

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM

THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

APPELLATE CASE NO. 2022-001153

SCWCC FILE NO. 1824344

Zachary Brown, Claimant, Respondent,

v.

Southeastern Services, H.H.I., LLC, Employer, and Uninsured Employers' Fund, Carrier,
Defendants,

of which Uninsured Employers' Fund is the Appellant.

**RECORD ON APPEAL
VOLUME 1 OF 2**

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BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1824344

Zachary Brown,	)	
	)	
Employee/Claimant,	)	
	)	
v.	)	
	)	Decision and Order
Southeastern Services, H.H.I., LLC	)	
	)	
Employer,	)	
	)	
and	)	
	)	
Uninsured Employers' Fund,	)	
	)	
Carrier,	)	
	)	
Defendants.	)	

Hearing:	Held in Walterboro, South Carolina on February 18, 2021.
Appearances:	Joshua R. Fester, Esquire, on Behalf of the Employee/Claimant
	Timothy B. Killen, Esquire, on Behalf of the South Carolina Workers' Compensation Uninsured Employers' Fund.
	Michael Bennett, Esquire, on Behalf of the Employer, Southeastern Services, H.H.I., LLC
Purpose of Hearing:	To determine Claimant's entitlement to benefits under the S.C. Workers' Compensation Act and to determine the issues as set forth in the Forms 50/51 submitted by the parties.
Commissioner:	The Honorable R. Michael Campbell, II

I. STIPULATIONS

It was stipulated and agreed at the time of this hearing that:

1. The purpose of the hearing was to determine Claimant's entitlement to benefits under the South Carolina Workers' Compensation Act and to determine the issues as set forth in the Forms 50/51 submitted by the parties, as well as any other issues which may come before the Commissioner.
2. Notice of hearing was timely and properly served upon all parties of interest.
3. Venue, set in Beaufort County, is proper as agreed by all parties.
4. Claimant sustained a workplace injury on October 29, 2018.
5. The Commission's file with the exception of self-serving declarations and unstipulated medical reports are admitted as part of the record.

II. APA SUBMISSIONS

Prior to taking of testimony and pursuant to notices timely filed and served, the following records were submitted into evidence pursuant to the South Carolina Administrative Procedures Act and S.C. Code Reg. 67-512.

Claimant's Submissions

APA#	DOCTOR	PRACTICE	DATES	PAGES
1.		Hilton Head Hospital	10/29/2018 to 10/31/2018	1-109
2.	Dr. Douglas Scott	Orthopedic Associates of the Lowcountry	10/30/2018 to TBS	110-118
3.	Dr. Joseph Tobin	Tobin Bone & Joint Surgery	07/28/2020	119-120
4.	Personnel Records	Crossroads Construction	04/15/2019 to 10/18/2019	121-128
5.	Personnel/Pay Records	Southeastern Services HHI, LLC	2017-2019	129-341
6.	2017, 2018, 2019 Tax Records	Jamie Brown	07/17/2020	342-409
7.	Email from SCWCC	SCWCC	07/17/2020	410-412
8.		Photo of Southeastern Services van		413

Employer's and Fund's Submissions

APA#	SOURCE	TYPE OF REPORT	DATES	PAGES
1.	Employer	Payroll Records	1/1/2018 – 12/31/2018	1 - 83
2.	Employer	Yearly Payroll Records	2018	84 - 88
3.	Employer's Counsel	Deposition of Zachary Brown	1/19/2021	149 - 160
4.	Employer's Counsel	Deposition of Daniel Smith	07/01/2020	89 - 107
5.	Employer's Counsel	Deposition of Jamie Brown	07/01/2020	108 - 148

III. STATEMENT OF THE CASE

This matter came before the undersigned pursuant to Claimant's Form 50 and Defendant Employer's Form 51, dated November 17, 2020 and November 25, 2020 respectively. Claimant, a construction laborer for Defendant Southeastern Services HHI, LLC (the LLC), fell 6 ft from a ladder fracturing his left leg while replacing windows at a residence on October 29, 2018. He was immediately taken to the emergency room, admitted to the hospital, and underwent surgery on his left leg that included installation of retained hardware. The balance of Claimant's treatment for these injuries includes two post-operative follow-up appointments, physical therapy, and an independent medical evaluation over the span of approximately a year and a half.

Defendant LLC and Defendant South Carolina Uninsured Employer's Fund (SC UEF) deny the Commission has jurisdiction over the claim alleging that because the LLC did not employ 4 or more employees at the time of the accident¹ it was not subject to the provisions of the South Carolina Workers' Compensation Act. If the employer was subject to the Act, Claimant's average weekly wage and compensation rate should be calculated based upon his hearing testimony. Also, Claimant's closed period of temporary benefits should be calculated from his release from physical therapy in January 2019. Claimant disagrees and contends that jurisdiction is proper: Defendant Southeastern Services HHI, LLC was subject to the Act as it employed 4 or more employees at the time of the accident. Therefore, Claimant seeks a determination of compensability and a determination as to the responsible party for his workers' compensation benefits, as he has not yet

¹ In their November 25, 2020 Form 51, Defendant Southeastern Services also denied that the accident occurred within Claimant's course and scope of employment. The parties have since stipulated to the occurrence of a workplace accident.

reached maximum medical improvement. Claimant also seeks payment of all past medical treatment, additional medical treatment for his injuries, temporary indemnity benefits for the closed period between October 29, 2018 and April 15, 2019 and requests the Commission name Dr. Douglas Scott as his authorized treating physician. Claimant requests a calculation of his average weekly wage and resulting compensation rate using the objective data contained in Claimant's payroll records.

This matter was set for a Hearing before the undersigned on February 18, 2021 in Beaufort, South Carolina. Joshua Fester, Esquire, of Darrell Thomas Johnson, Jr., LLC appeared on behalf of Claimant, Zachary Brown. J. Timothy Killen, Esquire, of Holder Padgett Littlejohn & Prickett, LLC appeared on behalf of the Defendant South Carolina Uninsured Employer's Fund. Michael Bennett, Esquire, of Berry & Carr, P.C. appeared on behalf of Defendant Southeastern Services HHI, LLC.

FINDINGS OF FACT

The undersigned Commissioner has thoroughly reviewed all of the testimony and evidence contained in the record and, after due consideration of the claim and defenses, the following Findings of Fact, as required under S.C. Code Ann. § 42-17-40, as amended, are set forth:

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County, is proper as agreed by the parties.
3. Claimant was hired as a construction laborer by Defendant Southeastern Services HHI, LLC (the LLC) in mid to late October 2018. (Hr. Tr. p. 46, ln. 15-17, 21-23).
4. On October 29, 2018 Claimant fell 6 ft. from a ladder while replacing a window on a residential remodeling project for Defendant Southeastern Services sustaining a left tibia and fibula fracture. (Claimant's APA 1, p. 1, 4; Hr. Tr. p. 20, ln. 17-25).
5. Claimant testified that two other employees of the LLC were working with him on the day of the accident, Daniel Smith and Taylor Smith. (Hr. Tr. p. 29, ln. 19-21). No subcontractors were working on the jobsite with him on October 29, 2018. (Hr. Tr. p. 33).
6. Testimony at the hearing established that Claimant worked for Defendant LLC for approximately 3 weeks prior to the accident. (Hr. Tr. p. 46, ln. 18 – 20)

7. Claimant was treated at the Hilton Head Hospital Emergency Room on the day of the accident. (Claimant's APA 1, p. 1).
8. After receiving an orthopedic evaluation at the hospital, he was admitted for an emergency open reduction and internal fixation of the left midshaft tibia fracture with intramedullary nailing. (Claimant's APA 1, p. 4, 7, 60; Hr. Tr. p. 22, ln. 1-4).
9. Upon release from the hospital, Claimant was instructed to attend a follow-up visit with his attending surgeon, Dr. Scott, remain non-weightbearing on his left lower extremity, and provided a knee brace for post-operative use. (Claimant's APA 1, p. 12-13).
10. Claimant attended two post-operative follow-up appointments at Orthopedic Associates of the Lowcountry. After the second appointment, on December 13, 2018, he was released to "gradually return to working duties as tolerated." (Claimant's APA 2, p. 115, 118).
11. Though the records were not offered into evidence, Claimant attended physical therapy. He testified that the day he was released from physical therapy when he was given a boot and advised that he could perform light duty work at his last appointment in January or February. (Hr. Tr. p. 42, ln. 14-23; p. 43, ln. 1-2).
12. Approximately a year and a half after his surgery, Claimant presented to Dr. Tobin at Tobin Bone & Joint Surgery for an independent medical evaluation complaining of clicking and popping in his left knee, and pain while kneeling. (Claimant's APA 3, p. 119; Hr. Tr. p. 23, ln. 3-14).
13. Dr. Tobin opined, to a reasonable degree of medical certainty, that at the time of the evaluation, Claimant had not reached maximum medical improvement and that Claimant required additional treatment in the form of repeat x-rays, a MRI of the left knee to address the possibility of an untreated meniscal tear, and additional surgical intervention. In his medical opinion, Claimant's current symptoms were caused by the treatment he received for his work-related injury. (Claimant's APA 3, p. 119-120).
14. Claimant did not return to his job with the LLC. By his July 28, 2020 IME with Dr. Tobin, he worked for Pro-Wash Plus pressure washing houses. (Claimant's APA

3, p. 119-120; Hr. Tr. p. 23, ln. 24-25). Prior to his employment with Pro-Wash, Claimant returned to work at full capacity with Crossroads Construction on April 15, 2019 and worked there until leaving their employ on October 12, 2019. He did not work from the date of injury, October 29, 2018 to April 14, 2019. (Claimant's APA 4, p. 123; Hr. Tr. p. 29, ln. 1-7).

15. No out of work notes from Claimant's physicians were admitted into the evidentiary record. (Commission File).
16. Mr. Jamie Brown, the sole member of Southeastern Services HHI, LLC, testified during his deposition and during the hearing that he wanted Claimant to return to work and offered him a job after the accident, but Claimant did not respond. It was "known to [Claimant] that if he wanted to return his job was there for him." (Defendants' APA 5, p. 118; Hr. Tr. p. 49, ln. 3-12; p. 52, ln. 9-14).
17. Claimant testified that Mr. Jamie Brown did not offer him light duty work after the accident. Instead, he received \$100.00 in financial assistance from Southeastern Services. (Hr. Tr. p. 28, ln. 2-16).
18. Though his testimony wasn't initially clear about how much he paid to Claimant as post-accident financial assistance, Jamie Brown eventually testified during the hearing and during his deposition that he paid Claimant about \$1,100.00. This is not reflected in the payroll records. (Defendant's APA 5, p. 127; Hr. Tr. p. 48, ln. 15-18, p. 53, ln. 2-10; Claimant's APA 5, p. 145-312; Defendant's APA 1).
19. Payroll records submitted into evidence show that Claimant worked: 56 hours during pay period ending October 19, 2018 earning gross wages totaling \$756.00, 50 hours during pay period ending October 26, 2018 earning gross wages totaling \$742.50, 40 hours during pay period ending November 2, 2018 earning gross wages totaling \$540.00 earning \$200.00 in gross wages during pay period ending November 9, 2018. (Defendants' APA 1, p. 70-71, 79-80; Claimant's APA 5, p. 283, 301, 303).
20. Payroll records and Federal Tax Forms from 2018 also evince that Daniel Smith and Taylor Smith were working full time and being paid by the LLC. *See generally* (Defendant's APA 1; Claimant's APA 5, Claimant's APA 6, p. 315, 317).

21. Beginning with pay period ending November 2, 2018, payroll records confirm that and additional employee, Chance Jones consistently worked between 34-40 hours per week and was paid by the LLC. (Defendants' APA 1, p. 70-72, 74; Claimant's APA 5, p. 283-287, 291). Defendant employer's tax records also indicate that Chance was paid wages by the LLC in 2018, though there are no dates of employment on the W2. (Claimant's APA 6, p. 315; Defendants' APA 5, p. 120).
22. There was no dispute that Claimant, Daniel Smith, and Taylor Smith were regular, full-time employees on the day of the accident. (Defendants' APA 4, p. 99, Defendants' APA 5, p. 119, Hr. Tr. p. 46, ln. 8-14).
23. There was conflicting evidence presented at the hearing regarding whether Chance Jones was also employed by the LLC on October 29, 2018. Claimant testified during his deposition that Chance Jones would "come[sic] in once per week or so if he could help out" and that he worked with him about 3 times." (Defendants' APA 3, p. 157, 159). At the Hearing, Claimant testified that Chance did some work for the LLC right before the accident. (Hr. Tr. p. 30, ln. 11-17). Daniel Smith testified during his deposition that Chance Jones worked intermittently prior to the accident but wasn't on the jobsite the day of Claimant's accident. Chance had worked off and on for Defendant Southeastern Services for the past 8 years. (Defendants' APA 4, p. 102). Jamie Brown also testified during his deposition that Chance works intermittently and wasn't working for Defendant Southeastern Services during Claimant's tenure. (Defendants' APA 5, p. 121, 146-147). Payroll records submitted into evidence from 2017 indicates that Chance Jones was consistently being paid by the company until September 2017, received wages for two pay periods in October 2017 but was not paid wages again until November of 2018. (Claimant's APA 5, p. 129-144).
24. In addition to testimony regarding the LLC's number of direct employees, Jamie Brown offered testimony regarding the business's use of subcontractors. Mr. Brown testified that he is a licensed general contractor and possesses the requisite skill to build a residential home "from the ground up" though his business does not build homes or construct major additions. (Hr. Tr. p. 54, ln. 18-22.) The LLC mainly performs interior remodels focusing on kitchens, baths, window and door

replacement, and occasionally exterior decking. (Hr. Tr. p. p. 47, ln. 14-20; Defendants' APA 5, p. 113).

25. He admitted that the LLC sometimes performs plumbing, flooring, tile, and painting work and that these services are an integral part of his business as a general contractor, but he regularly hires subcontractors for these services. (Hr. Tr. p. 55, p. 56, ln. 3-8).
26. If the project requires electrical work, he will subcontract to Dedicated Electric for those services. Dedicated Electric's owner is its only employee. (Hr. Tr. p. 56, ln. 17-24).
27. However, according to his testimony, Jamie Brown did not hire any subcontractors to work on the residential window replacement project the day Claimant was injured. (Hr. Tr. p. 69, ln. 12-25). He hadn't hired any subcontractors during the time Claimant worked for the LLC. (Hr. Tr. p. 72, ln. 7-11). Claimant observed 1 electrician, purportedly from Dedicated Electric, on a different job site. (Hr. Tr. p. 43, ln. 3-13). No financial records or check copies were entered into evidence indicating that any subcontractors were paid during claimant's tenure. (Commission File).
28. Jamie Brown testified during the hearing that he formed Southeastern Services HHI, LLC in January 2018. (Hr. Tr. p. 45, ln. 18-25). He is the sole member of the LLC and the entity is taxed as a sole proprietorship. This is corroborated by the tax records. (Hr. Tr. p. 48, ln. 5-10; p. 52, ln. 5-8; p. 53, ln. 21-23; Claimant's APA 6, p. 342; Defendants' APA 5, p. 114).
29. He admitted that the LLC does not carry workers' compensation coverage. (Defendants' APA 5, p. 119).
30. Jamie Brown also testified that he does not consider himself an employee of the LLC because he doesn't draw a paycheck though he admitted during his deposition that the LLC pays for his groceries, family vacations, and bills. He has no personal checking account. (Hr. Tr. p. 47, ln. 6-11; Defendants' APA 5, p. 123, 132).
31. In exchange for this remuneration, Jamie Brown performs his own office work. (Defendants' APA 5, p. 139). He works alongside his crew as a foreman 3-5 days per week and acts as the customer service, sales, and procurement divisions of the

company. (Defendants' APA 3, p. 157; Hr. Tr. p. 30, ln. 18-25; p. 50, ln. 12-15, 18-19).

32. Mr. Jamie Brown operated a sole proprietorship under the name Jamie Brown d/b/a Southeastern Services HHI. (Defendants' APA 5, p. 119). Since the formation of the LLC, he no longer does business under that name. (Hr. Tr. p. 50, ln. 25, p. 51, ln. 1-2).
33. The Commission File contains no Form 5 filed by Mr. Jamie Brown. (Commission File).

CONCLUSIONS OF LAW

Accordingly, as provided in S.C. Code Ann. § 42-17-40, it is the determination of the undersigned Commissioner as follows:

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County, is proper as agreed by the parties.
3. The South Carolina Workers' Compensation Commission has jurisdiction over the claim because the LLC employed 4 or more employees at the time of the accident. Not all employers are subject to the Act and required to obtain workers' compensation insurance. The Act specifically exempts "any person who has regularly employed in service less than 4 employees in the same business within the State..." S.C. Code Ann. § 42-1-360 (2021). A company regularly employs the requisite number of employees if it employs "the same number of persons with some consistency throughout a relevant time period." Hernandez- Zuniga v. Tickle, 374 S.C. 235, 257 (2007). The relevant time period is determined by "considering (1) the employer's established mode of operation; (2) whether the employer generally employs the jurisdictional number at any time during his operation, and (3) the period during which employment is definite and recurrent rather than occasional, sporadic, or indefinite. Id. (Holding that employer was not subject to the Act because it did not regularly employ 4 or more employees where 2 employees regularly worked for Tickle, testimony was inconclusive as to whether a 3rd individual was regularly employed, and the homeowner never observed "more than [3] workers painting her house."). "The issue of

whether an employer regularly employs the requisite number of employees to be subject to the [Act] is jurisdictional.” Harding v. Plumley, 329 S.C. 580 (Ct. App. 1998).

4. The South Carolina Workers’ Compensation Act defines employee as: “[E]very person engaged in an employment under any appointment, contract of hire, or apprenticeship, expressed or implied, oral or written, including aliens and also including minors, whether lawfully or unlawfully employed, but excludes a person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.” S.C. Code Ann. § 42-1-130 (2021). This definition includes corporate officers but excludes sole proprietors or partners of a business. *See* S.C. Code Ann. § 42-1-130 (2021)² and S.C. Code Ann. § 42-1-520 (2021). Corporate officers may exclude themselves from coverage under the Act by filing a Corporate Officer Notice to Reject, Form 5 with their insurance carrier. *See* S.C. Code Regs. 67-402 (1997).

5. The relevant time period to determine whether the LLC consistently employed 4 or more employees begins with the LLC’s formation in January 2018 and continues until December 2018. Payroll records and federal tax forms establish that Daniel Smith and Taylor Smith were full-time, regular employees of Defendant LLC since its formation in 2018 and until the time of Claimant’s accident. There is also no dispute that Claimant was a regular, full-time employee beginning in mid- October 2018 and on the date of accident. In addition to Claimant, Daniel, and Taylor, the sole member of the LLC, Mr. Jamie Brown, is considered an employee under the Act. He was and continues to be consistently and regularly employed by the LLC since its formation. As a member of an LLC his status is not a “sole proprietor,” but is akin to that of a corporate officer. “[A] limited liability company is a legal entity distinct from its members.” S.C. Code Ann. § 33-44-201 (1976). “Each member is an agent of the limited liability company for the purposes of its business.” S.C. Code Ann. § 33-44-301 (1976). He testified that though he did not draw a paycheck from the LLC, he received compensation from the LLC for his services as office staff, foreman, customer service, sales, and procurement and that he used the LLC business checking

² Chapter 44, section 1205 of the South Carolina Uniform Limited Liability Company Act synonymizes the terms “partnership” or “general partnership” with “limited liability company” when used in any other statute or regulation in the South Carolina Code. Because the legislature specifically set forth the terms that could be interchanged with “limited liability company” and those terms do not include “sole proprietor” or “partner” as used in section 42-1-130, members or owners of an LLC are treated as corporate officers for purposes of the Workers’ Compensation Act. *See Nelson v. Ozmint*, 390 S.C. 432, 436-437 (2010)(citing Hodges v. Rainey, 341 S.C. 79, 86 (2000)) (“the canon of construction ‘expressio unius est exclusio alterius’ or ‘inclusio unius est exclusio alterius’ holds that “to express or thing implies the exclusion of another, or the alternative.”)

account to pay his personal expenses such as bills and travel. That Mr. Jamie Brown chose to disregard the corporate formalities and pay his bills directly from the LLC instead of issuing himself a paycheck does not transform his employment status with the LLC. Similarly, his status as a sole proprietor for tax purposes³ has no bearing on his status as an employee under the Worker's Compensation Act. Mr. Jamie Brown's status as an LLC member in this context required him to file a Form 5 excluding himself from coverage under the Act. The Commission file is devoid of a Form 5 from Mr. Jamie Brown. Defendant LLC became subject to the Act the day it hired Claimant in October 2018 as its 4th full-time employee.⁴

6. Even if Mr. Jamie Brown, as a corporate officer of the LLC could not be counted as an employee of Southeastern Services, the preponderance of evidence in the record indicates that Chance Jones consistently and regularly worked for Defendant LLC during the aforementioned time period. The Act excludes "casual" employment from the definition of employee. S.C. Code Ann. § 42-1-130 (2021). An individual will not be considered an "employee" where the employment is casual, impermanent, occasional, by chance, or "with the intention and understanding on both the part of the employer and employee that it shall not be continuous." Hernandez-Zuniga, 374 S.C. at 248 (internal citations omitted). In Harding v. Plumley, the Court of Appeals affirmed the Commission's determination that Plumley Construction only regularly employed two employees as evidenced by weekly payroll records. Harding v. Plumley, 329 S.C. 580, 586-587 (Ct. App. 1998). The other three employees received 1 or 2 payroll checks at a maximum during the relevant period between July – November 1991 and, therefore, were not "regularly employed" by Plumley Construction. Id. "Workers' compensation statutes are

³ Pursuant to S.C. Code Ann. § 12-2-25, a single-member limited liability company is not regarded as an entity separate from its member for tax purposes. S.C. Code Ann. § 12-2-25 (2021).

