 123-128)

So since the E.R. never took an X-ray of my back on 12/23/2016 but only visually evaluated me, told me to contact my doctor for the X-rays. When did I receive medical treatment? (R.p. 118, 130).

I pray that all documents that I've submitted from the lower court will help this court to see the fact that Respondents never provided medical treatment for me that consisted of 42-15-60(A) under the Worker's Compensation Act. And will see that submitted evidence refutes what Respondents have stated and reverse the decision of South Carolina Worker's Compensation Commission, and to review R.p. 123-128) to see that I never received medical treatment that was authorized by Respondents. (R.p. 134) or received the recommended medical treatment, or instructions of physicians of Palmetto Health Richland on 12/23/2016, nor did I receive (authorized) medical treatment or care from Respondents before or after (R.p. 149) I received Respondents letter.

I beg this court to please review all submitted documents that support my claim to see that the Respondents have not once sent me for medical treatment of any type and has NOT provided any documents of 2016 or any other dates that shows an authorization number for medical treatment for my work injury of 12/22/2016.

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And this Court reverse the decision of the  
Lower Court, so that I will be able to  
receive the medical treatment that I should  
(42-15-60(A)) have with authorization on (12/22/2016)  
Actual date of injury (p. 134) Form 51 dated 04/02/2019  
15 Respondents 2nd document acknowledging my 12/22/2016  
Work injury (p. 149, p. 119-120)