⁴ Defense counsel cites Hartzell v. Palmetto Collision as standing for the proposition that sole members of limited liability companies are excluded from the jurisdictional number of employees. See Hartzell v. Palmetto Collision, 406 S.C. 233 (Ct. App. 213) reversed by Hartzell v. Palmetto Collision, LLC, 415 S.C. 617 (2016). In Hartzell, the Court of Appeals held that a single-member LLC employed 4 or more employees during the relevant time period notwithstanding Stallings, the LLC's sole member. Hartzell, 406 S.C. at 245. It notes as dicta in footnote 7, that Stallings never indicated his desire to be subject to the Act. Id., fn. 7. Regardless of the Court of Appeals' disposition of the jurisdictional issue, the Supreme Court's reversal of the claim renders the entire Court of Appeals opinion null and void. See Moore v. North American Van Lines, 319 S.C. 446, 448 (1995) ("Generally, reversal of a judgment on appeal has the effect of vacating the judgment and leaving the case standing as if no judgment had been rendered.") Similarly, North Carolina authority on this issue is unpersuasive. The North Carolina Legislature has specifically codified the status of LLC members as sole proprietors and partners. The South Carolina Code language, as cited above in footnote 2, effects a different result in this jurisdiction. If the legislature desires to carve out an exception for single member LLCs, it must act.

construed liberally in favor of coverage, and South Carolina's policy is to resolve jurisdictional doubts in favor of the inclusion of employees within workers' compensation coverage." Hernandez-Zuniga v. Tickle, 374 S.C. 235, 243 (Ct. App. 2007) (internal citations omitted); *see also* Poch v. Bayshore concrete Prod./ South Carolina, Inc., 405 S.C. 359, 367 (2013) (internal citations omitted). "If an employer has once regularly employed enough [employees] to come under the act, it remains there even when the number employed temporarily falls below the minimum." Hernandez-Zuniga v. Tickle, 374 at 246 (citing 4 Larson, Workers' Compensation §§74.01-02).

7. Payroll records indicate that Chance consistently worked between 30-40 hours per week as of pay period ending November 2, 2018. Defendant's tax records indicate that Chance received wages during 2018, though neither the payroll records nor the W2 includes his date of hire. Claimant testified at the hearing that Chance "would come in once per week or so if he could help out" and that he worked with him about 3 times. Additional testimony at the hearing established that Chance worked intermittently prior to the accident but wasn't on the jobsite the day Claimant was injured. Mr. Jamie Brown's testimony, that Chance didn't work for Defendant LLC during Claimant's tenure, is inconsistent with the payroll records. Chance was paid for 34 hours of his services for the week ending November 2, 2018. It would be physically impossible to work 34 hours in 1 day. Furthermore, the testimony supports the conclusion that Chance regularly "filled in" when needed and worked intermittently prior to the accident including during Claimant's tenure. Unlike the employees in Harding who received 1 or 2 paychecks in a 4-month period, Chance was paid by the LLC beginning in November and worked consistent 40-hour work weeks until December 2018. His employment, though perhaps irregular, remained consistent. His employment was not casual. Therefore, he is counted as an additional employee for purposes of the Jurisdictional requirement subjecting Defendant LLC to the provisions of the Act requiring it to maintain workers' compensation insurance.

8. Though subcontractors, as statutory employees, may be counted towards the jurisdictional number of employees, the evidence submitted into the record inconclusively determines whether and with what frequency the LLC employed subcontractors. *See Ost v. Integrated Products, Inc.*, 296 S.C. 241, 248-249 (1988) (Statutory employees may be included to satisfy the jurisdictional requirement of Section 42-1-360). In Keene v. CNA Holdings, the Court refocused the test to determine whether a subcontractor's employee could be considered an

employer's statutory employee.⁵ In determining 'whether the work contracted out is part of the [the owner's] trade, business or occupation' - the court should focus initially on what the owner decided is part of its business." S.C. Code Ann. § 42-1-400 (2021); Keene v. CNA Holdings, 2021 WL 3521085 (S.C. Sup. Ct. 2021). An owner's business decision to subcontract work will not be disturbed unless it was made for the purposes of avoiding the costs of properly insuring its workers. Id. Testimony at the hearing established that Defendant LLC utilized subcontractors to perform services integral to a general contracting business. However, Mr. Jamie Brown did not hire any subcontractors to work on the residential window project the day Claimant was injured and stated that he hadn't hired any subcontractors while Claimant was working for him. Claimant's testimony partially corroborated this assertion as he admitted that there were no subcontractors working with him at the jobsite on the day of the accident, but contradicted Mr. Jamie Brown's testimony asserting that Claimant worked with an electrician thought to be an employee of Dedicated Electric on an alternate jobsite. There are no check copies or financial records indicating that any subcontractors were paid during the relevant time period in 2018. In Keene, the predecessor corporate entity to CNA Holdings (Hyston Fibers) subcontracted with Daniel Construction to provide plant maintenance and repair. Id. The claimant performed various maintenance and repair jobs onsite at Hyston Fibers. Id. The difference between Keene and this claim is that the purported statutory employee was onsite at the time of the accident. Counting statutory employees hired intermittently for other prior jobs where no guarantee of continued contractual relations exists unreasonably expands the boundaries of the Act beyond the policy it intends to serve: To protect small businesses from incurring additional coverage expenses. Therefore, no statutory employees can be included as employees to satisfy the jurisdictional minimum.

9. As additional support for the conclusion that the LLC employed 4 or more employees, Claimant alleged that the LLC is the alter ego of Mr. Jamie Brown's former sole proprietorship, Jamie Brown d/b/a Southeastern Services HHI. According to Claimant's theory, the sole

⁵ Testimony at the hearing established that Defendant LLC did not control the right to hire or fire the putative subcontractor's employees, the subcontractors were paid upon job completion, and the LLC did not direct the subcontractor's methods used to complete the work. (Hr. Tr. p. 70, ln. 13-25, p. 71, ln. 1-15). This line of questioning confuses the test used for determining whether a worker is a direct employee or an independent contractor with the test used for determining whether a subcontractor's employees can be considered statutory employees. See Ramirez v. May River Roofing, 433 S.C. 519 (Ct. App. 2021) cf. Keene v. CNA Holdings, 2021 WL 3521085 (S.C. Sup. Ct. 2021). Subcontracting company employees are not direct employees but could be considered statutory employees in certain circumstances.

proprietorship's failure to file a Form 38 withdrawing from the Act after having procured workers' compensation insurance is imputed to the LLC bringing the LLC within the purview of the Act. This argument is unpersuasive. Both Poch v. Bayshore and Monroe v. Monsanto address the relationship of a parent company and its active subsidiary but address this relationship in the context of tort immunity under the Act. *See Poch v. Bayshore*, 405 S.C. 359 (2013) and Monroe v. Monsanto, 531 F. Supp. 426 (D.S.C. 1982). Aside from the issue litigated in that line of cases, the main difference between Poch and Monsanto and the claim at bar is that Mr. Jamie Brown's sole proprietorship no longer exists. He ceased operating as a sole proprietorship after the formation of the LLC in January 2018. While Mr. Jamie Brown may be personally liable for the sole proprietorship's failure to file a Form 38, a finding that the LLC is liable for the obligations of a separate and non-existent sole proprietorship, turns the South Carolina Limited Liability Company Act on its head. Indeed, "[A] limited liability company is a legal entity distinct from its members." S.C. Code Ann. § 33-44-201 (1976). This corporate form is desired because of the protection it offers from personal liability. For this and the aforementioned reasons, the Commission has jurisdiction over the claim because Defendant LLC employed at least 4 regular, full-time employees at the time of Claimant's accident, and it is subject to the Act's requirements to carry workers' compensation insurance at the time of Claimant's work accident.

10. There is no disagreement that Claimant sustained an "injury by accident arising out of and in the course of employment." *See* S.C. Code Ann. § 42-1-160 (2021). Therefore, Claimant is entitled to medical and indemnity benefits under the Act. *See* S.C. Code Ann. § 42-15-60 (2021) and S.C. Code Ann. § 42-9-30 (2021).

10. Defendant LLC shall prospectively provide all causally related and authorized medical treatment for Claimant's left leg fractures. Section 42-15-60 provides in relevant part that: "The Employer shall provide medical, surgical, hospital, and other treatment including medical and surgical supplies as reasonably may be required. . . to effect a cure or give relief and for an additional time as in the judgment of the commission will tend to lessen the period of disability." S.C. Code Ann. § 42-15-60(A) (2021); Dodge v. Bruccoli, Clark, Layman, Inc., 334 S.C. 574, 580 (1999) (citing Rice v. Froehling & Robertson, Inc., 267 S.C. 155, 159(1976)("the employer is liable for medical treatment which will tend to lessen the time in which injury renders an employee incapable to 'earn the wages which the employee was receiving at the time of the injury in the same or other employment.'"). Nearly a year and a half after the accident, Claimant continues to

complain of “clicking” and “popping” in his left knee and experiences pain upon genuflexion. Dr. Tobin, Claimant’s IME physician, has recommended repeat radiologic exams, and additional surgical intervention. Defendant LLC shall provide the recommended radiologic exams and any additional treatment recommended by an authorized treating orthopedic surgeon of Defendant’s choosing.

12. Claimant is not entitled to choose his authorized treating physician. “[T]he employee shall accept [sic] an attending physician and any medical care or treatment that is considered necessary by the attending physician, unless otherwise ordered by the Commission for good cause shown.” S.C. Code Ann. § 42-15-60(A) (2021). *See also* S.C. Code Reg. 67-509A (2021)(“The employer’s representative chooses an authorized health care provider and pays for authorized treatment.”). Claimant has not set forth any justification for the Commission to usurp Defendant LLC’s statutory right to direct care. Therefore, consistent with the statutory requirements, Claimant is entitled to and Defendant LLC shall provide treatment for causally related injuries with an authorized treating orthopedic surgeon of Defendant LLC’s choosing.

13. However, Defendant LLC shall reimburse Claimant for the emergency treatment expenses including related charges for his hospital stay and surgery. If an employee receives emergency medical treatment by an unauthorized physician, the employer must reimburse the reasonable cost of the emergency medical services, if ordered to do so by the Commission. *See* S.C. Code Ann. § 42-15-60(A) (2021). Claimant sustained left tibia and fibula fractures after falling 6 ft. from a ladder while replacing a window at a residential property on behalf of his employer. This serious injury required emergency surgical treatment and resulted in the placement of retained hardware in the affected limb. Because Defendant LLC was a covered entity at the time of the accident and the claim is otherwise compensable, it is liable to reimburse Claimant for his emergency medical expenses. Defendant LLC is not responsible for the resulting charges for follow-up care with Dr. Scott, Dr. Tobin, or physical therapy, as this treatment was unauthorized.

12. In addition to medical benefits, Claimant is entitled to a closed period of temporary total disability benefits from October 29, 2018 through December 13, 2018. *See* S.C. Code Ann. § 42-9-30(16)(2021). “Temporary total or temporary partial compensation is incurred . . . from the first day of incapacity if the injury results in incapacity for more than 14 calendar days.” S.C. Code Regs. 503A(1)(2021). “The first day of the injury is the first day of incapacity unless the injured person received full pay for the day.” S.C. Code Regs. 67-502A (2021). No out of work notes were

introduced into evidence. The only mention of return-to-work activities is in Dr. Scott's December 13, 2018 treatment note which states that claimant was released to "gradually return to working duties as tolerated." Claimant testified that he was released to light duty after completion of physical therapy in January or February, but no physical therapy records corroborating this statement were offered into evidence. Claimant's 60-day testimonial estimate of his return-to-work date is inconclusive on the matter. Claimant waited until April 15, 2019 to procure employment with Crossroads Construction when he was eligible for light duty 4 months earlier. Furthermore, it was incumbent upon him to notify his employer of his eligibility to return to light-duty work on December 13, 2018. Testimony is conflicting as to whether Defendant LLC made an offer of employment consistent with Claimant's light duty restrictions. Communications between the parties eventually deteriorated for unknown reasons. Determination of any period of incapacity other than what has been referenced in the medical notes would be speculative. *See Burnette v. City of Greenville*, 401 S.C. 417, 427-428 (Ct. App. 2002)("[w]hile a finding of fact of the Commission will normally be upheld, such a finding may not be based upon surmise, conjecture, or speculation, but must be founded on evidence of sufficient substance to afford a reasonable basis for it.").

11. Claimant's average weekly wage is \$749.25 and his compensation rate is \$499.50. *See* S.C. Code Ann. § 42-1-40 (2021)("Where the employment, prior to the injury, extended over a period of less than fifty-two weeks the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed."). This conclusion is based upon Claimant's payroll records submitted into evidence at the Hearing.

13. Defendant LLC is not entitled to a credit for the financial assistance provided to Claimant post-accident. No check stubs were produced into evidence and the payroll records are devoid of any payments made to Claimant after November 9, 2018. Given the vast discrepancy between the Claimant's testimony (that he received \$100.00 in post-accident financial assistance from his employer) and Mr. Jamie Brown's testimony (that he paid Claimant \$1,100.00 in post-accident financial assistance) it would be speculative to artificially award a credit based upon either self-serving assertion. *See Hutson v. South Carolina State Ports Authority*, 399 S.C. 381, 389-390 (2012)(citing *Holland v. Ga. Hardwood Lumber Co.*, 214 S.C. 195, 205 (1949); *Wynn v. People's Natural Gas Co. of S.C.*, 238 S.C. 1, 12-13 (1961)).

13. Because Defendant LLC was subject to the Act at the time of the accident and was operating without insurance, Defendant South Carolina Uninsured Employer's Fund (SC UEF) shall be responsible for paying the awarded benefits on behalf of Defendant LLC. *See* S.C. Code Ann. § 42-7-200 (2021). During the Hearing, Mr. Jamie Brown admitted that the LLC was uninsured.

14. The SC UEF retains all statutory rights of attachment and recovery against the uninsured defendant employer. *See* S.C. Code Ann. § 42-7-200 (2021).

ORDER

Based on the above Findings of Fact and Conclusions of Law, it is hereby,

ORDERED, ADJUDGED AND DECREED that Claimant is entitled to receive and Defendant SC UEF is ordered to provide all recommended and causally related medical treatment for Claimant's left leg injury by an authorized treating orthopedic surgeon of Defendants' choosing.

IT IS ORDERED that Defendant SC UEF shall pay for or reimburse Claimant for the costs of his emergency medical treatment and prescriptions. Payment is to be made within 30 days of the date of this Order.

IT IS ORDERED that Defendant SC UEF shall pay Claimant \$3,146.85 (\$499.50 X 6.3 weeks) in back-due temporary indemnity benefits within 14 days of the date of this Order.

IT IS ORDERED that Defendant SC UEF retains all statutory rights of attachment and reimbursement pursuant to S.C. Code Ann. § 42-7-200 (2021).

AND IT IS SO ORDERED.



Commissioner Mike Campbell

Columbia, SC
February 18, 2022

Parties served via email:

Joshua Fester, Esquire: jfester@johnsonslawoffice.com

Michael P. Bennett, Esquire: michael@carrlegal.com

Timothy B. Killen, Esquire: tkillen@hplplaw.com

CERTIFICATE OF SERVICE

This is to certify the undersigned has this date served this order in the above entitled action upon all parties to this cause by sending an electronic copy hereof by electronic mail addressed to the attorney or attorneys for said parties or by depositing a copy hereof, postage paid, in the United States certified mail addressed to any unrepresented party.

February 18, 2022.

By: Barbara Cheeseboro, Administrative Assistant to Commissioner Campbell

**APPELLATE PANEL DECISION AND ORDER
OF THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
SCWCC FILE NO. 1824344**

Zachary Brown,)
)
 Claimant/Respondent)
)
 v.)
)
 Southeastern Services, H.H.I., LLC,)
)
 Employer/Appellant)
)
 and)
)
 Uninsured Employers' Fund,)
)
 Defendant/Appellant,)
)
 Defendants.)
 _____)

MAJORITY AFFIRMATION

Appellate Panel Review held in Columbia, South Carolina, on May 16, 2022, timely and properly served upon all parties of interest.

Appellate Panel Decision and Order filed on July 20, 2022

APPEARANCES: ZACHARY BROWN, Claimant/Respondent, represented by Joshua R. Fester, Esquire, of Hardeeville, South Carolina.

SOUTHEASTERN SERVICES, H.H.I., LLC,
Employer/Appellant, represented by Michael Bennett, Esquire, of Hilton Head Island, South Carolina.

SOUTH CAROLINA WORKERS' COMPENSATION
UNINSURED EMPLOYERS' FUND, Defendant/Appellant,
represented by Timohty B. Killen, Esquire, of Mt. Pleasant, South Carolina.

STATEMENT OF THE CASE

A hearing was held in this case before Commissioner R. Michael Campbell, II, on February 18, 2021, in Walterboro, South Carolina. As a result of the hearing, the Single Commissioner issued an Order dated February 18, 2022, from which the Defendants appeal.

The Single Commissioner's Findings of Fact and Conclusions of Law are as follows:

FINDINGS OF FACT **(SINGLE COMMISSIONER)**

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County is proper as agreed by the parties.
3. Claimant was hired as a construction laborer by Defendant Southeastern Services HHI, LLC (the LLC) in mid to late October 2018.
4. On October 29, 2018, Claimant fell 6 ft. from a ladder while replacing a window on a residential remodeling project for Defendant Southeastern Services sustaining a left tibia and fibula fracture.
5. Claimant testified that two other employees of the LLC were working with him on the day of the accident, Daniel Smith and Taylor Smith. No subcontractors were working on the jobsite with him on October 29, 2018.
6. Testimony at the hearing established that Claimant worked for Defendant LLC for approximately 3 weeks prior to the accident.
7. Claimant was treated at the Hilton Head Hospital Emergency Room on the day of the accident.
8. After receiving an orthopedic evaluation at the hospital, he was admitted for an emergency open reduction and internal fixation of the left midshaft tibia fracture with intramedullary nailing.

9. Upon release from the hospital, Claimant was instructed to attend a follow-up visit with his attending surgeon, Dr. Scott, remain non-weightbearing on his left lower extremity, and provided a knee brace for post-operative use.
10. Claimant attended two post-operative follow-up appointments at Orthopedic Associates of the Lowcountry. After the second appointment, on December 13, 2018, he was released to "gradually return to working duties as tolerated."
11. Though the records were not offered into evidence, Claimant attended physical therapy. He testified that the day he was released from physical therapy when he was given a boot and advised that he could perform light duty work at his last appointment in January or February.
12. Approximately a year and a half after his surgery, Claimant presented to Dr. Tobin at Tobin Bone & Joint Surgery for an independent medical evaluation complaining of clicking and popping in his left knee, and pain while kneeling.
13. Dr. Tobin opined, to a reasonable degree of medical certainty, that at the time of the evaluation, Claimant had not reached maximum medical improvement and that Claimant required additional treatment in the form of repeat x-rays, an MRI of the left knee to address the possibility of an untreated meniscal tear, and additional surgical intervention. In his medical opinion, Claimant's current symptoms were caused by the treatment he received for his work-related injury.
14. Claimant did not return to his job with the LLC. By his July 28, 2020, IME with Dr. Tobin, he worked for Pro-Wash Plus pressure washing houses. Prior to his employment with Pro-Wash, Claimant returned to work at full capacity with Crossroads Construction on April

15, 2019 and worked there until leaving their employ on October 12, 2019. He did not work from the date of injury, October 29, 2018, to April 14, 2019.

15. No out of work notes from Claimants physicians were admitted into the evidentiary record.
16. Mr. Jamie Brown, the sole member of Southeastern Services HHI, LLC, testified during his deposition and during the hearing that he wanted Claimant to return to work and offered him a job after the accident, but Claimant did not respond. It was "known to [Claimant] that if he wanted to return his job was there for him."
17. Claimant testified that Mr. Jamie Brown did not offer him light duty work after the accident. Instead, he received \$100.00 in financial assistance from Southeastern Services.
18. Though his testimony wasn't initially clear about how much he paid to Claimant as post-accident financial assistance, Jamie Brown eventually testified during the hearing and during his deposition that he paid Claimant about \$1,100.00. This is not reflected in the payroll records.
19. Payroll records submitted into evidence show that Claimant worked: 56 hours during pay period ending October 19, 2018 earning gross wages totaling \$756.00, 50 hours during pay period ending October 26, 2018 earning gross wages totaling \$540.00, earning \$200.00 in gross wages during pay period ending November 9, 2018.
20. Payroll records and Federal Tax Forms from 2018 also evince that Daniel Smith and Taylor Smith were working full time and being paid by the LLC.
21. Beginning with pay period ending November 2, 2018, payroll records confirm that an additional employee, Chance Jones consistently worked between 34-40 hours per week and was paid by the LLC. Defendant employer's tax records also indicate that Chance was paid wages by the LLC in 2018, though there are no dates of employment on the W2.

22. There was no dispute that Claimant, Daniel Smith, and Taylor Smith were regular, full-time employees on the day of the accident.
23. There was conflicting evidence presented at the hearing regarding whether Chance Jones was also employed by the LLC on October 29, 2018. Claimant testified during his deposition that Chance Jones would “come [sic] in once per week or so if he could help out” and that he worked with him about 3 times. At the Hearing, Claimant testified that Chance did some work for the LLC right before the accident. Daniel Smith testified during his deposition that Chance Jones worked intermittently prior to the accident but wasn’t on the jobsite the day of Claimant’s accident. Chance had worked off and on for Defendant Southeastern Services for the past 8 years. Jamie Brown also testified during his deposition that Chance works intermittently and wasn’t working for Defendant Southeastern Services during Claimant’s tenure. Payroll records submitted into evidence from 2017 indicates that Chance Jones was consistently being paid by the company until September 2017, received wages for two pay periods in October 2017, but was not paid wages again until November 2018.
24. In addition to testimony regarding the LLC’s number of direct employees, Jamie Brown offered testimony regarding the business’ use of subcontractors. Mr. Brown testified that he is a licensed general contractor and possesses the requisite skill to build a residential home “from the ground up” though his business does not build homes or construct major additions. The LLC mainly performs interior remodels focusing on kitchens, baths, window and door replacement, and occasionally exterior decking.

25. He admitted that the LLC sometimes performs plumbing, flooring, tile, and painting work and that these services are an integral part of his business as a general contractor, but he regularly hires subcontractors for these services.
26. If the project requires electrical work, he will subcontract to Dedicated Electric for those services. Dedicated Electric's owner is its only employee.
27. However, according to his testimony, Jamie Brown did not hire any subcontractors to work on the residential window replacement project the day Claimant was injured. He hadn't hired any subcontractors during the time Claimant worked for the LLC. Claimant observed 1 electrician, purportedly from Dedicated Electric, on a different job site. No financial records or check copies were entered into evidence indicating that any subcontractors were paid during claimant's tenure.
28. Jamie Brown testified during the hearing that he formed Southeastern Services HHI, LLC in January 2018. He is the sole member of the LLC, and the entity is taxed as a sole proprietorship. This is corroborated by the tax records.
29. He admitted that the LLC does not carry workers' compensation coverage.
30. Jamie Brown also testified that he does not consider himself an employee of the LLC because he doesn't draw a paycheck though he admitted during his deposition that the LLC pays for his groceries, family vacations, and bills. He has no personal checking account.
31. In exchange for this remuneration, Jamie Brown performs his own office work. He works alongside his crew as a foreman 3-5 days per week and acts as the customer service, sales, and procurement divisions of the company.

32. Mr. Jamie Brown operated a sole proprietorship under the name Jamie Brown d/b/a Southeastern Services HHI. Since the formation of the LLC, he no longer does business under that name.
33. The Commission File contains no Form 5 filed by Mr. Jamie Brown.

CONCLUSIONS OF LAW
(Single Commissioner)

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County, is proper as agreed by the parties.
3. The South Carolina Workers' Compensation Commission has jurisdiction over the claim because the LLC employed 4 or more employees at the time of the accident. Not all employers are subject to the Act and required to obtain workers' compensation insurance. The Act specifically exempts "any person who has regularly employed in service less than 4 employees in the same business within the State. . ." S.C. Code Ann. § 42-1-360 (2021). A company regularly employs the requisite number of employees if it employs "the same number of persons with some consistency throughout a relevant time period." *Hernandez-Zuniga v. Tickle*, 374 S.C. 235, 257 (2007). The relevant time period is determined by "considering (1) the employer's established mode of operation; (2) whether the employer generally employs the jurisdictional number at any time during his operation, and (3) the period during which employment is definite and recurrent rather than occasional, sporadic, or indefinite. *Id* (Holding that employer was not subject to the Act because it did not regularly employ 4 or more employees where 2 employees regularly worked for Tickle, testimony was inconclusive as to whether a 3rd individual was regularly employed, and the homeowner never observed "more than [3] workers painting her house.") "The issue of whether

an employer regularly employs the requisite number of employees to be subject to the [Act] is jurisdictional.” *Harding v. Plumley*, 329 S.C. 580 (Ct. App. 1998).

4. The South Carolina Workers’ Compensation Act defines employee as “[E]very person engaged in an employment under any appointment, contract of hire, or apprenticeship, expressed or implied, oral or written, including aliens and also including minors, whether lawfully or unlawfully employed, but excludes a person whose employment is both casual and not in the course of trade, business, profession, or occupation of his employer.” S.C. Code Ann. § 42-1-130 (2021). This definition includes corporate officers but excludes sole proprietors or partners of a business. See S.C. Code Ann. § 42-1-130 (2021)¹ and S.C. Code Ann. § 42-1-520 (2021). Corporate officers may exclude themselves from coverage under the Act by filing a Corporate Officer Notice to Reject, Form 5 with their insurance carrier. See S.C. Code Regs. 67-402 (1997).

5. The relevant time period to determine whether the LLC consistently employed 4 or more employees begins with the LLC’s formation in January 2018 and continues until December 2018. Payroll records and federal tax forms establish that Daniel Smith and Taylor Smith were full-time, regular employees of Defendant LLC since its formation in 2018 and until the time of Claimant’s accident. There is also no dispute that Claimant was a regular, full-time employee beginning in mid-October 2018 and on the date of accident. In addition to Claimant, Daniel, and Taylor, the sole member of the LLC, Mr. Jamie Brown is considered an employee under the Act. He was and continues to be consistently and regularly employed by the LLC since its formation. As a member

¹ Chapter 44, section 1205 of the South Carolina Uniform Liability Company Act synonymizes the terms “partnership” or “general partnership” with “limited liability company” when used in any other statute or regulation in the South Carolina Code. Because the legislature specifically set forth the terms that could be interchanged with “limited liability company” and those terms do not include “sole proprietor” or “partner” as used in section 42-1-130, members or owners of an LLC are treated as corporate officers for purposes of the Workers’ Compensation Act. See *Nelson v. Ozmint*, 390 S.C. 432, 436-437 (2010)(citing *Hodges v. Rainey*, 341 S.C. 79, 86 (2000)) (“the cannon of construction ‘expressio unius est exclusion alterius’ or ‘inclusio unius est exclusion alterius’ holds that “to express one thing implies the exclusion of another, or the alternative.”)

of an LLC his status is not a “sole proprietor,” but is akin to that of a corporate officer. “[A] limited liability company is a legal entity distinct from its members.” S.C. Code Ann. § 33-44-201 (1976). “Each member is an agent of the limited liability company for the purposes of its business.” S.C. Code Ann. § 33-44-301 (1976). He testified that though he did not draw a paycheck from the LLC, he received compensation from the LLC for his services as office staff, foreman, customer services, sales, and procurement and that he used the LLC business checking account to pay his personal expenses such as bills and travel. That Mr. Jamie Brown chose to disregard the corporate formalities and pay his bills directly from the LLC instead of issuing himself a paycheck does not transform his employment status with the LLC. Similarly, his status as a sole proprietor for tax purposes² has no bearing on his status as an employee under the Workers’ Compensation Act. Mr. Jamie Brown’s status as an LLC member in this context required him to file a Form 5 excluding himself from coverage under the Act. The Commission file is devoid of a Form 5 from Mr. Jamie Brown. Defendant LLC became subject to the Act the day it hired Claimant in October 2018 as its 4th full-time employee.³

6. Even if Mr. Jamie Brown, as a corporate officer of the LLC could not be counted as an employee of Southeastern Services, the preponderance of evidence in the record indicates that

² Pursuant to S.C. Code Ann. § 12-2-25, a single member limited liability company is not regarded as an entity separate from its member for tax purposes. S.C. Code § 12-2-25 (2021).

³ Defense counsel cites *Hartzell v. Palmetto Collision* as standing for the proposition that sole members of limited liability companies are excluded from the jurisdictional number of employees. See *Hartzell v. Palmetto Collision*, 406 S.C. 233 (Ct. App. 2013) reversed by *Hartzell v. Palmetto Collision, LLC*, 415 S.C. 617 (2016). In *Hartzell*, the Court of Appeals held that a single-member LLC employed 4 or more employees during the relevant time period notwithstanding Stallings, the LLC’s sole member. *Hartzell*, 406 S.C. at 245. It notes as dicta in footnote 7, that Stallings never indicated his desire to be subject to the Act. *Id.*, fn. 7. Regardless of the Court of Appeals’ disposition of the jurisdictional issue, the Supreme Court’s reversal of the claim renders the entire Court of Appeals opinion null and void. See *Moore v. North American Van Lines*, 319 S.C. 446, 448 (1995) (“Generally, reversal of a judgment on appeal has the effect of vacating the judgment and leaving the case standing as if no judgment had been rendered.”) Similarly, North Carolina authority on this issue is unpersuasive. The North Carolina Legislature has specifically codified the status of LLC members as sole proprietors and partners. The South Carolinian Code language, as cited above, effects a different result in this jurisdiction. If the legislature desires to carve out an exception for single member LLCs, it must act.

Chance Jones consistently and regularly worked for Defendant LLC during the aforementioned time period. The Act excludes “casual” employment from the definition of employee. S.C. Code Ann. § 42-1-130 (2021). An individual will not be considered an “employee” where the employment is causal, impermanent, occasional, by chance, or “with the intention and understanding on both the part of the employer and employee that it shall not be continuous.” *Hernandez-Zuniga*, 374 S.C. at 248 (internal citations omitted). In *Harding v. Plumley*, the Court of Appeals affirmed the Commission’s determination that Plumley Construction only regularly employed two employees as evidenced by weekly payroll records. *Harding v. Plumley*, 329 S.C. 580, 586-587 (Ct. App. 1998). The other three employees received 1 or 2 payroll checks at a maximum during the relevant period between July - November 1991 and therefore were not “regularly employed” by Plumley Construction. *Id.* “Workers’ compensation statutes are construed liberally in favor of coverage, and South Carolina’s policy to resolve jurisdictional doubts in favor of the inclusion of employees within workers’ compensation coverage.” *Hernandez-Zuniga v. Tickle*, 374 S.C. 235, 243 (Ct. App. 2007) (internal citations omitted); see also *Poch v. Bayshore Concrete Prod. South Carolina, Inc.*, 405 S.C. 359, 367 (2013) (internal citations omitted). “If an employer has once regularly employed enough [employees] to come under the act, it remains there even when the number employed temporarily falls below the minimum.” *Hernandez-Zuniga v. Tickle*, 374 at 246 (citing 4 Larson, Workers’ Compensation §§74.01-02).

7. Payroll records indicate that Chance consistently worked between 30-40 hours per week as of pay period ending November 2, 2018. Defendant’s tax records indicate that Chance received wages during 2018, though neither the payroll records nor the W2 includes his date of hire. Claimant testified at the hearing that Chance “would come in once per week or so if he could help

out” and that he worked with him about 3 times. Additional testimony at the hearing established that Chance worked intermittently prior to the accident but wasn’t on the jobsite the day Claimant was injured. Mr. Jamie Brown’s testimony, that Chance didn’t work for Defendant LLC during Claimant’s tenure, is inconsistent with the payroll records. Chance was paid for 34 hours of his services for the week ending November 2, 2018. It would be physically impossible to work 34 hours in 1 day. Furthermore, the testimony supports the conclusion that Chance regularly “filled in” when needed and worked intermittently prior to the accident including during Claimant’s tenure. Unlike the employees in *Harding* who received 1 or 2 paychecks in a 4-month period, Chance was paid by the LLC beginning in November and worked consistent 40-hour work weeks until December 2018. His employment, though perhaps irregular, remained consistent. His employment was not causal. Therefore, he is counted as an additional employee for purposes of the Jurisdictional requirement subjecting Defendant LLC to the provisions of the Act requiring it to maintain workers’ compensation insurance.

8. Though Subcontractors, as statutory employees, may be counted towards the jurisdictional number of employees, the evidence submitted into the record inconclusively determines whether and with what frequency the LLC employed subcontractors. See *Ost v. Integrated Products, Inc.*, 296 S.C. 241, 248-249 (1988) (Statutory employees may be included to satisfy the jurisdictional requirement of Section 42-1-360). In *Keene v. CAN Holdings*, the Court refocused the test to determine whether a subcontractor’s employee could be considered an employer’s statutory employee.⁴ In determining ‘whether the work contracted out is part of [the owner’s] trade,

⁴ Testimony at the hearing established that Defendant LLC did not control the right to hire or fire the putative subcontractor’s employees, the subcontractors were paid upon completion, and the LLC did not direct the subcontractor’s methods used to complete the work. (Hr. Tr. p. 70, ln. 13-25, p. 71, ln. 1-15). This line of questioning confuses the test used for determining whether a subcontractor’s employees can be considered statutory employees. See *Ramirez v. May River Roofing*, 433 S.C. 519 (Ct. App. 2021) cf. *Keene v. CAN Holdings*,

business or occupation' – the court should focus initially on what the owner decided is part of its business." S.C. Code Ann. § 42-1-400 (2021); *Keene v. CNA Holdings*, 2021 WL 3521085 (S.C. Sup. Ct. 2021). An owner's business decision to subcontract work will not be disturbed unless it was made for the purposes of avoiding the costs of properly insuring its workers. *Id.* Testimony at the hearing established that Defendant LLC utilized subcontractors to perform services integral to a general contracting business. However, Mr. Jamie Brown did not hire any subcontractors to work on the residential window project the day Claimant was injured and stated that he hadn't hired any subcontractors while Claimant was working for him. Claimant's testimony partially corroborated this assertion as he admitted that there were no subcontractors working with him at the jobsite on the day of the accident, but contradicted Mr. Jamie Brown's testimony asserting that Claimant worked with an electrician thought to be an employee of Dedicated Electric on an alternate jobsite. There are no check copies or financial records indicating that any subcontractors were paid during the relevant time period in 2018. In *Keene*, the predecessor corporate entity to CAN Holdings (Hystron Fibers) subcontracted with Daniel Construction to provide plant maintenance and repair. *Id.* The claimant performed various maintenance and repair jobs onsite at Hystron Fibers. *Id.* The difference between *Keene* and this claim is that the purported statutory employee was onsite at the time of the accident. Counting statutory employees hired unreasonably expands the boundaries of the Act beyond the policy it intends to serve: To protect small businesses from incurring additional coverage expenses. Therefore, no statutory employees can be included as employees to satisfy the jurisdictional minimum.

9. As additional support for the conclusion that the LLC employed 4 or more employees, Claimant alleged that the LLC is the alter ego of Mr. Jamie Brown's former sole proprietorship,

2021 WL 3521085 (S.C. Sup. Ct. 2021). Subcontracting company employees are not direct employees but could be considered statutory employees in certain circumstances.

Jamie Brown d/b/a Southeastern Services HHL. According to Claimant's theory, the sole proprietorship's failure to file a Form 38 withdrawing from the Act after having procured workers' compensation insurance is imputed to the LLC bringing the LLC within the purview of the Act. This argument is unpersuasive. Both *Poch v. Bayshore* and *Monroe v. Monsanto* address the relationship of a parent company and its active subsidiary but address this relationship in the context of tort immunity under the Act. See *Poch v. Bayshore*, 405 S.C. 359 (2013) and *Monroe v. Monsanto*, 531 F. Supp. 426 (D.S.C. 1982). Aside from the issue litigated in that line of cases, the main difference between *Poch* and *Monsanto* and the claimant bar is that Mr. Jamie Brown's sole proprietorship no longer exists. He ceased operating as a sole proprietorship after the formation of the LLC in January 2018. While Mr. Jamie Brown may be personally liable for the sole proprietorship's failure to file a Form 38, a finding that the LLC is liable for the obligations of a separate and non-existent sole proprietorship, turns the South Carolina Liability Company Act on its head. Indeed, "[A] limited liability company is a legal entity distinct from its members." S.C. Code Ann. § 33-44-201 (1976). This corporate form is desired because of the protection it offers from personal liability. For this and the aforementioned reasons, the Commission has jurisdiction over the claim because Defendant LLC employed at least 4 regular, full-time employees at the time of Claimant's accident, and it is subject to the Act's requirements to carry workers' compensation insurance at the time of Claimant's work accident.

10. There is no disagreement that Claimant sustained an "injury by accident arising out of and in the course of employment." See S.C. Code Ann. § 42-1-160 (2021). Therefore, Claimant is entitled to medical and indemnity benefits under the Act. See S.C. Code Ann. § 42-15-60 (2021) and S.C. Code Ann. § 42-9-30 (2021).

11. Defendant LLC shall prospectively provide all causally related and authorized medical treatment for Claimant's left leg fractures. Section 42-15-60 provides in relevant part that: "The Employer shall provide medical surgical, hospital and other treatment including medical and surgical supplies as reasonably may be required . . . to effect a cure or give relief and for an additional time as in the judgment of the commission will tend to lessen the period of disability." S.C. Code Ann. § 42-15-60(A) (2021); *Dodge v. Bruccoli, Clark, Layman, Inc.*, 334 S.C. 574, 580 (1999) (citing *Rice v. Froehling & Roberston, Inc.*, 267 S.C. 155, 159 (1976))("the employer is liable for medical treatment which will tend to lessen the time in which injury renders an employee incapable to 'earn the wages which the employee was receiving at the time of the injury in the same or other employment.'"). Nearly a year and a half after the accident, Claimant continues to complain of "clicking" and "popping" in his left knee and experience pain upon genuflection. Dr. Tobin, Claimant's IME physician, has recommended repeat radiologic exams and additional surgical intervention. Defendant LLC shall provide the recommended radiologic exams and any additional treatment recommended by an authorized treating orthopedic surgeon of Defendant's choosing.

12. Claimant is not entitled to choose his authorized treating physician. "[T]he employee shall accept [sic] an attending physician and any medical care or treatment that is considered necessary by the attending physician, unless otherwise ordered by the Commission for good cause shown." S.C. Code Ann. § 42-15-60(A) (2021). See also S.C. Code Reg. 67-509(A) (2021) ("The employer's representative chooses an authorized health care provider and pays for authorized treatment."). Claimant has not set forth any justification of the Commission to usurp Defendant LLC's statutory right to direct care. Therefore, consistent with the statutory requirements,

Claimant is entitled to and Defendant LLC shall provide treatment for causally related injuries with an authorized treating orthopedic surgeon of Defendant LLC's choosing.

13. However, Defendant LLC shall reimburse Claimant for the emergency treatment expenses including related charges for his hospital stay and surgery. If an employee receives emergency medical treatment by an unauthorized physician, the employer must reimburse the reasonable cost of the emergency medical services, if ordered to do so by the Commission. See S.C. Code Ann. § 42-15-60(A) (2021). Claimant sustained left tibia and fibula fractures after falling 6 ft. from a ladder while replacing a window at a residential property on behalf of his employer. This serious injury required emergency surgical treatment and resulted in the placement of retained hardware in the affected limb. Because Defendant LLC was covered entity at the time of the accident and the claim is otherwise compensable, it is liable to reimburse Claimant for his emergency medical expenses. Defendant LLC is not responsible for the resulting charges of follow-up care with Dr. Scott, Dr. Tobin, or physical therapy, as this treatment was unauthorized.

14. In addition to medical benefits, Claimant is entitled to a closed period of temporary total disability benefits from October 29, 2018, through December 12, 2018. See S.C. Code Ann. § 42-9-30(16)(2021). "Temporary total or temporary partial compensation is incurred . . . from the first day of incapacity if the injury results in incapacity unless the injured person received full pay for the day." S.C. Code Regs. 67-502A (2021). No out of work notes were introduced into evidence. The only mention of return-to-work activities is in Dr. Scott's December 13, 2018, treatment note which states that claimant was released to "gradually return to working duties as tolerated." Claimant testified that he was released to light duty after completion of physical therapy in January or February, but no physical therapy records corroborating this statement were offered into evidence. Claimant's 60-day testimonial estimate of his return-to-work date is inconclusive on the

matter. Claimant waited until April 15, 2019, to procure employment with Crossroads Construction when he was eligible for light duty 4 months earlier. Furthermore, it was incumbent upon him to notify his employer of his eligibility to return to light-duty work on December 13, 2018. Testimony is conflicting as to whether Defendant LLC made an offer of employment consistent with Claimant's light duty restrictions. Communications between the parties eventually deteriorated for unknown reasons. Determination of any period of incapacity other than what has been referenced in the medical notes would be speculative. See *Burnette v. City of Greenville*, 401 S.C. 417, 427-428 (Ct. App. 2002)("[w]hile a finding of fact of the Commission will normally be upheld, such a finding may not be based upon surmise, conjecture, or speculation, but must be founded on evidence of sufficient substance to afford a reasonable basis for it.").

15. Claimant's average weekly wage is \$749.25 and his compensation rate is \$499.50. See S.C. Code Ann. § 42-1-40 (2021)("Where the employment, prior to the injury, extended over a period of less than fifty-two weeks the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed."). This conclusion is based on Claimant's payroll records submitted into evidence at the Hearing.

16. Defendant LLC is not entitled to a credit for the financial assistance provided to Claimant pos-accident. No check stubs were produced into evidence and the payroll records are devoid of any payments made to Claimant after November 9, 2018. Given the vast discrepancy between Claimant's testimony (that he received \$100.00 in post-accident financial assistance from his employer) and Mr. Jamie Brown's testimony (that he paid Claimant \$1,100.00 in post-accident financial assistance) it would be speculative to artificially award a credit based upon either self-serving assertion. See *Hutson v. South Carolina State Ports Authority*, 399 S.C. 381, 389-390

(2012)(citing *Holland v. Ga. Hardwood Lumber Co.*, 214 S.C. 195, 205 (1949); *Wynn v. People's Natural Gas Co. of S.C.*, 238 S.C. 1, 12-13 (1961)).

17. Because Defendant LLC was subject to the Act at the time of the accident and was operating without insurance, Defendant South Carolina Uninsured Employer's Fund (SC UEF) shall be responsible for paying the awarded benefits on behalf of Defendant LLC. See S.C. Code Ann. § 42-7-200 (2021). During the Hearing, Mr. Jamie Brown admitted that the LLC was uninsured.

18. The SC UEF retains all statutory rights of attachment and recovery against the uninsured defendant employer. See S.C. Code Ann. § 42-7-200 (2021).

FINDINGS OF FACT
(APPELLATE PANEL)

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County is proper as agreed by the parties.
3. Claimant was hired as a construction laborer by Defendant Southeastern Services HHI, LLC (the LLC) in mid to late October 2018.
4. On October 29, 2018, Claimant fell 6 ft. from a ladder while replacing a window on a residential remodeling project for Defendant Southeastern Services sustaining a left tibia and fibula fracture.
5. Claimant testified that two other employees of the LLC were working with him on the day of the accident, Daniel Smith and Taylor Smith. No subcontractors were working on the jobsite with him on October 29, 2018.
6. Testimony at the hearing established that Claimant worked for Defendant LLC for approximately 3 weeks prior to the accident.

7. Claimant was treated at the Hilton Head Hospital Emergency Room on the day of the accident.
8. After receiving an orthopedic evaluation at the hospital, he was admitted for an emergency open reduction and internal fixation of the left midshaft tibia fracture with intramedullary nailing.
9. Upon release from the hospital, Claimant was instructed to attend a follow-up visit with his attending surgeon, Dr. Scott, remain non-weightbearing on his left lower extremity, and provided a knee brace for post-operative use.
10. Claimant attended two post-operative follow-up appointments at Orthopedic Associates of the Lowcountry. After the second appointment, on December 13, 2018, he was released to "gradually return to working duties as tolerated."
11. Though the records were not offered into evidence, Claimant attended physical therapy. He testified that the day he was released from physical therapy when he was given a boot and advised that he could perform light duty work at his last appointment in January or February.
12. Approximately a year and a half after his surgery, Claimant presented to Dr. Tobin at Tobin Bone & Joint Surgery for an independent medical evaluation complaining of clicking and popping in his left knee, and pain while kneeling.
13. Dr. Tobin opined, to a reasonable degree of medical certainty, that at the time of the evaluation, Claimant had not reached maximum medical improvement and that Claimant required additional treatment in the form of repeat x-rays, an MRI of the left knee to address the possibility of an untreated meniscal tear, and additional surgical intervention.

In his medical opinion, Claimant's current symptoms were caused by the treatment he received for his work-related injury.

14. Claimant did not return to his job with the LLC. By his July 28, 2020 IME with Dr. Tobin, he worked for Pro-Wash Plus pressure washing houses. Prior to his employment with Pro-Wash, Claimant returned to work at full capacity with Crossroads Construction on April 15, 2019 and worked there until leaving their employ on October 12, 2019. He did not work from the date of injury, October 29, 2018, to April 14, 2019.
15. No out of work notes from Claimant's physicians were admitted into the evidentiary record.
16. Mr. Jamie Brown, the sole member of Southeastern Services HHI, LLC, testified during his deposition and during the hearing that he wanted Claimant to return to work and offered him a job after the accident, but Claimant did not respond. It was "known to [Claimant] that if he wanted to return his job was there for him."
17. Claimant testified that Mr. Jamie Brown did not offer him light duty work after the accident. Instead, he received \$100.00 in financial assistance from Southeastern Services.
18. Though his testimony wasn't initially clear about how much he paid to Claimant as post-accident financial assistance, Jamie Brown eventually testified during the hearing and during his deposition that he paid Claimant about \$1,100.00. This is not reflected in the payroll records.
19. Payroll records submitted into evidence show that Claimant worked: 56 hours during pay period ending October 19, 2018 earning gross wages totaling \$756.00, 50 hours during pay period ending October 26, 2018 earning gross wages totaling \$540.00, earning \$200.00 in gross wages during pay period ending November 9, 2018.

20. Payroll records and Federal Tax Forms from 2018 also evince that Daniel Smith and Taylor Smith were working full time and being paid by the LLC.
21. Beginning with pay period ending November 2, 2018, payroll records confirm that an additional employee, Chance Jones consistently worked between 34-40 hours per week and was paid by the LLC. Defendant employer's tax records also indicate that Chance was paid wages by the LLC in 2018, though there are no dates of employment on the W2.
22. There was no dispute that Claimant, Daniel Smith, and Taylor Smith were regular, full-time employees on the day of the accident.
23. There was conflicting evidence presented at the hearing regarding whether Chance Jones was also employed by the LLC on October 29, 2018. Claimant testified during his deposition that Chance Jones would "come [sic] in once per week or so if he could help out" and that he worked with him about 3 times." At the Hearing, Claimant testified that Chance did some work for the LLC right before the accident. Daniel Smith testified during his deposition that Chance Jones worked intermittently prior to the accident but wasn't on the jobsite the day of Claimant's accident. Chance had worked off and on for Defendant Southeastern Services for the past 8 years. Jamie Brown also testified during his deposition that Chance works intermittently and wasn't working for Defendant Southeastern Services during Claimant's tenure. Payroll records submitted into evidence from 2017 indicates that Chance Jones was consistently being paid by the company until September 2017, received wages for two pay periods in October 2017, but was not paid wages again until November 2018.
24. In addition to testimony regarding the LLC's number of direct employees, Jamie Brown offered testimony regarding the business's use of subcontractors. Mr. Brown testified that

he is a licensed general contractor and possesses the requisite skill to build a residential home “from the ground up” though his business does not build homes or construct major additions. The LLC mainly performs interior remodels focusing on kitchens, baths, window and door replacement, and occasionally exterior decking.

25. He admitted that the LLC sometimes performs plumbing, flooring, tile, and painting work and that these services are an integral part of his business as a general contractor, but he regularly hires subcontractors for these services.
26. If the project requires electrical work, he will subcontract to Dedicated Electric for those services. Dedicated Electric’s owner is its only employee.
27. However, according to his testimony, Jamie Brown did not hire any subcontractors to work on the residential window replacement project the day Claimant was injured. He hadn’t hired any subcontractors during the time Claimant worked for the LLC. Claimant observed 1 electrician, purportedly from Dedicated Electric, on a different job site. No financial records or check copies were entered into evidence indicating that any subcontractors were paid during claimant’s tenure.
28. Jamie Brown testified during the hearing that he formed Southeastern Services HHI, LLC in January 2018. He is the sole member of the LLC, and the entity is taxed as a sole proprietorship. This is corroborated by the tax records.
29. He admitted that the LLC does not carry workers’ compensation coverage.
30. Jamie Brown also testified that he does not consider himself an employee of the LLC because he doesn’t draw a paycheck though he admitted during his deposition that the LLC pays for his groceries, family vacations, and bills. He has no personal checking account.

31. In exchange for this remuneration, Jamie Brown performs his own office work. He works alongside his crew as a foreman 3-5 days per week and acts as the customer service, sales, and procurement divisions of the company.
32. Mr. Jamie Brown operated a sole proprietorship under the name Jamie Brown d/b/a Southeastern Services HHI. Since the formation of the LLC, he no longer does business under that name.
33. The Commission File contains no Form 5 filed by Mr. Jamie Brown.

CONCLUSIONS OF LAW
(APPELLATE PANEL)

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County, is proper as agreed by the parties.
3. The South Carolina Workers' Compensation Commission has jurisdiction over the claim because the LLC employed 4 or more employees at the time of the accident. Not all employers are subject to the Act and required to obtain workers' compensation insurance. The Act specifically exempts "any person who has regularly employed in service less than 4 employees in the same business within the State. . ." S.C. Code Ann. § 42-1-360 (2021). A company regularly employs the requisite number of employees if it employs "the same number of persons with some consistency throughout a relevant time period." *Hernandez-Zuniga v. Tickle*, 374 S.C. 235, 257 (2007). The relevant time period is determined by "considering (1) the employer's established mode of operation; (2) whether the employer generally employs the jurisdictional number at any time during his operation, and (3) the period during which employment is definite and recurrent rather than occasional, sporadic, or indefinite. *Id* (Holding that employer was not subject to the Act because it did not regularly employ 4 or more employees where 2 employees regularly worked for Tickle, testimony was inconclusive as to whether a 3rd individual was regularly employed, and

the homeowner never observed “more than [3] workers painting her house.”) “The issue of whether an employer regularly employs the requisite number of employees to be subject to the [Act] is jurisdictional.” *Harding v. Plumley*, 329 S.C. 580 (Ct. App. 1998).

4. The South Carolina Workers’ Compensation Act defines employee as “[E]very person engaged in an employment under any appointment, contract of hire, or apprenticeship, expressed or implied, oral or written, including aliens and also including minors, whether lawfully or unlawfully employed, but excludes a person whose employment is both casual and not in the course of trade, business, profession, or occupation of his employer.” S.C. Code Ann. § 42-1-130 (2021). This definition includes corporate officers but excludes sole proprietors or partners of a business. See S.C. Code Ann. § 42-1-130 (2021)⁵ and S.C. Code Ann. § 42-1-520 (2021). Corporate officers may exclude themselves from coverage under the Act by filing a Corporate Officer Notice to Reject, Form 5 with their insurance carrier. See S.C. Code Regs. 67-402 (1997).

5. The relevant time period to determine whether the LLC consistently employed 4 or more employees begins with the LLC’s formation in January 2018 and continues until December 2018. Payroll records and federal tax forms establish that Daniel Smith and Taylor Smith were full-time, regular employees of Defendant LLC since its formation in 2018 and until the time of Claimant’s accident. There is also no dispute that Claimant was a regular, full-time employee beginning in mid-October 23018 and on the date of accident. In addition to Claimant, Daniel, and Taylor, the sole member of the LLC, Mr. Jamie Brown is considered an employee under the Act. He was and

⁵ Chapter 44, section 1205 of the South Carolina Uniform Liability Company Act synonymizes the terms “partnership” or “general partnership” with “limited liability company” when used in any other statute or regulation in the South Carolina Code. Because the legislature specifically set forth the terms that could be interchanged with “limited liability company” and those terms do not include “sole proprietor” or “partner” as used in section 42-1-130, members or owners of an LLC are treated as corporate officers for purposes of the Workers’ Compensation Act. See *Nelson v. Ozmint*, 390 S.C. 432, 436-437 (2010)(citing *Hodges v. Rainey*, 341 S.C. 79, 86 (2000)) (“the canon of construction ‘expressio unius est exclusion alterius’ or ‘inclusio unius est exclusion alterius’ holds that “to express one thing implies the exclusion of another, or the alternative.”)

continues to be consistently and regularly employed by the LLC since its formation. As a member of an LLC his status is not a “sole proprietor,” but is akin to that of a corporate officer. “[A] limited liability company is a legal entity distinct from its members.” S.C. Code Ann. § 33-44-201 (1976). “Each member is an agent of the limited liability company for the purposes of its business.” S.C. Code Ann. § 33-44-301 (1976). He testified that though he did not draw a paycheck from the LLC, he received compensation from the LLC for his services as office staff, foreman, customer services, sales, and procurement and that he used the LLC business checking account to pay his personal expenses such as bills and travel. That Mr. Jamie Brown chose to disregard the corporate formalities and pay his bills directly from the LLC instead of issuing himself a paycheck does not transform his employment status with the LLC. Similarly, his status as a sole proprietor for tax purposes⁶ has no bearing on his status as an employee under the Workers’ Compensation Act. Mr. Jamie Brown’s status as an LLC member in this context required him to file a Form 5 excluding himself from coverage under the Act. The Commission file is devoid of a Form 5 from Mr. Jamie Brown. Defendant LLC became subject to the Act the day it hired Claimant in October 2018 as its 4th full-time employee.⁷

⁶ Pursuant to S.C. Code Ann. § 12-2-25, a single member limited liability company is not regarded as an entity separate from its member for tax purposes. S.C. Code § 12-2-25 (2021).

⁷ Defense counsel cites *Hartzell v. Palmetto Collision* as standing for the proposition that sole members of limited liability companies are excluded from the jurisdictional number of employees. See *Hartzell v. Palmetto Collision*, 406 S.C. 233 (Ct. App. 2013) reversed by *Hartzell v. Palmetto Collision, LLC*, 415 S.C. 617 (2016). In *Hartzell*, the Court of Appeals held that a single-member LLC employed 4 or more employees during the relevant time period notwithstanding Stallings, the LLC’s sole member. *Hartzell*, 406 S.C. at 245. It notes as dicta in footnote 7, that Stallings never indicated his desire to be subject to the Act. *Id.*, fn. 7. Regardless of the Court of Appeals’ disposition of the jurisdictional issue, the Supreme Court’s reversal of the claim renders the entire Court of Appeals opinion null and void. See *Moore v. North American Van Lines*, 319 S.C. 446, 448 (1995) (“Generally, reversal of a judgment on appeal has the effect of vacating the judgment and leaving the case standing as if no judgment had been rendered.”) Similarly, North Carolina authority on this issue is unpersuasive. The North Carolina Legislature has specifically codified the status of LLC members as sole proprietors and partners. The South Carolina Code language, as cited above, effects a different result in this jurisdiction. If the legislature desires to carve out an exception for single member LLCs, it must act.

6. Even if Mr. Jamie Brown, as a corporate officer of the LLC could not be counted as an employee of Southeastern Services, the preponderance of evidence in the record indicates that Chance Jones consistently and regularly worked for Defendant LLC during the aforementioned time period. The Act excludes “casual” employment from the definition of employee. S.C. Code Ann. § 42-1-130 (2021). An individual will not be considered an “employee” where the employment is causal, impermanent, occasional, by chance, or “with the intention and understanding on both the part of the employer and employee that it shall not be continuous.” *Hernandez-Zuniga*, 374 S.C. at 248 (internal citations omitted). In *Harding v. Plumley*, the Court of Appeals affirmed the Commission’s determination that Plumley Construction only regularly employed two employees as evidenced by weekly payroll records. *Harding v. Plumley*, 329 S.C. 580, 586-587 (Ct. App. 1998). The other three employees received 1 or 2 payroll checks at a maximum during the relevant period between July - November 1991 and, therefore were not “regularly employed” by Plumley Construction. *Id.* “Workers’ compensation statutes are construed liberally in favor of coverage, and South Carolina’s policy to resolve jurisdictional doubts in favor of the inclusion of employees within workers’ compensation coverage.” *Hernandez-Zuniga v. Tickle*, 374 S.C. 235, 243 (Ct. App. 2007) (internal citations omitted); see also *Poch v. Bayshore Concrete Prod. South Carolina, Inc.*, 405 S.C. 359, 367 (2013) (internal citations omitted). “If an employer has once regularly employed enough [employees] to come under the act, it remains there even when the number employed temporarily falls below the minimum.” *Hernandez-Zuniga v. Tickle*, 374 at 246 (citing 4 Larson, Workers’ Compensation §§74.01-02).

7. Payroll records indicate that Chance consistently worked between 30-40 hours per week as of pay period ending November 2, 2018. Defendant’s tax records indicate that Chance received

wages during 2018, though neither the payroll records nor the W2 includes his date of hire. Claimant testified at the hearing that Chance “would come in once per week or so if he could help out” and that he worked with him about 3 times. Additional testimony at the hearing established that Chance worked intermittently prior to the accident but wasn’t on the jobsite the day Claimant was injured. Mr. Jamie Brown’s testimony, that Chance didn’t work for Defendant LLC during Claimant’s tenure, is inconsistent with the payroll records. Chance was paid for 34 hours of his services for the week ending November 2, 2018. It would be physically impossible to work 34 hours in 1 day. Furthermore, the testimony supports the conclusion that Chance regularly “filled in” when needed and worked intermittently prior to the accident including during Claimant’s tenure. Unlike the employees in *Harding* who received 1 or 2 paychecks in a 4-month period, Chance was paid by the LLC beginning in November and worked consistent 40-hour work weeks until December 2018. His employment, though perhaps irregular, remained consistent. His employment was not causal. Therefore, he is counted as an additional employee for purposes of the Jurisdictional requirement subjecting Defendant LLC to the provisions of the Act requiring it to maintain workers’ compensation insurance.

8. Though Subcontractors, as statutory employees, may be counted towards the jurisdictional number of employees, the evidence submitted into the record inconclusively determines whether and with what frequency the LLC employed subcontractors. See *Ost v. Integrated Products, Inc.*, 296 S.C. 241, 248-249 (1988) (Statutory employees may be included to satisfy the jurisdictional requirement of Section 42-1-360). In *Keene v. CAN Holdings*, the Court refocused the test to determine whether a subcontractor’s employee could be considered an employer’s statutory employee.⁸ In determining ‘whether the work contracted out is part of [the owner’s] trade,

⁸ Testimony at the hearing established that Defendant LLC did not control the right to hire or fire the putative subcontractor’s employees, the subcontractors were paid upon completion, and the LLC did not direct the

business or occupation’ – the court should focus initially on what the owner decided is part of its business.” S.C. Code Ann. § 42-1-400 (2021); *Keene v. CNA Holdings*, 2021 WL 3521085 (S.C. Sup. Ct. 2021). An owner’s business decision to subcontract work will not be disturbed unless it was made for the purposes of avoiding the costs of properly insuring its workers. *Id.* Testimony at the hearing established that Defendant LLC utilized subcontractors to perform services integral to a general contracting business. However, Mr. Jamie Brown did not hire any subcontractors to work on the residential window project the day Claimant was injured and stated that he hadn’t hired any subcontractors while Claimant was working for him. Claimant’s testimony partially corroborated this assertion as he admitted that there were no subcontractors working with him at the jobsite on the day of the accident, but contradicted Mr. Jamie Brown’s testimony asserting that Claimant worked with an electrician thought to be an employee of Dedicated Electric on an alternate jobsite. There are no check copies or financial records indicating that any subcontractors were paid during the relevant time period in 2018. In *Keene*, the predecessor corporate entity to CAN Holdings (Hystron Fibers) subcontracted with Daniel Construction to provide plant maintenance and repair. *Id.* The claimant performed various maintenance and repair jobs onsite at Hystron Fibers. *Id.* The difference between *Keene* and this claim is that the purported statutory employee was onsite at the time of the accident. Counting statutory employees hired unreasonably expands the boundaries of the Act beyond the policy it intends to serve: To protect small businesses from incurring additional coverage expenses. Therefore, no statutory employees can be included as employees to satisfy the jurisdictional minimum.

subcontractor’s methods used to complete the work. (Hr. Tr. p. 70, ln. 13-25, p. 71, ln. 1-15). This line of questioning confuses the test used for determining whether a subcontractor’s employees can be considered statutory employees. See *Ramirez v. May River Roofing*, 433 S.C. 519 (Ct. App. 2021) cf. *Keene v. CAN Holdings*, 2021 WL 3521085 (S.C. Sup. Ct. 2021). Subcontracting company employees are not direct employees but could be considered statutory employees in certain circumstances.

9. As additional support for the conclusion that the LLC employed 4 or more employees, Claimant alleged that the LLC is the alter ego of Mr. Jamie Brown's former sole proprietorship, Jamie Brown d/b/a Southeastern Services HHI. According to Claimant's theory, the sole proprietorship's failure to file a Form 38 withdrawing from the Act after having procured workers' compensation insurance is imputed to the LLC bringing the LLC within the purview of the Act. This argument is unpersuasive. Both *Poch v. Bayshore* and *Monroe v. Monsanto* address the relationship of a parent company and its active subsidiary but address this relationship in the context of tort immunity under the Act. See *Poch v. Bayshore*, 405 S.C. 359 (2013) and *Monroe v. Monsanto*, 531 F. Supp. 426 (D.S.C. 1982). Aside from the issue litigated in that line of cases, the main difference between *Poch* and *Monsanto* and the claimant bar is that Mr. Jamie Brown's sole proprietorship no longer exists. He ceased operating as a sole proprietorship after the formation of the LLC in January 2018. While Mr. Jamie Brown may be personally liable for the sole proprietorship's failure to file a Form 38, a finding that the LLC is liable for the obligations of a separate and non-existent sole proprietorship, turns the South Carolina Liability Company Act on its head. Indeed, "[A] limited liability company is a legal entity distinct from its members." S.C. Code Ann. § 33-44-201 (1976). This corporate form is desired because of the protection it offers from personal liability. For this and the aforementioned reasons, the Commission has jurisdiction over the claim because Defendant LLC employed at least 4 regular, full-time employees at the time of Claimant's accident, and it is subject to the Act's requirements to carry workers' compensation insurance at the time of Claimant's work accident.

10. There is no disagreement that Claimant sustained an "injury by accident arising out of and in the course of employment." See S.C. Code Ann. § 42-1-160 (2021). Therefore, Claimant is

entitled to medical and indemnity benefits under the Act. See S.C. Code Ann. § 42-15-60 (2021) and S.C. Code Ann. § 42-9-30 (2021).

11. Defendant LLC shall prospectively provide all causally related and authorized medical treatment for Claimant's left leg fractures. Section 42-15-60 provides in relevant part that: "The Employer shall provide medical surgical, hospital and other treatment including medical and surgical supplies as reasonably may be required . . . to effect a cure or give relief and for an additional time as in the judgment of the commission will tend to lessen the period of disability." S.C. Code Ann. § 42-15-60(A) (2021); *Dodge v. Bruccoli, Clark, Layman, Inc.*, 334 S.C. 574, 580 (1999) (citing *Rice v. Froehling & Roberston, Inc.*, 267 S.C. 155, 159 (1976) ("the employer is liable for medical treatment which will tend to lessen the time in which injury renders an employee incapable to 'earn the wages which the employee was receiving at the time of the injury in the same or other employment.'")). Nearly a year and a half after the accident, Claimant continues to complain of "clicking" and "popping" in his left knee and experience pain upon genuflection. Dr. Tobin, Claimant's IME physician, has recommended repeat radiologic exams and additional surgical intervention. Defendant LLC shall provide the recommended radiologic exams and any additional treatment recommended by an authorized treating orthopedic surgeon of Defendant's choosing.

12. Claimant is not entitled to choose his authorized treating physician. "[T]he employee shall accept [sic] an attending physician and any medical care or treatment that is considered necessary by the attending physician, unless otherwise ordered by the Commission for good cause shown." S.C. Code Ann. § 42-15-60(A) (2021). See also S.C. Code Reg. 67-509(A) (2021) ("The employer's representative chooses an authorized health care provider and pays for authorized treatment."). Claimant has not set forth any justification of the Commission to usurp Defendant

LLC's statutory right to direct care. Therefore, consistent with the statutory requirements, Claimant is entitled to and Defendant LLC shall provide treatment for causally related injuries with an authorized treating orthopedic surgeon of Defendant LLC's choosing.

13. However, Defendant LLC shall reimburse Claimant for the emergency treatment expenses including related charges for his hospital stay and surgery. If an employee receives emergency medical treatment by an unauthorized physician, the employer must reimburse the reasonable cost of the emergency medical services, if ordered to do so by the Commission. See S.C. Code Ann. § 42-15-60(A) (2021). Claimant sustained left tibia and fibula fractures after falling 6 ft. from a ladder while replacing a window at a residential property on behalf of his employer. This serious injury required emergency surgical treatment and resulted in the placement of retained hardware in the affected limb. Because Defendant LLC was covered entity at the time of the accident and the claim is otherwise compensable, it is liable to reimburse Claimant for his emergency medical expenses. Defendant LLC is not responsible for the resulting charges of follow-up care with Dr. Scott, Dr. Tobin, or physical therapy, as this treatment was unauthorized.

14. In addition to medical benefits, Claimant is entitled to a closed period of temporary total disability benefits from October 29, 2018 through December 12, 2018. See S.C. Code Ann. § 42-9-30(16)(2021). "Temporary total or temporary partial compensation is incurred . . . from the first day of incapacity if the injury results in incapacity unless the injured person received full pay for the day." S.C. Code Regs. 67-502A (2021). No out of work notes were introduced into evidence. The only mention of return-to-work activities is in Dr. Scott's December 13, 2018 treatment note which states that claimant was released to "gradually return to working duties as tolerated." Claimant testified that he was released to light duty after completion of physical therapy in January or February, but no physical therapy records corroborating this statement were offered into

evidence. Claimant's 60-day testimonial estimate of his return-to-work date is inconclusive on the matter. Claimant waited until April 15, 2019 to procure employment with Crossroads Construction when he was eligible for light duty 4 months earlier. Furthermore, it was incumbent upon him to notify his employer of his eligibility to return to light-duty work on December 13, 2018. Testimony is conflicting as to whether Defendant LLC made an offer of employment consistent with Claimant's light duty restrictions. Communications between the parties eventually deteriorated for unknown reasons. Determination of any period of incapacity other than what has been referenced in the medical notes would be speculative. See *Burnette v. City of Greenville*, 401 S.C. 417, 427-428 (Ct. App. 2002)("[w]hile a finding of fact of the Commission will normally be upheld, such a finding may not be based upon surmise, conjecture, or speculation, but must be founded on evidence of sufficient substance to afford a reasonable basis for it.").

15. Claimant's average weekly wage is \$749.25 and his compensation rate is \$499.50. See S.C. Code Ann. § 42-1-40 (2021) ("Where the employment, prior to the injury, extended over a period of less than fifty-two weeks the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed."). This conclusion is based on Claimant's payroll records submitted into evidence at the Hearing.

16. Defendant LLC is not entitled to a credit for the financial assistance provided to Claimant post-accident. No check stubs were produced into evidence and the payroll records are devoid of any payments made to Claimant after November 9, 2018. Given the vast discrepancy between Claimant's testimony (that he received \$100.00 in post-accident financial assistance from his employer) and Mr. Jamie Brown's testimony (that he paid Claimant \$1,100.00 in post-accident financial assistance) it would be speculative to artificially award a credit based upon either self-serving assertion. See *Hutson v. South Carolina State Ports Authority*, 399 S.C. 381, 389-390

(2012)(citing *Holland v. Ga. Hardwood Lumber Co.*, 214 S.C. 195, 205 (1949); *Wynn v. People's Natural Gas Co. of S.C.*, 238 S.C. 1, 12-13 (1961)).

17. Because Defendant LLC was subject to the Act at the time of the accident and was operating without insurance, Defendant South Carolina Uninsured Employer's Fund (SC UEF) shall be responsible for paying the awarded benefits on behalf of Defendant LLC. See S.C. Code Ann. § 42-7-200 (2021). During the Hearing, Mr. Jamie Brown admitted that the LLC was uninsured.

18. The SC UEF retains all statutory rights of attachment and recovery against the uninsured defendant employer. See S.C. Code Ann. § 42-7-200 (2021).

ORDER

By majority decision, the Order of the Single Commissioner from which this appeal has been taken is hereby Affirmed by the Appellate Panel. This order shall constitute the final Decision and Order of the South Carolina Workers' Compensation Commission.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Findings of Fact and Conclusions of Law of the Single Commissioner are incorporated herein as if set forth verbatim and the Claimant is entitled to receive, and Defendant SC UEF is ordered to provide all recommended and causally related medical treatment for Claimant's left leg injury by an authorized treating orthopedic surgeon of Defendants' choosing.

IT IS ORDERED, ADJUDGED AND DECREED that the Defendant SC UEF shall pay for or reimburse Claimant for the costs of his emergency medical treatment and prescriptions. Payment is to be made within 30 days of the date of this Order.

IT IS ORDERED, ADJUDGED AND DECREED that Defendant SC UEF shall pay Claimant \$3,146.85 (\$499.50 x. 6.3 weeks) in back-due temporary indemnity benefits within 14 days of the date of this Order.

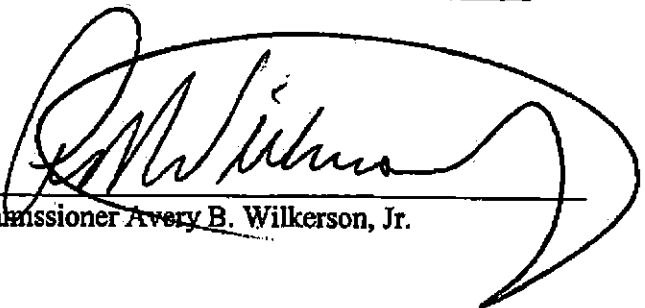
IT IS ORDERED, ADJUDGED AND DECREED that Defendant SC UEF retains all statutory rights of attachment and reimbursement pursuant to S.C. Code Ann. § 42-7-200 (2021).

AND IT IS SO ORDERED!

MAJORITY AFFIRMATION:

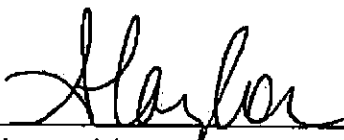
**SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION**

BY:



Commissioner Avery B. Wilkerson, Jr.

DISSENTING:


Commissioner Aisha Taylor

Order Served via E-Mail:

Joshua Fester, Esquire (for the Claimant) jfester@johnsonslawoffice.com Michael P. Bennett, Esquire (for the Employer) michael@carrlegal.com Patrick W. Carr, Esquire (for the Employer) patrick@carrlegal.com Timothy B. Killen, Esquire (for the SCUEF) tkillen@hplplaw.com Lisa C. Glover, Esquire (For the SCUEF) lglover@saf.sc.gov	

Order Served via USPS:

CERTIFICATE OF SERVICE

**THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS
ORDER IN THE ABOVE-ENTITLED ACTION UPON ALL PARTIES
ELECTRONICALLY OR BY DEPOSITING A COPY HEREOF, POSTAGE PAID,
IN THE UNITED STATES MAIL**

This 20th day of July 2021

By: Valerie D. Deller
SCWCC Judicial Department

**LAW OFFICES OF
DARRELL THOMAS JOHNSON, JR., LLC
300 MAIN STREET
POST OFFICE BOX 1125
HARDEEVILLE, SOUTH CAROLINA 29927**

DARRELL THOMAS JOHNSON, JR. *
MILLS L. MORRISON, JR. **
WARREN P. JOHNSON
JOSHUA R. FESTER

843-784-2142
FAX 843-784-5770
tdjohnson1@hargravy.com

* Certified Mediator
** Also Licensed in Georgia

November 16, 2020

South Carolina Workers' Compensation Commission
P.O. Box 1715
Columbia, SC 29202

RE: Zachary Brown
DOA: October 29, 2018
WCC File No: 1824344
Our File No: 02-2549-01-700-19

Ladies and Gentlemen:

Enclosed please find the original and copy of Claimant's Amended Form 50 Requesting a Hearing, and Certificate of Service of same, in the above referenced matter. I have included the filing fee of \$50.00. Please return the stamped copy to me in the return envelope I have provided.

Please note that by my Certificate of Service I am serving all interested parties.

With kind regards,

LAW OFFICE OF
DARRELL THOMAS JOHNSON, JR., LLC



Leanne Motes
Assistant to Joshua Fester

JRF/lmo

encs



WCC File #: **1824344**
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Zachary Brown SSN: 250-97-8477 Employer's Name: Southeastern Services H.H.I., LLC
Address: 145 Auburn Hills Dr. Address: 90 McGill Lane
City: Ridgeland State: SC Zip: 29936 City: Ridgeland State: SC Zip: 29936
Home Phone: 702-609-5560 Work Phone: () - Insurance Carrier: _____
Preparer's Name: Joshua Fester Law Firm: Law Offices of Darrell T. Johnson Jr., LLC Preparer's Phone #: (843) 784-2142

A claim for workers' compensation benefits is made based on the following grounds:

☒ Injury ☐ Illness ☐ Repetitive Trauma ☐ Occupational Disease ☐ Physical Brain Injury ☐ Concurrent Jurisdiction

1. The claimant sustained an injury to Left Leg (Part(s) of Body Injured) on October 29, 2018 (Month/Day/Year) in Beaufort County, State of South Carolina.
2. Body part(s) affected are: Left Leg
Briefly describe how the accident occurred. Fell from ladder and sustained significant damage to left leg
3. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.
4. The relationship of employer and employee existed at the time of injury.
5. At the time of the injury the claimant was performing services arising out of and in the course of employment.
6. Notice of the accidental injury was given to the Employer on 10/29/2018 (Month/Day/Year) in the following manner:
Gave oral notice to Jamie Brown

☒ 7. Due to injury, the claimant is in need of (check one):

☐ (a) medical examination and treatment for: _____

☒ (b) additional medical examination and treatment for: Left Leg

☒ 8. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of:
Date of injury to present, less amounts already paid.

☐ 9. Due to the injury, the Claimant has permanent disability of the following nature and extent (check one):

☐ (1) General Disability: ☐ Total ☐ Partial

☐ (2) Specific Disability: ☐ Total ☐ Partial

☐ (3) Wage Loss

9a. Claimant at MMI: ☐ Yes ☐ No

☐ 10. Due to the injury, the Claimant has a serious bodily disfigurement consisting of:

10a. At the time of the injury, the Claimant was paid weekly wages of \$1BD, and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:

11. Further grounds or unusual aspects of claim:

11a. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
Hilton Head Hospital, 25 Hospital Center Blvd., Hilton Head Island, SC 29926; Dr. Douglas Scott, 95 Matthews Drive, Port Royal Plaza, Suite D-1, Hilton Head Island, SC 29926

11b. To the best of your knowledge, did you have any prior permanent disability? NO
If yes, describe: _____

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.

☐ 13. I am filing a claim. I am not requesting a hearing at this time.

Estimated time needed for hearing: 30 minutes

☒ 14. I am requesting a hearing. A \$50 fee is required.

☐ Mediation

☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.

☐ b. Mediation is required pursuant to Reg. 67-1802.

☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.

☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to **PLEASE SEE ATTACHED CERTIFICATE OF SERVICE**

address _____ on the _____ day of _____ 20____, by ☐ first class postage ☐ certified mail ☐ personal service ☐ electronic service

I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature: Joshua Fester Attorney: ffester@johnsonslawoffice.com Title: _____ Email: _____ Date: November 17, 2020

Questions about the use of this form should be directed to the Claims Department at 803.737.5723. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615 as well as Reg. 67-1801.

AMENDED 50

Employee's Notice of Claim and/or
Request for Hearing

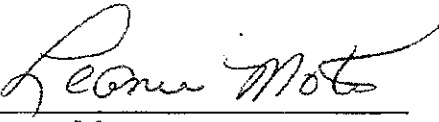
CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 2020 I served a true and accurate copy of the forgoing SCWCC Amended Form 50 Requesting a Hearing, on the parties listed below by electronic delivery and by depositing the same in the United States mail, sufficient First Class postage affixed thereto properly addressed to the following:

tkillen@hplplaw.com

Tim Killen, Esquire
Holder, Padgett, Littlejohn & Prickett, LLC
349 West Coleman Boulevard
Suite 300
Mount Pleasant, South Carolina 29464

Certified Mail Piece No: 9436 0118 9956 4166 3357 73
Jamie Brown as Registered Agent for
Southeastern Services HHI, LLC
90 McGill Lane
Ridgeland, SC 29936



Leanne Motes

Hardeeville, South Carolina

**LAW OFFICES OF
DARRELL THOMAS JOHNSON, JR., LLC
300 MAIN STREET
POST OFFICE BOX 1125
HARDEEVILLE, SOUTH CAROLINA 29927**

DARRELL THOMAS JOHNSON, JR. *
MILLS L. MORRISON, JR. **
WARREN P. JOHNSON
JOSHUA R. FESTER

843-784-2142
FAX 843-784-5770
tdjohnson1@hargray.com

* Certified Mediator
** Also Licensed in Georgia

November 17, 2020

South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202-1715

RE: Zachary Brown v. Southeastern Services HHI, LLC
SCWCC File No: 1824344
Date of Accident: October 18, 2018
Our File No: 02-2549-01-700-19

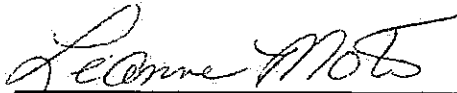
Ladies and Gentlemen:

Please find enclosed the original and copy of Certificate of Service in the above, evidencing service of my Amended Form 50 on the remainder of the parties, of which were omitted in the original filing of earlier today. In the event these have crossed in the mail, please hold this until my original filing gets to you. Please return a stamped copy in the return envelope that I have provided..

Should you require anything further, please don't hesitate to contact me.

With kind regards,

LAW OFFICE OF
DARRELL THOMAS JOHNSON, JR., L.L.C.



Leanne Motes
Assistant to Joshua Fester

Imo
encs
cc Tim Killen, Esq.

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NUMBER 1824344

ZACHARY BROWN,)
Claimant,)
)
-versus-)
)
SOUTHEASTERN SERVICES HHI, LLC,)
Employer,)
)
-and-)
)
SOUTH CAROLINA UNINSURED)
EMPLOYERS FUND,)
Carrier.)
_____)

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 2020 I served a true and accurate copy of Amended Form 50 on the parties listed below by electronic mail and/or by depositing a copy of the same in the United States mail, sufficient First Class postage affixed hereto and properly addressed to the following:

lglover@saf.sc.gov

Lisa C. Glover

PO Box 210039

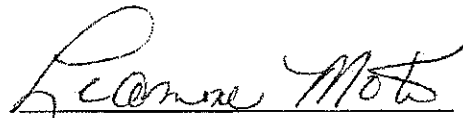
Columbia, SC 29221-0039

patrick@hiltonheadlawyers.com

Patrick W. Carr, Esquire

2 Spanish Wells Road

Hilton Head Island, SC 29926


Leanne Motes

BERRY & CARR
PURSUING JUSTICE • IMPROVING LIVES

Lucas M. Paulick
LUKE@HILTONHEADLAWYERS.COM

David H. Berry
DAVID@HILTONHEADLAWYERS.COM

Patrick W. Carr
PATRICK@HILTONHEADLAWYERS.COM

Michael P. Bennett
MICHAEL@HILTONHEADLAWYERS.COM

November 25, 2020

VIA FIRST CLASS U.S. MAIL

South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202

Re: Zachary Brown v. Southeastern Services, H.H.I, LLC
SCWCC File No. 1824344

Dear Sir or Madam:

Enclosed please find (1) original and (2) copies of the Form 51 for the above referenced matter. Please file the original and return the filed copies to our office in the self-addressed stamped envelope that is enclosed.

If you should have any questions, please do not hesitate to reach out to our office!

Sincerely yours,


Emily Brown Collazos
Bilingual Paralegal

Cc: Joshua Fester, Esquire
Po Box 1125
Hardeeville, SC 29927

Timothy B. Killen, Esquire
Holder Padgett Littlejohn + Prickett, LLC
349 W. Coleman Blvd. Ste 300
Mount Pleasant, SC 29464



WCC File #: **1824344**
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Zachary Brown SSN: 250-97-8477 Employer's Name: Southeastern Services, H.H.I., LLC
Address: 145 Auburn Hills Dr. Address: 90 McGill Lane
City: Ridgeland State: SC Zip: 29936 City: Ridgeland State: SC Zip: 29936
Home Phone: (702) 609-5560 Work Phone: () - Insurance Carrier: _____
Date of Injury: 10/29/2018
Preparer's Name: Michael P. Bennett Law Firm: Berry & Carr, P.C. Preparer's Phone #: (843) 686-5432

Date of Injury or Illness: **10/29/2018**

Estimated time for hearing: **45 minutes**

Complete each information blank. Clearly specify when contentions are admitted in part and denied in part. The Employer/Carrier in answer to the claim, respectfully shows:

1. It is **Denied** the employee sustained an injury or illness on or about the date set forth in the Form 50. The reasons for denial are:
Deny a compensable injury by accident arising out of and in the course and scope of employment pending further investigation.
2. It is **Denied** both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are:
Admit employee/employer relationship at the time in question but deny compensability under the Act.
3. It is **Admitted** the relationship of employer and employee existed at the time in question. The reasons for denial are:
See No. 2 above.
4. It is **Denied** at the time in question the employee was performing services arising out of and in the course of employment. The reasons for denial are:
See No. 1 above.
5. It is **Admitted** notice of injury was given the employer. The reasons for denial are:
Admit timely notice of alleged injury so as to satisfy § 42-15-20 only.
6. It is **Denied** the employee **Needs / Is Entitled to Additional** medical care as a result of injury or illness. The reasons for denial are:
See No. 1 above.
7. It is **Denied** the employee is entitled to temporary total disability for the period(s) of :
See No. 1 and No. 2 above.
8. It is **Denied** the employee is permanently disabled. The reasons for denial are:
See No. 1 above.
9. It is **Denied** the employee has serious disfigurement.
10. It is contended that an average weekly wage of \$ **TBD** applies, according to attached Form 20 as provided by law.
11. Further contentions, grounds of defense, or unusual aspects are:
Employer was not subject to the Act and did not employ 4 or more employees. Employer reserves the right to amend.

☐ **Mediation**

- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
☐ b. Mediation is required pursuant to Reg. 67-1802.
☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Joshua Fester, Esq. and Timothy Killen, Esq.
Address PO Box 1125 Hardeeville, SC 29927 and ifester@johnsonslawoffice.com and 945 Houston Northcutt Blvd., Mt. Pleasant, SC 29464
tkillen@hplplaw.com on the **25** day of **November 2020**, by:

☒ first class postage ☐ certified mail ☐ personal service ☒ electronic service

I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature: [Signature] Attorney for Employer: michael@hiltonheadlawyers.com Title: _____ Date: 11/25/2020

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Refer to R. 67-1801 for mediation. Questions about the use of this form may be directed to the Commission's Judicial Department at 803-737-5675 or judicial@wcc.sc.gov or mediation@wcc.sc.gov. Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.



South Carolina
Uninsured Employers' Fund
A Division of the South Carolina State Accident Fund

08-2018-4029 sen

Henry D. McMaster
Governor

Amy V. Cofield, Esq.
Executive Director

May 5, 2020

Judicial Division
SC Workers' Compensation Commission
Post Office Box 1715
Columbia, S. C. 29202-1715

Re: Zachary Brown vs. Southeastern Services HHI, LLC.
SCWCC No.: Unknown; UEF No.: 2018-4029

Dear Ms. Bracy:

Enclosed is the Fund's Form 51, Answer to the Request for Hearing in the above referenced case. By copy of this letter, I am serving same on the pro se parties, and/or opposing counsel listed below.

Sincerely,

Lisa C. Glover

Lisa C. Glover
Legal Counsel
lglover@saf.sc.gov

LCG/sw
Enclosures
c: Joshua R. Foster, Esquire
Southeastern Services HHI, LLC.

Post Office Box 210039 Columbia, South Carolina 29221-0039 (803) 896-5800

www.saf.sc.gov

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5675 www.wcc.sc.gov



WCC File #: Unknown
Carrier File #: 2018-4029
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Zachary Brown SSN: XXX-XX-8477 Employer's Name: Southeastern Services H.H.I., LLC
Address: 145 Auburn Hills Dr. Address: 90 McGill Lane
City: Rigeland State: SC Zip: 29936 City: Rigeland State: SC Zip: 29936
Home Phone: 702-609-5560 Work Phone: _____ Insurance Carrier: _____
Date of Injury: October 29, 2018
Preparer's Name: Lisa C. Glover Law Firm: SCWCUEF Preparer's Phone #: (803) 896-5898

Date of Injury or Illness: 10/29/2018 Estimated time for hearing: _____
Complete each information blank. Clearly specify when contentions are admitted in part and denied in part. The Employer/Carrier in answer to the claim, respectfully shows:

1. It is ☐ Admitted ☒ Denied the employee sustained an injury or illness on or about the date set forth in the Form 50. The reasons for denial are:
General; there has been no proof.
2. It is ☐ Admitted ☒ Denied both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are:
See No. 1 above.
3. It is ☐ Admitted ☒ Denied the relationship of employer and employee existed at the time in question. The reasons for denial are:
See No. 1 above.
4. It is ☐ Admitted ☒ Denied at the time in question the employee was performing services arising out of and in the course of employment. The reasons for denial are:
See No. 1 above.
5. It is ☐ Admitted ☒ Denied notice of injury was given the employer. The reasons for denial are:
See No. 1 above.
6. It is ☐ Admitted ☒ Denied the employee ☐ Needs ☐ Is Entitled to Additional medical care as a result of injury or illness. The reasons for denial are:
See No. 1 above.
7. It is ☐ Admitted ☒ Denied the employee is entitled to temporary total disability for the period(s) of : _____
8. It is ☐ Admitted ☒ Denied the employee is permanently disabled. The reasons for denial are:
See No. 1 above.
9. It is ☐ Admitted ☒ Denied the employee has serious disfigurement.
10. It is contended that an average weekly wage of \$ _____ applies, according to attached Form 20 as provided by law.
11. Further contentions, grounds of defense, or unusual aspects are:
See attachment.

- ☐ Mediation
- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
 - ☐ b. Mediation is required pursuant to Reg. 67-1802.
 - ☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
 - ☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to See Attached.
Address _____ on the _____ day of _____ 20____ by:
☒ first class postage ☐ certified mail ☐ personal service ☐ electronic service

I verify the contents of this form are accurate and true to the best of my knowledge.

Lisa C. Glover Legal Counsel lglover@saf.sc.gov 5/5/2020
Preparer's Signature Title Email Date

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Refer to R. 67-1801 for mediation. Questions about the use of this form may be directed to the Commission's Judicial Department at 803-737-5675 or judicial@wcc.sc.gov or mediation@wcc.sc.gov. Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.

WCC Form # 51
Revised 07/15

51

62

Employer's Answer to Request for Hearing

ATTACHMENT – WCC FORM 51

SCWCC NO.: Unknown
UEF NO.: 2018-4029

11. The Uninsured Employers' Fund is informed and believes that no capitulation or other order has been issued by the South Carolina Workers' Compensation Commission finding that the employer is subject to Title 42 and is operating without insurance or as an unqualified self-insurer. The Uninsured Employers' Fund is not a proper party to this action and is not subject to the jurisdiction of the South Carolina Workers' Compensation Commission in this case.

All affirmative and specific defenses (see Reg. 67-603), including but not limited to Section 42-9-60, Section 42-15-20, Section 42-15-40, Section 42-17-90; and fraud in the application for employment; fraud in the inducement to sign Form 15; fraud in the initiation of the claim for benefits; pre-existing disability to allegedly injured members; election of remedies; intervening trauma; no compensable injury by accident under Section 42-1-160; degree of disability, if any, attributable to this injury speculative; claimant's problems personal in nature and not work related.

Fund reserves the right to amend this Answer and plead additional defenses. This form is filed to comply with the South Carolina Workers' Compensation Commission regulations.

Fund files this Answer in response to Claimant's Form 50, Request for Hearing dated April 17, 2020.

Further, the Uninsured Employers' Fund does not represent the uninsured employer, is not an agent for the uninsured employer, nor a carrier for the uninsured employer.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

* SCWCC NO.: Unknown
* CERTIFICATE OF SERVICE
*

The undersigned employee of the South Carolina Uninsured Employers' Fund, 800 Dutch Square Boulevard, Suite 160, Columbia, South Carolina, 29210, does hereby certify that he has served the following named parties with a copy of the pleading indicated below, by mailing a copy of same to them in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Joshua R. Foster, Esquire
Law Offices of Darrell Thomas Johnson, Jr., LLC
PO Box 1125
Hardeeville, SC 29927

Southeastern Services HHI, LLC.
90 McGill Lane
Rigeland, SC 29936

PLEADING: Form 51, Answer to request for a hearing dated April 17, 2020


Seth Wilkins

May 5, 2020
Columbia, South Carolina

Timothy B. Killen

Reply to: Charleston
direct: (843) 277-0826
fax: (843) 589-9000
tkillen@hpiplaw.com

March 1, 2022

Amy Bracy, Judicial Director
SC Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202-1715

Re: Zachary Brown vs. Southeastern Services H.H.I., LLC
WCC File No.: 1824344 - Date of Accident: October 29, 2018
Carrier: SC Uninsured Employers' Fund - Claim No.: 2018-4029
HPLP File No.: 5415.00185

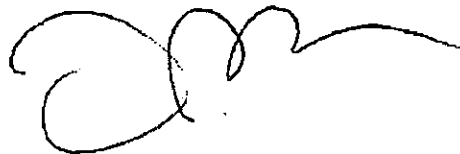
Dear Ms. Bracy:

Enclosed please find the original and three (3) copies of our Form 30, Request for Commission Review, for filing in the above-referenced matter. Also enclosed are four (4) copies of the Decision and Order which is being appealed as well as our firm check in the amount of \$150.00 in payment of the Commission's filing fee.

By copy of this letter I am providing a copy of the Form 30 to Joshua Fester, Claimant's attorney and Michael Bennett and Patrick Carr, attorneys for employer.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC



Timothy B. Killen

TBK/maa
Enclosures

cc: Joshua Fester, Esquire (via email)
Michael P. Bennett, Esquire (via email)
Patrick W. Carr, Esquire (via email)
Larisa Benson (via email)

CHARLESTON
945 Houston Northcutt Blvd.
Mount Pleasant, SC 29464

COLUMBIA
1201 Main St., Ste. 1430
Columbia, SC 29201

GREENVILLE
P.O. Box 1804, Greenville, SC 29602
800 E. North St. (29601)
65

RALEIGH
3737 Glenwood Ave., Ste. 270
Raleigh, NC 27612



Claimant's Name: Zachary Brown SSN: 250-97-8477 Employer's Name: Southeastern Services H.H.I., LLC
Address: 145 Auburn Hills Dr, Ridgeland, SC 29936 Address: 90 McGill Ln, Ridgeland, SC 29936
Home Phone: (702) 609-5560 Work Phone: () - Insurance Carrier: None/SC Uninsured Employers' Fund acting
Preparer's Name: Timothy B. Killen, Esquire Law Firm: Holder Padgett Littlejohn + Prickett, LLC Preparer's Phone #: (843) 277-0826

REQUEST FOR COMMISSION REVIEW

Request for Commission Review by ☐ Claimant ☐ Employer ☒ UEF Date of Injury or Illness: October 29, 2018

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

The Single Commissioner erred as matters of fact and law in Findings of Fact Eleven (11), Thirteen (13), Fourteen (14), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-One (21), Twenty-Two (22), Twenty-Three (23), Twenty-Four (24), Twenty-Five (25), Twenty-Six (26), Thirty (30), Thirty-One (31), and Thirty (33), said Findings being contrary to the greater weight of the evidence and law. The Single Commissioner erred as matters of law in Conclusions of Law Numbers Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) (Appearing in the Order as the second Number Ten), Thirteen (13), Fourteen (14) (appearing in the Order as the second Number Twelve), Fifteen (15) (appearing in the Order as Number 11), Sixteen (16) (appearing in the order as second Number Thirteen), and Seventeen (17) (appearing in the Order as the third Number Thirteen), as such Conclusions are contrary to the greater weight of the evidence and law. The Single Commissioner also erred in referring to the UEF as a "Carrier" and ordering the UEF to pay versus the Employer and ordering any and all deadlines not provided for in the W.C. Act.

(Check one) Oral argument ☒ is ☐ is not requested. Appellant's request for oral argument is waived if not indicated on this form. I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to PLEASE SEE ATTACHED CERTIFICATE OF SERVICE on the ____ day of ____ 20__, by ☐ first class postage ☐ certified mail ☐ personal service ☐ electronic service

Preparer's Signature

Attorney for UEF
Title

tkillen@hplolaw.com
Email

2/28/2022
Date

Check this box if you are not represented by an attorney ☐

Questions about the use of this form should be directed to the Judicial Department at 803.737.5675 or appeals@wcc.sc.gov.

If the claimant appeals and is not represented by counsel, the Judicial Department will properly serve this form pursuant to Reg. 67-607 C. Pursuant to Reg. 67-205 and Reg. 701, the appeal must be postmarked no later than 14 days from the date of service of the Decision and Order of the Hearing Commissioner along with the filing fee. Attach a Form 32, if you are unable to pay the filing fee. Refer to Reg. 67-211 and Reg. 67-701 through 711.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO: 1824344

ZACHARY BROWN,

Employee,

Claimant,

vs.

SOUTHEASTERN SERVICES H.H.I., LLC,

Employer,

and

SC UNINSURED EMPLOYERS' FUND,

Defendants.

CERTIFICATE OF SERVICE

The undersigned certifies that they are an employee of HOLDER, PADGETT, LITTLEJOHN + PRICKETT, LLC, and that they has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Rule 67-211 of the South Carolina Workers' Compensation Commission, by depositing a copy of same in the United States Mail, postage prepaid, addressed to and/or emailed to:

Joshua Fester, Esquire
Law Offices of Darrell Thomas Johnson Jr., LLC
jfester@johnsonslawoffice.com

Michael P. Bennett, Esquire
Carr Legal Group, LLC
michael@carrlegal.com

Patrick W. Carr, Esquire
Berry & Carr
patrick@hiltonheadlawyers.com

DOCUMENT: Form 30

DATE OF
MAILING: March 1, 2022



Michelle A. Adams
Paralegal to Timothy B. Killen

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1824344

Zachary Brown,	)	
	)	
Employee/Claimant,	)	
	)	
v.	)	
	)	Decision and Order
Southeastern Services, H.H.I., LLC	)	
	)	
Employer,	)	
	)	
and	)	
	)	
Uninsured Employers' Fund,	)	
	)	
Carrier,	)	
	)	
Defendants.	)	
	)	

Hearing:	Held in Walterboro, South Carolina on February 18, 2021.
Appearances:	Joshua R. Fester, Esquire, on Behalf of the Employee/Claimant Timothy B. Killen, Esquire, on Behalf of the South Carolina Workers' Compensation Uninsured Employers' Fund. Michael Bennett, Esquire, on Behalf of the Employer, Southeastern Services, H.H.I., LLC
Purpose of Hearing:	To determine Claimant's entitlement to benefits under the S.C. Workers' Compensation Act and to determine the issues as set forth in the Forms 50/51 submitted by the parties.
Commissioner:	The Honorable R. Michael Campbell, II

I. STIPULATIONS

It was stipulated and agreed at the time of this hearing that:

1. The purpose of the hearing was to determine Claimant's entitlement to benefits under the South Carolina Workers' Compensation Act and to determine the issues as set forth in the Forms 50/51 submitted by the parties, as well as any other issues which may come before the Commissioner.
2. Notice of hearing was timely and properly served upon all parties of interest.
3. Venue, set in Beaufort County, is proper as agreed by all parties.
4. Claimant sustained a workplace injury on October 29, 2018.
5. The Commission's file with the exception of self-serving declarations and unstipulated medical reports are admitted as part of the record.

II. APA SUBMISSIONS

Prior to taking of testimony and pursuant to notices timely filed and served, the following records were submitted into evidence pursuant to the South Carolina Administrative Procedures Act and S.C. Code Reg. 67-512.

Claimant's Submissions

APA#	DOCTOR	PRACTICE	DATES	PAGES
1.		Hilton Head Hospital	10/29/2018 to 10/31/2018	1-109
2.	Dr. Douglas Scott	Orthopedic Associates of the Lowcountry	10/30/2018 to TBS	110-118
3.	Dr. Joseph Tobin	Tobin Bone & Joint Surgery	07/28/2020	119-120
4.	Personnel Records	Crossroads Construction	04/15/2019 to 10/18/2019	121-128
5.	Personnel/Pay Records	Southeastern Services HHI, LLC	2017-2019	129-341
6.	2017, 2018, 2019 Tax Records	Jamie Brown	07/17/2020	342-409
7.	Email from SCWCC	SCWCC	07/17/2020	410-412
8.		Photo of Southeastern Services van		413

Employer's and Fund's Submissions

APA#	SOURCE	TYPE OF REPORT	DATES	PAGES
1.	Employer	Payroll Records	1/1/2018 – 12/31/2018	1 - 83
2.	Employer	Yearly Payroll Records	2018	84 - 88
3.	Employer's Counsel	Deposition of Zachary Brown	1/19/2021	149 - 160
4.	Employer's Counsel	Deposition of Daniel Smith	07/01/2020	89 - 107
5.	Employer's Counsel	Deposition of Jamie Brown	07/01/2020	108 - 148

III. STATEMENT OF THE CASE

This matter came before the undersigned pursuant to Claimant's Form 50 and Defendant Employer's Form 51, dated November 17, 2020 and November 25, 2020 respectively. Claimant, a construction laborer for Defendant Southeastern Services HHI, LLC (the LLC), fell 6 ft from a ladder fracturing his left leg while replacing windows at a residence on October 29, 2018. He was immediately taken to the emergency room, admitted to the hospital, and underwent surgery on his left leg that included installation of retained hardware. The balance of Claimant's treatment for these injuries includes two post-operative follow-up appointments, physical therapy, and an independent medical evaluation over the span of approximately a year and a half.

Defendant LLC and Defendant South Carolina Uninsured Employer's Fund (SC UEF) deny the Commission has jurisdiction over the claim alleging that because the LLC did not employ 4 or more employees at the time of the accident¹ it was not subject to the provisions of the South Carolina Workers' Compensation Act. If the employer was subject to the Act, Claimant's average weekly wage and compensation rate should be calculated based upon his hearing testimony. Also, Claimant's closed period of temporary benefits should be calculated from his release from physical therapy in January 2019. Claimant disagrees and contends that jurisdiction is proper: Defendant Southeastern Services HHI, LLC was subject to the Act as it employed 4 or more employees at the time of the accident. Therefore, Claimant seeks a determination of compensability and a determination as to the responsible party for his workers' compensation benefits, as he has not yet

¹ In their November 25, 2020 Form 51, Defendant Southeastern Services also denied that the accident occurred within Claimant's course and scope of employment. The parties have since stipulated to the occurrence of a workplace accident.

reached maximum medical improvement. Claimant also seeks payment of all past medical treatment, additional medical treatment for his injuries, temporary indemnity benefits for the closed period between October 29, 2018 and April 15, 2019 and requests the Commission name Dr. Douglas Scott as his authorized treating physician. Claimant requests a calculation of his average weekly wage and resulting compensation rate using the objective data contained in Claimant's payroll records.

This matter was set for a Hearing before the undersigned on February 18, 2021 in Beaufort, South Carolina. Joshua Fester, Esquire, of Darrell Thomas Johnson, Jr., LLC appeared on behalf of Claimant, Zachary Brown. J. Timothy Killen, Esquire, of Holder Padgett Littlejohn & Prickett, LLC appeared on behalf of the Defendant South Carolina Uninsured Employer's Fund. Michael Bennett, Esquire, of Berry & Carr, P.C. appeared on behalf of Defendant Southeastern Services HHI, LLC.

FINDINGS OF FACT

The undersigned Commissioner has thoroughly reviewed all of the testimony and evidence contained in the record and, after due consideration of the claim and defenses, the following Findings of Fact, as required under S.C. Code Ann. § 42-17-40, as amended, are set forth:

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County, is proper as agreed by the parties.
3. Claimant was hired as a construction laborer by Defendant Southeastern Services HHI, LLC (the LLC) in mid to late October 2018. (Hr. Tr. p. 46, ln. 15-17, 21-23).
4. On October 29, 2018 Claimant fell 6 ft. from a ladder while replacing a window on a residential remodeling project for Defendant Southeastern Services sustaining a left tibia and fibula fracture. (Claimant's APA 1, p. 1, 4; Hr. Tr. p. 20, ln. 17-25).
5. Claimant testified that two other employees of the LLC were working with him on the day of the accident, Daniel Smith and Taylor Smith. (Hr. Tr. p. 29, ln. 19-21). No subcontractors were working on the jobsite with him on October 29, 2018. (Hr. Tr. p. 33).
6. Testimony at the hearing established that Claimant worked for Defendant LLC for approximately 3 weeks prior to the accident. (Hr. Tr. p. 46, ln. 18 - 20)

7. Claimant was treated at the Hilton Head Hospital Emergency Room on the day of the accident. (Claimant's APA 1, p. 1).
8. After receiving an orthopedic evaluation at the hospital, he was admitted for an emergency open reduction and internal fixation of the left midshaft tibia fracture with intramedullary nailing. (Claimant's APA 1, p. 4, 7, 60; Hr. Tr. p. 22, ln. 1-4).
9. Upon release from the hospital, Claimant was instructed to attend a follow-up visit with his attending surgeon, Dr. Scott, remain non-weightbearing on his left lower extremity, and provided a knee brace for post-operative use. (Claimant's APA 1, p. 12-13).
10. Claimant attended two post-operative follow-up appointments at Orthopedic Associates of the Lowcountry. After the second appointment, on December 13, 2018, he was released to "gradually return to working duties as tolerated." (Claimant's APA 2, p. 115, 118).
11. Though the records were not offered into evidence, Claimant attended physical therapy. He testified that the day he was released from physical therapy when he was given a boot and advised that he could perform light duty work at his last appointment in January or February. (Hr. Tr. p. 42, ln. 14-23; p. 43, ln. 1-2).
12. Approximately a year and a half after his surgery, Claimant presented to Dr. Tobin at Tobin Bone & Joint Surgery for an independent medical evaluation complaining of clicking and popping in his left knee, and pain while kneeling. (Claimant's APA 3, p. 119; Hr. Tr. p. 23, ln. 3-14).
13. Dr. Tobin opined, to a reasonable degree of medical certainty, that at the time of the evaluation, Claimant had not reached maximum medical improvement and that Claimant required additional treatment in the form of repeat x-rays, a MRI of the left knee to address the possibility of an untreated meniscal tear, and additional surgical intervention. In his medical opinion, Claimant's current symptoms were caused by the treatment he received for his work-related injury. (Claimant's APA 3, p. 119-120).
14. Claimant did not return to his job with the LLC. By his July 28, 2020 IME with Dr. Tobin, he worked for Pro-Wash Plus pressure washing houses. (Claimant's APA

- 3, p. 119-120; Hr. Tr. p. 23, ln. 24-25). Prior to his employment with Pro-Wash, Claimant returned to work at full capacity with Crossroads Construction on April 15, 2019 and worked there until leaving their employ on October 12, 2019. He did not work from the date of injury, October 29, 2018 to April 14, 2019. (Claimant's APA 4, p. 123; Hr. Tr. p. 29, ln. 1-7).
15. No out of work notes from Claimant's physicians were admitted into the evidentiary record. (Commission File).
 16. Mr. Jamie Brown, the sole member of Southeastern Services HHI, LLC, testified during his deposition and during the hearing that he wanted Claimant to return to work and offered him a job after the accident, but Claimant did not respond. It was "known to [Claimant] that if he wanted to return his job was there for him." (Defendants' APA 5, p. 118; Hr. Tr. p. 49, ln. 3-12; p. 52, ln. 9-14).
 17. Claimant testified that Mr. Jamie Brown did not offer him light duty work after the accident. Instead, he received \$100.00 in financial assistance from Southeastern Services. (Hr. Tr. p. 28, ln. 2-16).
 18. Though his testimony wasn't initially clear about how much he paid to Claimant as post-accident financial assistance, Jamie Brown eventually testified during the hearing and during his deposition that he paid Claimant about \$1,100.00. This is not reflected in the payroll records. (Defendant's APA 5, p. 127; Hr. Tr. p. 48, ln. 15-18, p. 53, ln. 2-10; Claimant's APA 5, p. 145-312; Defendant's APA 1).
 19. Payroll records submitted into evidence show that Claimant worked: 56 hours during pay period ending October 19, 2018 earning gross wages totaling \$756.00, 50 hours during pay period ending October 26, 2018 earning gross wages totaling \$742.50, 40 hours during pay period ending November 2, 2018 earning gross wages totaling \$540.00 earning \$200.00 in gross wages during pay period ending November 9, 2018. (Defendants' APA 1, p. 70-71, 79-80; Claimant's APA 5, p. 283, 301, 303).
 20. Payroll records and Federal Tax Forms from 2018 also evince that Daniel Smith and Taylor Smith were working full time and being paid by the LLC. *See generally* (Defendant's APA 1; Claimant's APA 5, Claimant's APA 6, p. 315, 317).

21. Beginning with pay period ending November 2, 2018, payroll records confirm that and additional employee, Chance Jones consistently worked between 34-40 hours per week and was paid by the LLC. (Defendants' APA 1, p. 70-72, 74; Claimant's APA 5, p. 283-287, 291). Defendant employer's tax records also indicate that Chance was paid wages by the LLC in 2018, though there are no dates of employment on the W2. (Claimant's APA 6, p. 315; Defendants' APA 5, p. 120).
22. There was no dispute that Claimant, Daniel Smith, and Taylor Smith were regular, full-time employees on the day of the accident. (Defendants' APA 4, p. 99, Defendants' APA 5, p. 119, Hr. Tr. p. 46, ln. 8-14).
23. There was conflicting evidence presented at the hearing regarding whether Chance Jones was also employed by the LLC on October 29, 2018. Claimant testified during his deposition that Chance Jones would "come[sic] in once per week or so if he could help out" and that he worked with him about 3 times." (Defendants' APA 3, p. 157, 159). At the Hearing, Claimant testified that Chance did some work for the LLC right before the accident. (Hr. Tr. p. 30, ln. 11-17). Daniel Smith testified during his deposition that Chance Jones worked intermittently prior to the accident but wasn't on the jobsite the day of Claimant's accident. Chance had worked off and on for Defendant Southeastern Services for the past 8 years. (Defendants' APA 4, p. 102). Jamie Brown also testified during his deposition that Chance works intermittently and wasn't working for Defendant Southeastern Services during Claimant's tenure. (Defendants' APA 5, p. 121, 146-147). Payroll records submitted into evidence from 2017 indicates that Chance Jones was consistently being paid by the company until September 2017, received wages for two pay periods in October 2017 but was not paid wages again until November of 2018. (Claimant's APA 5, p. 129-144).
24. In addition to testimony regarding the LLC's number of direct employees, Jamie Brown offered testimony regarding the business's use of subcontractors. Mr. Brown testified that he is a licensed general contractor and possesses the requisite skill to build a residential home "from the ground up" though his business does not build homes or construct major additions. (Hr. Tr. p. 54, ln. 18-22.) The LLC mainly performs interior remodels focusing on kitchens, baths, window and door

- replacement, and occasionally exterior decking. (Hr. Tr. p. p. 47, ln. 14-20; Defendants' APA 5, p. 113).
25. He admitted that the LLC sometimes performs plumbing, flooring, tile, and painting work and that these services are an integral part of his business as a general contractor, but he regularly hires subcontractors for these services. (Hr. Tr. p. 55, p. 56, ln. 3-8).
 26. If the project requires electrical work, he will subcontract to Dedicated Electric for those services. Dedicated Electric's owner is its only employee. (Hr. Tr. p. 56, ln. 17-24).
 27. However, according to his testimony, Jamie Brown did not hire any subcontractors to work on the residential window replacement project the day Claimant was injured. (Hr. Tr. p. 69, ln. 12-25). He hadn't hired any subcontractors during the time Claimant worked for the LLC. (Hr. Tr. p. 72, ln. 7-11). Claimant observed 1 electrician, purportedly from Dedicated Electric, on a different job site. (Hr. Tr. p. 43, ln. 3-13). No financial records or check copies were entered into evidence indicating that any subcontractors were paid during claimant's tenure. (Commission File).
 28. Jamie Brown testified during the hearing that he formed Southeastern Services HHI, LLC in January 2018. (Hr. Tr. p. 45, ln. 18-25). He is the sole member of the LLC and the entity is taxed as a sole proprietorship. This is corroborated by the tax records. (Hr. Tr. p. 48, ln. 5-10; p. 52, ln. 5-8; p. 53, ln. 21-23; Claimant's APA 6, p. 342; Defendants' APA 5, p. 114).
 29. He admitted that the LLC does not carry workers' compensation coverage. (Defendants' APA 5, p. 119).
 30. Jamie Brown also testified that he does not consider himself an employee of the LLC because he doesn't draw a paycheck though he admitted during his deposition that the LLC pays for his groceries, family vacations, and bills. He has no personal checking account. (Hr. Tr. p. 47, ln. 6-11; Defendants' APA 5, p. 123, 132).
 31. In exchange for this remuneration, Jamie Brown performs his own office work. (Defendants' APA 5, p. 139). He works alongside his crew as a foreman 3-5 days per week and acts as the customer service, sales, and procurement divisions of the

company. (Defendants' APA 3, p. 157; Hr. Tr. p. 30, ln. 18-25; p. 50, ln. 12-15, 18-19).

32. Mr. Jamie Brown operated a sole proprietorship under the name Jamie Brown d/b/a Southeastern Services HHI. (Defendants' APA 5, p. 119). Since the formation of the LLC, he no longer does business under that name. (Hr. Tr. p. 50, ln. 25, p. 51, ln. 1-2).
33. The Commission File contains no Form 5 filed by Mr. Jamie Brown. (Commission File).

CONCLUSIONS OF LAW

Accordingly, as provided in S.C. Code Ann. § 42-17-40, it is the determination of the undersigned Commissioner as follows:

1. Notice of Hearing was timely and properly served on all parties of interest.
2. Venue, set in Beaufort County, is proper as agreed by the parties.
3. The South Carolina Workers' Compensation Commission has jurisdiction over the claim because the LLC employed 4 or more employees at the time of the accident. Not all employers are subject to the Act and required to obtain workers' compensation insurance. The Act specifically exempts "any person who has regularly employed in service less than 4 employees in the same business within the State..." S.C. Code Ann. § 42-1-360 (2021). A company regularly employs the requisite number of employees if it employs "the same number of persons with some consistency throughout a relevant time period." Hernandez- Zuniga v. Tickle, 374 S.C. 235, 257 (2007). The relevant time period is determined by "considering (1) the employer's established mode of operation; (2) whether the employer generally employs the jurisdictional number at any time during his operation, and (3) the period during which employment is definite and recurrent rather than occasional, sporadic, or indefinite. Id. (Holding that employer was not subject to the Act because it did not regularly employ 4 or more employees where 2 employees regularly worked for Tickle, testimony was inconclusive as to whether a 3rd individual was regularly employed, and the homeowner never observed "more than [3] workers painting her house.>"). "The issue of

whether an employer regularly employs the requisite number of employees to be subject to the [Act] is jurisdictional.” Harding v. Plumley, 329 S.C. 580 (Ct. App. 1998).

4. The South Carolina Workers’ Compensation Act defines employee as: “[E]very person engaged in an employment under any appointment, contract of hire, or apprenticeship, expressed or implied, oral or written, including aliens and also including minors, whether lawfully or unlawfully employed, but excludes a person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.” S.C. Code Ann. § 42-1-130 (2021). This definition includes corporate officers but excludes sole proprietors or partners of a business. *See* S.C. Code Ann. § 42-1-130 (2021)² and S.C. Code Ann. § 42-1-520 (2021). Corporate officers may exclude themselves from coverage under the Act by filing a Corporate Officer Notice to Reject, Form 5 with their insurance carrier. *See* S.C. Code Regs. 67-402 (1997).

5. The relevant time period to determine whether the LLC consistently employed 4 or more employees begins with the LLC’s formation in January 2018 and continues until December 2018. Payroll records and federal tax forms establish that Daniel Smith and Taylor Smith were full-time, regular employees of Defendant LLC since its formation in 2018 and until the time of Claimant’s accident. There is also no dispute that Claimant was a regular, full-time employee beginning in mid- October 2018 and on the date of accident. In addition to Claimant, Daniel, and Taylor, the sole member of the LLC, Mr. Jamie Brown, is considered an employee under the Act. He was and continues to be consistently and regularly employed by the LLC since its formation. As a member of an LLC his status is not a “sole proprietor,” but is akin to that of a corporate officer. “[A] limited liability company is a legal entity distinct from its members.” S.C. Code Ann. § 33-44-201 (1976). “Each member is an agent of the limited liability company for the purposes of its business.” S.C. Code Ann. § 33-44-301 (1976). He testified that though he did not draw a paycheck from the LLC, he received compensation from the LLC for his services as office staff, foreman, customer service, sales, and procurement and that he used the LLC business checking

² Chapter 44, section 1205 of the South Carolina Uniform Limited Liability Company Act synonymizes the terms “partnership” or “general partnership” with “limited liability company” when used in any other statute or regulation in the South Carolina Code. Because the legislature specifically set forth the terms that could be interchanged with “limited liability company” and those terms do not include “sole proprietor” or “partner” as used in section 42-1-130, members or owners of an LLC are treated as corporate officers for purposes of the Workers’ Compensation Act. *See Nelson v. Ozmint*, 390 S.C. 432, 436-437 (2010)(citing *Hodges v. Rainey*, 341 S.C. 79, 86 (2000)) (“the canon of construction ‘expressio unius est exclusio alterius’ or ‘Inclusio unius est exclusio alterius’ holds that “to express or thing implies the exclusion of another, or the alternative.”)

account to pay his personal expenses such as bills and travel. That Mr. Jamie Brown chose to disregard the corporate formalities and pay his bills directly from the LLC instead of issuing himself a paycheck does not transform his employment status with the LLC. Similarly, his status as a sole proprietor for tax purposes³ has no bearing on his status as an employee under the Worker's Compensation Act. Mr. Jamie Brown's status as an LLC member in this context required him to file a Form 5 excluding himself from coverage under the Act. The Commission file is devoid of a Form 5 from Mr. Jamie Brown. Defendant LLC became subject to the Act the day it hired Claimant in October 2018 as its 4th full-time employee.⁴

6. Even if Mr. Jamie Brown, as a corporate officer of the LLC could not be counted as an employee of Southeastern Services, the preponderance of evidence in the record indicates that Chance Jones consistently and regularly worked for Defendant LLC during the aforementioned time period. The Act excludes "casual" employment from the definition of employee. S.C. Code Ann. § 42-1-130 (2021). An individual will not be considered an "employee" where the employment is casual, impermanent, occasional, by chance, or "with the intention and understanding on both the part of the employer and employee that it shall not be continuous." Hernandez-Zuniga, 374 S.C. at 248 (internal citations omitted). In Harding v. Plumley, the Court of Appeals affirmed the Commission's determination that Plumley Construction only regularly employed two employees as evidenced by weekly payroll records. Harding v. Plumley, 329 S.C. 580, 586-587 (Ct. App. 1998). The other three employees received 1 or 2 payroll checks at a maximum during the relevant period between July – November 1991 and, therefore, were not "regularly employed" by Plumley Construction. Id. "Workers' compensation statutes are

³ Pursuant to S.C. Code Ann. § 12-2-25, a single-member limited liability company is not regarded as an entity separate from its member for tax purposes. S.C. Code Ann. § 12-2-25 (2021).

⁴ Defense counsel cites Hartzell v. Palmetto Collision as standing for the proposition that sole members of limited liability companies are excluded from the jurisdictional number of employees. See Hartzell v. Palmetto Collision, 406 S.C. 233 (Ct. App. 213) reversed by Hartzell v. Palmetto Collision, LLC, 415 S.C. 617 (2016). In Hartzell, the Court of Appeals held that a single-member LLC employed 4 or more employees during the relevant time period notwithstanding Stallings, the LLC's sole member. Hartzell, 406 S.C. at 245. It notes as dicta in footnote 7, that Stallings never indicated his desire to be subject to the Act. Id., fn. 7. Regardless of the Court of Appeals' disposition of the jurisdictional issue, the Supreme Court's reversal of the claim renders the entire Court of Appeals opinion null and void. See Moore v. North American Van Lines, 319 S.C. 446, 448 (1995) ("Generally, reversal of a judgment on appeal has the effect of vacating the judgment and leaving the case standing as if no judgment had been rendered.") Similarly, North Carolina authority on this issue is unpersuasive. The North Carolina Legislature has specifically codified the status of LLC members as sole proprietors and partners. The South Carolina Code language, as cited above in footnote 2, effects a different result in this jurisdiction. If the legislature desires to carve out an exception for single member LLCs, it must act.

construed liberally in favor of coverage, and South Carolina's policy is to resolve jurisdictional doubts in favor of the inclusion of employees within workers' compensation coverage." Hernandez-Zuniga v. Tickle, 374 S.C. 235, 243 (Ct. App. 2007) (internal citations omitted); *see also* Poch v. Bayshore concrete Prod./ South Carolina, Inc., 405 S.C. 359, 367 (2013) (internal citations omitted). "If an employer has once regularly employed enough [employees] to come under the act, it remains there even when the number employed temporarily falls below the minimum." Hernandez-Zuniga v. Tickle, 374 at 246 (citing 4 Larson, Workers' Compensation §§74.01-02).

7. Payroll records indicate that Chance consistently worked between 30-40 hours per week as of pay period ending November 2, 2018. Defendant's tax records indicate that Chance received wages during 2018, though neither the payroll records nor the W2 includes his date of hire. Claimant testified at the hearing that Chance "would come in once per week or so if he could help out" and that he worked with him about 3 times. Additional testimony at the hearing established that Chance worked intermittently prior to the accident but wasn't on the jobsite the day Claimant was injured. Mr. Jamie Brown's testimony, that Chance didn't work for Defendant LLC during Claimant's tenure, is inconsistent with the payroll records. Chance was paid for 34 hours of his services for the week ending November 2, 2018. It would be physically impossible to work 34 hours in 1 day. Furthermore, the testimony supports the conclusion that Chance regularly "filled in" when needed and worked intermittently prior to the accident including during Claimant's tenure. Unlike the employees in Harding who received 1 or 2 paychecks in a 4-month period, Chance was paid by the LLC beginning in November and worked consistent 40-hour work weeks until December 2018. His employment, though perhaps irregular, remained consistent. His employment was not casual. Therefore, he is counted as an additional employee for purposes of the Jurisdictional requirement subjecting Defendant LLC to the provisions of the Act requiring it to maintain workers' compensation insurance.

8. Though subcontractors, as statutory employees, may be counted towards the jurisdictional number of employees, the evidence submitted into the record inconclusively determines whether and with what frequency the LLC employed subcontractors. *See Ost v. Integrated Products, Inc.*, 296 S.C. 241, 248-249 (1988) (Statutory employees may be included to satisfy the jurisdictional requirement of Section 42-1-360). In Keene v. CNA Holdings, the Court refocused the test to determine whether a subcontractor's employee could be considered an

employer's statutory employee.⁵ In determining 'whether the work contracted out is part of the [the owner's] trade, business or occupation'- the court should focus initially on what the owner decided is part of its business." S.C. Code Ann. § 42-1-400 (2021); Keene v. CNA Holdings, 2021 WL 3521085 (S.C. Sup. Ct. 2021). An owner's business decision to subcontract work will not be disturbed unless it was made for the purposes of avoiding the costs of properly insuring its workers. Id. Testimony at the hearing established that Defendant LLC utilized subcontractors to perform services integral to a general contracting business. However, Mr. Jamie Brown did not hire any subcontractors to work on the residential window project the day Claimant was injured and stated that he hadn't hired any subcontractors while Claimant was working for him. Claimant's testimony partially corroborated this assertion as he admitted that there were no subcontractors working with him at the jobsite on the day of the accident, but contradicted Mr. Jamie Brown's testimony asserting that Claimant worked with an electrician thought to be an employee of Dedicated Electric on an alternate jobsite. There are no check copies or financial records indicating that any subcontractors were paid during the relevant time period in 2018. In Keene, the predecessor corporate entity to CNA Holdings (Hystron Fibers) subcontracted with Daniel Construction to provide plant maintenance and repair. Id. The claimant performed various maintenance and repair jobs onsite at Hystron Fibers. Id. The difference between Keene and this claim is that the purported statutory employee was onsite at the time of the accident. Counting statutory employees hired intermittently for other prior jobs where no guarantee of continued contractual relations exists unreasonably expands the boundaries of the Act beyond the policy it intends to serve: To protect small businesses from incurring additional coverage expenses. Therefore, no statutory employees can be included as employees to satisfy the jurisdictional minimum.

9. As additional support for the conclusion that the LLC employed 4 or more employees, Claimant alleged that the LLC is the alter ego of Mr. Jamie Brown's former sole proprietorship, Jamie Brown d/b/a Southeastern Services HHI. According to Claimant's theory, the sole

⁵ Testimony at the hearing established that Defendant LLC did not control the right to hire or fire the putative subcontractor's employees, the subcontractors were paid upon job completion, and the LLC did not direct the subcontractor's methods used to complete the work. (Hr. Tr. p. 70, ln. 13-25; p. 71, ln. 1-15). This line of questioning confuses the test used for determining whether a worker is a direct employee or an independent contractor with the test used for determining whether a subcontractor's employees can be considered statutory employees. See Ramirez v. May River Roofing, 433 S.C. 519 (Ct. App. 2021) cf. Keene v. CNA Holdings, 2021 WL 3521085 (S.C. Sup. Ct. 2021). Subcontracting company employees are not direct employees but could be considered statutory employees in certain circumstances.

proprietorship's failure to file a Form 38 withdrawing from the Act after having procured workers' compensation insurance is imputed to the LLC bringing the LLC within the purview of the Act. This argument is unpersuasive. Both Poch v. Bayshore and Monroe v. Monsanto address the relationship of a parent company and its active subsidiary but address this relationship in the context of tort immunity under the Act. *See Poch v. Bayshore*, 405 S.C. 359 (2013) and Monroe v. Monsanto, 531 F. Supp. 426 (D.S.C. 1982). Aside from the issue litigated in that line of cases, the main difference between Poch and Monsanto and the claim at bar is that Mr. Jamie Brown's sole proprietorship no longer exists. He ceased operating as a sole proprietorship after the formation of the LLC in January 2018. While Mr. Jamie Brown may be personally liable for the sole proprietorship's failure to file a Form 38, a finding that the LLC is liable for the obligations of a separate and non-existent sole proprietorship, turns the South Carolina Limited Liability Company Act on its head. Indeed, "[A] limited liability company is a legal entity distinct from its members." S.C. Code Ann. § 33-44-201 (1976). This corporate form is desired because of the protection it offers from personal liability. For this and the aforementioned reasons, the Commission has jurisdiction over the claim because Defendant LLC employed at least 4 regular, full-time employees at the time of Claimant's accident, and it is subject to the Act's requirements to carry workers' compensation insurance at the time of Claimant's work accident.

10. There is no disagreement that Claimant sustained an "injury by accident arising out of and in the course of employment." *See* S.C. Code Ann. § 42-1-160 (2021). Therefore, Claimant is entitled to medical and indemnity benefits under the Act. *See* S.C. Code Ann. § 42-15-60 (2021) and S.C. Code Ann. § 42-9-30 (2021).

10. Defendant LLC shall prospectively provide all causally related and authorized medical treatment for Claimant's left leg fractures. Section 42-15-60 provides in relevant part that: "The Employer shall provide medical, surgical, hospital, and other treatment including medical and surgical supplies as reasonably may be required. . . to effect a cure or give relief and for an additional time as in the judgment of the commission will tend to lessen the period of disability." S.C. Code Ann. § 42-15-60(A) (2021); Dodge v. Bruccoli, Clark, Layman, Inc., 334 S.C. 574, 580 (1999) (citing Rice v. Froehling & Robertson, Inc., 267 S.C. 155, 159(1976)("the employer is liable for medical treatment which will tend to lessen the time in which injury renders an employee incapable to 'earn the wages which the employee was receiving at the time of the injury in the same or other employment.'"). Nearly a year and a half after the accident, Claimant continues to

complain of “clicking” and “popping” in his left knee and experiences pain upon genuflexion. Dr. Tobin, Claimant’s IME physician, has recommended repeat radiologic exams, and additional surgical intervention. Defendant LLC shall provide the recommended radiologic exams and any additional treatment recommended by an authorized treating orthopedic surgeon of Defendant’s choosing.

12. Claimant is not entitled to choose his authorized treating physician. “[T]he employee shall accept [sic] an attending physician and any medical care or treatment that is considered necessary by the attending physician, unless otherwise ordered by the Commission for good cause shown.” S.C. Code Ann. § 42-15-60(A) (2021). *See also* S.C. Code Reg. 67-509A (2021) (“The employer’s representative chooses an authorized health care provider and pays for authorized treatment.”). Claimant has not set forth any justification for the Commission to usurp Defendant LLC’s statutory right to direct care. Therefore, consistent with the statutory requirements, Claimant is entitled to and Defendant LLC shall provide treatment for causally related injuries with an authorized treating orthopedic surgeon of Defendant LLC’s choosing.

13. However, Defendant LLC shall reimburse Claimant for the emergency treatment expenses including related charges for his hospital stay and surgery. If an employee receives emergency medical treatment by an unauthorized physician, the employer must reimburse the reasonable cost of the emergency medical services, if ordered to do so by the Commission. *See* S.C. Code Ann. § 42-15-60(A) (2021). Claimant sustained left tibia and fibula fractures after falling 6 ft. from a ladder while replacing a window at a residential property on behalf of his employer. This serious injury required emergency surgical treatment and resulted in the placement of retained hardware in the affected limb. Because Defendant LLC was a covered entity at the time of the accident and the claim is otherwise compensable, it is liable to reimburse Claimant for his emergency medical expenses. Defendant LLC is not responsible for the resulting charges for follow-up care with Dr. Scott, Dr. Tobin, or physical therapy, as this treatment was unauthorized.

12. In addition to medical benefits, Claimant is entitled to a closed period of temporary total disability benefits from October 29, 2018 through December 13, 2018. *See* S.C. Code Ann. § 42-9-30(16)(2021). “Temporary total or temporary partial compensation is incurred . . . from the first day of incapacity if the injury results in incapacity for more than 14 calendar days.” S.C. Code Regs. 503A(1)(2021). “The first day of the injury is the first day of incapacity unless the injured person received full pay for the day.” S.C. Code Regs. 67-502A (2021). No out of work notes were

introduced into evidence. The only mention of return-to-work activities is in Dr. Scott's December 13, 2018 treatment note which states that claimant was released to "gradually return to working duties as tolerated." Claimant testified that he was released to light duty after completion of physical therapy in January or February, but no physical therapy records corroborating this statement were offered into evidence. Claimant's 60-day testimonial estimate of his return-to-work date is inconclusive on the matter. Claimant waited until April 15, 2019 to procure employment with Crossroads Construction when he was eligible for light duty 4 months earlier. Furthermore, it was incumbent upon him to notify his employer of his eligibility to return to light-duty work on December 13, 2018. Testimony is conflicting as to whether Defendant LLC made an offer of employment consistent with Claimant's light duty restrictions. Communications between the parties eventually deteriorated for unknown reasons. Determination of any period of incapacity other than what has been referenced in the medical notes would be speculative. *See Burnette v. City of Greenville*, 401 S.C. 417, 427-428 (Ct. App. 2002)("[w]hile a finding of fact of the Commission will normally be upheld, such a finding may not be based upon surmise, conjecture, or speculation, but must be founded on evidence of sufficient substance to afford a reasonable basis for it.").

11. Claimant's average weekly wage is \$749.25 and his compensation rate is \$499.50. *See* S.C. Code Ann. § 42-1-40 (2021)("Where the employment, prior to the injury, extended over a period of less than fifty-two weeks the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed."). This conclusion is based upon Claimant's payroll records submitted into evidence at the Hearing.

13. Defendant LLC is not entitled to a credit for the financial assistance provided to Claimant post-accident. No check stubs were produced into evidence and the payroll records are devoid of any payments made to Claimant after November 9, 2018. Given the vast discrepancy between the Claimant's testimony (that he received \$100.00 in post-accident financial assistance from his employer) and Mr. Jamie Brown's testimony (that he paid Claimant \$1,100.00 in post-accident financial assistance) it would be speculative to artificially award a credit based upon either self-serving assertion. *See Hutson v. South Carolina State Ports Authority*, 399 S.C. 381, 389-390 (2012)(citing *Holland v. Ga. Hardwood Lumber Co.*, 214 S.C. 195, 205 (1949); *Wynn v. People's Natural Gas Co. of S.C.*, 238 S.C. 1, 12-13 (1961)).

13. Because Defendant LLC was subject to the Act at the time of the accident and was operating without insurance, Defendant South Carolina Uninsured Employer's Fund (SC UEF) shall be responsible for paying the awarded benefits on behalf of Defendant LLC. *See* S.C. Code Ann. § 42-7-200 (2021). During the Hearing, Mr. Jamie Brown admitted that the LLC was uninsured.

14. The SC UEF retains all statutory rights of attachment and recovery against the uninsured defendant employer. *See* S.C. Code Ann. § 42-7-200 (2021).

ORDER

Based on the above Findings of Fact and Conclusions of Law, it is hereby,

ORDERED, ADJUDGED AND DECREED that Claimant is entitled to receive and Defendant SC UEF is ordered to provide all recommended and causally related medical treatment for Claimant's left leg injury by an authorized treating orthopedic surgeon of Defendants' choosing.

IT IS ORDERED that Defendant SC UEF shall pay for or reimburse Claimant for the costs of his emergency medical treatment and prescriptions. Payment is to be made within 30 days of the date of this Order.

IT IS ORDERED that Defendant SC UEF shall pay Claimant \$3,146.85 (\$499.50 X 6.3 weeks) in back-due temporary indemnity benefits within 14 days of the date of this Order.

IT IS ORDERED that Defendant SC UEF retains all statutory rights of attachment and reimbursement pursuant to S.C. Code Ann. § 42-7-200 (2021).

AND IT IS SO ORDERED.



Commissioner Mike Campbell

Columbia, SC
February 18, 2022

Parties served via email:

Joshua Fester, Esquire: jfester@johnsonslawoffice.com

Michael P. Bennett, Esquire: michael@carrlegal.com

Timothy B. Killen, Esquire: tkillen@hplplaw.com

CERTIFICATE OF SERVICE

This is to certify the undersigned has this date served this order in the above entitled action upon all parties to this cause by sending an electronic copy hereof by electronic mail addressed to the attorney or attorneys for said parties or by depositing a copy hereof, postage paid, in the United States certified mail addressed to any unrepresented party.

February 18, 2022

By: Barbara Cheeseboro, Administrative Assistant to Commissioner Campbell

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC
PO BOX 1804
GREENVILLE, SC 29602
(864)335-8808

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3/1/2022

PAY
TO THE
ORDER OF

South Carolina Workers' Compensation Commission

\$ \$150.00

One Hundred Fifty & No/100 Dollars *****

DOLLARS

South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715

MEMO WCC#:1824344; Zachary Brown



AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

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* Certified Mediator
** Also Licensed in Georgia

May 2, 2022

Via e-Case

Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202

RE: Zachary Brown v. Southeaster Services HHI, LLC
WCC File No: 1824344
Date of Accident: 10/29/2018
Our File No: 02-2549-01-700-19

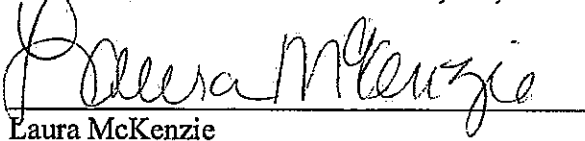
Dear Ms. Bracy:

Attached please find the Respondent's Brief to the Full Commission regarding the above-referenced matter.

By copy of this correspondence, a copy of the Respondent's Brief to the Full Commission is being provided directly to Tim Killen, Patrick Carr, Michael Bennett and Lisa Glover via email as evidenced by my Certificate of Service.

With kind regards,

LAW OFFICE OF
DARRELL THOMAS JOHNSON, JR., LLC


Laura McKenzie
Paralegal to Joshua Fester

JRF/lmc
:encs

Zachary Brown,
Claimant/Respondent,
v.
Southeastern Services, H.H.I., LLC
Employer,
and
Uninsured Employers' Fund,
Carrier,
Defendant/Appellants.

V.
Southeastern Services, H.H.I., LLC
Employer,
and
Uninsured Employers' Fund,
Carrier,
Defendant/Appellants.

This claim arises out of the Claimant's October 29, 2018, workplace injury wherein he injured his left leg and knee when he fell from a ladder, while in the course and scope of his employment with Southeastern Services, H.H.I., LLC. This claim was set for a hearing before R. Michael Campbell on February 18, 2021, in Walterboro, South Carolina. At the hearing, Claimant sought a determination of whether the employer was subject to the Act. Claimant further sought payment of all past medical treatment, additional medical treatment for his injuries, temporary benefits from the date of injury continuing until such time as Claimant reached maximum medical improvement (MMI), a calculation of his average weekly wage and resulting compensation rate, and that his treating physician Dr. Douglas Scott be named authorized treating physician in his claim for benefits due to his workplace injuries.

In his brief and at the hearing, Zachary Brown (hereinafter, "Claimant" or "Mr. Brown") asserted that the employer was subject to the Act at all times relevant to this claim, by regularly employing four or more employees at the time of Mr. Brown's workplace injury. At the hearing, Mr. Brown asserted that the employer's mode of operation at the time of Mr. Brown's injury included employing four or more employees. In support of this assertion, Mr. Brown pointed to the facts that the sole member of the LLC, Jamie Brown, admitted to regularly employing three, that Jamie Brown employed by and through the LLC, and that there was another employee besides the three admitted to by Jamie Brown, named Chance Jones, who worked less frequently than the other employees of the employer LLC. Claimant further asserted that the employer was also subject to the Act, as it regularly employed four or more employees in this State, through its statutory employees, by "regularly" employing subcontractor employees through the employer's general contracting business. Claimant also asserted that the evidence of record supported that the employer LLC is merely an alter ego of Jamie Brown, the sole member of the employer LLC, who conducted the same business with the same name prior to organizing the LLC, and who previously elected to be subject to the Act and failed to file a Form 38, withdrawing his waiver of exemption to the Act.

While stipulating that Mr. Brown was an employee and to the fact of his workplace accident, the employer and UEF contended that the South Carolina Workers' Compensation Commission did not have jurisdiction of this claim as the employer was not subject to the Act. They asserted that the employer regularly employed less than four employees at all times relevant to this claim, and that Jamie Brown, the sole member of the LLC, was not an employee of the LLC for purposes of establishing jurisdiction, and that the employer was never subject to the Act. The employer and UEF also contended that the Mr. Brown's average weekly wage should be based on

his testimony that he earned \$13 per hour and worked about 40 hours per week, instead of calculating the compensation rate from actual weeks worked, as demonstrated by the Employer's own pay records.

The Single Commissioner issued his Decision and Order on February 18, 2022. In the Decision and Order, the Single Commissioner found, *inter alia*, the following: Claimant was hired in mid to late October 2018 by Southeastern Services, HHI, LLC; that on October 29, 2018, Claimant fell 6 ft from a ladder while working for the Defendant LLC, sustaining a left tibia and fibula fracture; Claimant testified that two other employees of the LLC were working with him on the day of the accident, Daniel Smith and Taylor Smith; Claimant first returned to work at full capacity with Crossroads Construction on April 15, 2019 and that he did not work from the date of injury to April 14, 2019; that beginning with pay period ending in November 2, 2018, Chance Jones, worked between 34-40 hours per week and was paid by the LLC; that Claimant testified that Chance Jones worked with the Claimant about three times while he was employed with the Defendant LLC; that Jamie Brown admitted that the LLC regularly subcontracts plumbing, flooring, tile, and painting; that Jamie Brown received remuneration for work performed for the LLC, and that the Commission File contains no Form 5 filed by Mr. Brown.

The Single Commissioner made several Conclusions of Law, including that the South Carolina Workers' Compensation Commission has jurisdiction over the claim because the LLC employed four or more employees at the time of the Claimant's workplace accident; that Jamie Brown, the sole member of the employer LLC, is considered an employee under the Act, because he is not a "sole proprietor," reasoning that as a member of an LLC he is more akin to a corporate officer or employee of the employer LLC; that Jamie Brown's status as a tax payer has no bearing on his status as an employee under the Workers' Compensation Act; that Jamie Brown was

required to file a Form 5 excluding himself from coverage under the Act and the Commission file was devoid of a Form 5 from Jamie Brown; and that Defendant South Carolina Uninsured Employer's Fund (SCUEF) shall be responsible for paying the awarded benefits on behalf of Defendant LLC.

Given the Single Commissioner's Findings of Fact and Conclusions of Law, it was ordered that the SCUEF pay for or reimburse the cost of Claimant's emergency medical treatment and prescriptions, that the SCUEF pay the Claimant \$3,146.85 representing 6.3 weeks of back-due temporary indemnity benefits at Mr. Brown's compensation rate of \$499.50, and that SCUEF receive all recommended and causally related medical treatment for Claimant's left leg injury by an authorized treating orthopedic surgeon of Defendants' choosing. This appeal follows.

STATEMENT OF THE FACTS

Testimony of the Claimant

The Claimant testified that on October 29th, 2018, he was employed by Southeastern Services, HHI, LLC. Tr. P. 19, ln. 17 – 23. Claimant testified that he was employed as a laborer for this employer, which was a general construction contracting business. Tr. P. 20, ln 1 – 12. He testified that on that date he was pulling stucco from around a window on the top floor of a home, when the ladder slipped, causing him to fall, and resulting in Claimant fracturing bones in his left leg. He testified that on the date of the accident he was working at a home in Hilton Head Plantation on Hilton Head Island, and that two co-workers, Daniel Smith and Taylor Smith, were there on the date of the accident and transported him to the hospital. Tr. p. 21. The Claimant testified that after his workplace accident he was taken to Hilton Head Hospital, where he underwent surgery for his leg, and later received some outpatient treatment. Tr. p. 22. Claimant

testified that his earnings as listed in Employer's payroll records in Claimants APA submissions were accurate. Tr. p. 27, ln 1 – 15.

The Claimant testified at the hearing that after the accident he did not go back to work for the employer, and that the sole member of the LLC, Jamie Brown, never offered Claimant employment after his workplace injury. Tr. p. 27 – 28. Claimant also testified that while he did not return to work with the employer, he was able to return to work after he recovered from his workplace injury on April 15, 2019, with Crossroads Construction. Tr. p. 29.

At the hearing the Claimant testified that in addition to himself, Daniel Smith, and Taylor Smith, that Chance Jones was also employed by Southeastern Services, HHI, LLC, and that he would fill in for people as the employer required "instead of pull[ing] people off jobs." Tr. p. 29 – 30. In his Deposition, the Claimant testified that during Claimant's short term of employment with Southeastern Services HHI, LLC, Chance Jones worked approximately three times with the Claimant. He further testified that Jamie Brown, the owner of the employer, would work with him and the other employees of the employer, that he directed the work, supervised the other employees, and was responsible for contracting the work to be completed by the Employer. Tr. p. 30 – 31. Claimant also testified that at one time there would be as many as five employees of Southeastern Services, HHI, LLC on one job site Tr. p. 31, ln. 1 – 19.

In addition to the employees named by the Claimant, the Claimant also testified that the employer frequently employed subcontractors as part of the employer's general construction contracting business. Specifically, Claimant testified that the employer "would use subcontractors for electric work, tile work, and painting." Tr. p. 31, ln 21 – 22. The Claimant testified that in his very short period of employment with the Employer, that he recalled seeing at least one employee or agent of Dedicated Electric that was subcontracted by the employer, also working on one of the

job sites on which the Claimant was assigned to work, identifying him as an “older gentleman with glasses who did panel work.” Tr. p. 31 – 32. During the hearing, the Claimant also testified that he knew that the employer did not typically perform painting on construction and remodeling jobs, but that the employer subcontracted this work to a painting company, identifying “Romero’s painting,” specifically. The Claimant also identified one job site to which he was assigned by his employer, where he was aware that Romero’s Painting and a crew of up to three painters from that subcontractor were present doing painting prior to the Claimant and other direct employees of Southeastern Services, HHI, LLC performing the trim work at that site. Tr. p. 33 – 34. He further testified that the employer, a general construction contracting company, did not do painting and that Jamie Brown, always subcontracted this work. Tr. p. 35, ln 15 – 22. The Claimant also testified that that it was his understanding that the employer subcontracted all of the tile, flooring, and plumbing work and that the employer’s employees did not engage in any of that work. Tr. p. 36, ln 14 – 25. The Claimant came to know that the tile and flooring was performed only by subcontractors of the employer because he asked Jamie Brown about performing this work when he began his employment with the employer; he specifically asked about this work because it was work with which he had prior experience, and in which he took interest. Tr. p. 36, ln. 1 – 10. Claimant testified that the employer regularly employed subcontractors for electrical, painting, flooring and tile, and plumbing work in its general construction contracting business, during his employment with Southeastern Services, HHI, LLC.

Testimony of Jamie Brown

Jamie Brown was duly sworn and testified that in December 2017 or January 2018 he formed the Defendant/Employer, Southeaster Services, HHI, LLC. Tr. p. 45, ln 22 – 23. He testified that he was the sole member of the employer LLC. Tr. p. 48, ln. 9 – 10. Jamie testified

that Southeastern Services only ever had three employees, and that on October 29th, 2018, he claimed to have three employees, who he identified as Daniel Smith, Taylor Smith, and Zachary Brown. Tr. p. 46, ln 5 – 14. Jamie testified that by the time of the Claimant's accident, Claimant been working for the employer for three weeks at most. Tr. p. 46, ln 18 – 20. Jamie testified that the Claimant was hired full time with the employer as a laborer/carpenter helper. Tr. p. 46, 47. He further testified that at no point in 2018, did he have four or more employees. Tr. p. 47 – 48.

Jamie testified that although Southeastern Services, HHI, LLC had been operating since late 2017 or early 2018, he had been working the field of general contracting for 25 years. Tr. p. 53, ln. 11 – 13. On cross examination by Claimant's attorney, Jamie testified that the employer held a home builders license and a general contractor license. Tr. p. 54, ln. 12 – 17. On cross examination, Jamie testified that electrical work, painting, plumbing, and flooring and tile work were all integral to his business' work in general construction contracting. Tr. p. 55, ln. 12 – 23. He further testified that all of the aforementioned jobs were ones that he regularly subcontracted out in 2018. Tr. p. 56, ln. 1 – 14. Specifically, he testified that in 2018 and the period relevant to this claim and Claimant's employment, the employer subcontracted electrical work to Dedicated Electric, was owned and operated solely by one individual to his knowledge, that he regularly subcontracted plumbing work to Padgett Plumbing and/or Low Tide Plumbing, and that he subcontracted all tile and flooring work to a Milton Ayende. Tr. p. 56 – 59. He also testified that he subcontracted painting work to Romero's Painting in 2018, and that when Romero's was contracted to do the painting in 2018, that the business would typically come with three to five workers to perform the subcontracted work. Tr. p. 60 – 61.

As to his relationship with the employer, on cross examination, Jamie Brown testified that although he does not draw a paycheck from the employer LLC, he pays his bills and other

necessities of life through the LLC, is compensated for the work he does through the LLC, and that he is involved in the day-to-day operations of the business. Tr. p. 61 – 62. Jamie testified that prior to organizing the employer LLC, that he was working as Jamie Brown d/b/a Southeastern Services, HHI, and that he maintained workers' compensation insurance at one point while working as a sole proprietorship under that business name. Tr. p. 62, ln. 20 – 25. It was Jamie's testimony that the sole proprietorship that he maintained prior to his organization of the employer LLC did the same general contracting business, conducted this business in the same geographical location, that both businesses were operated outside of his personal home, and that they the business did not change management when the employer LLC was organized. Tr. p. 64, ln. 6 – 23. Jamie further testified that the business' employees did not change when the employer LLC was organized and that when the LLC was organized, his employees did not know at the time of LLC's organization that they began working for a new company or entity. Tr. p. 64, 65. In response to questioning from Claimant's attorney Jamie identified his work van, a photo of which was submitted as Claimant's APA #8, which had a decal on the side, reading Southeastern Services, HHI, (as opposed to Southeastern Services, HHI, LLC) and Jamie claimed that it was purchased after the organization of the employer LLC. Tr. p. 66 – 67.

When asked about his payroll records, Jamie Brown testified that the week leading up to the Claimant's workplace injury, that the Claimant was paid over \$200.00 in overtime and that he worked more than 40 hours for that week. Tr. p. 68, ln. 15 – 22.

Medical Evidence

Admission notes from Hilton Head Hospital provide that on October 29, 2018, Zachary Brown fell from a 6-foot ladder when working in on a house remodeling project in Hilton Head Plantation, and an x-ray taken in the emergency room demonstrated left tibial and fibular fractures.

CI's APA, p. 1. The mechanism of injury reported at the hospital was that the Claimant's left leg was fractured when it went through the rungs of the ladder as he fell. Further assessment at the hospital revealed closed bicondylar fracture of tibial plateau, closed displaced comminuted fracture of shaft of left tibia, and comminuted oblique fracture of the mid left fibula with medial displacement of the distal fracture fragment. CI's APA, p. 40. On October 30th, 2018, the Claimant underwent an open reduction and internal fixation of his left midshaft tibia fracture with intramedullary nailing. CI's APA, p. 60. After his surgery, he had two follow-up visits with Douglas Scott, MD, who performed the surgery, on November 8, 2018, and December 23, 2018. CI's APA, p. 110 – 113. Notably, in Claimant's second and last visit, Dr. Scott states that the Claimant may graduate out of the cam boot as tolerated with weightbearing as tolerated and that he may gradually return to working duties but did not state restrictions or place the Claimant at MMI. CI's APA, p. 113.

The Claimant was examined by Joseph P. Tobin, MD, on July 28, 2020. Dr. Tobin noted that the Claimant never had physical therapy or any subsequent care for more than a year at the time of his visit on July 28, 2020, and that the Claimant noted ongoing problems including pain in the leg and popping in the left knee. CI's APA, p. 119. Dr. Tobin opined that it was in the Claimant's best interest to have the retained hardware removed, that the Claimant likely had meniscal pathology of the left knee that required further imaging and likely also required arthroscopy. Dr. Tobin further opined that his symptoms associated with his left leg and knee were causally related to his workplace injury on October 29, 2018. CI's APA, p. 120

Pay Records

Claimant and employer submitted payroll records which show the following gross amounts earned by the Claimant in his employment with the Employer. CI's APA #5.

10/19/18	\$756.00
10/26/18	\$742.50
11/02/2018	\$540.00

Personnel Records from Crossroads Construction

Records from Crossroads Construction indicate that the Claimant returned to work for that employer on April 15, 2019. CI's APA #4.

Employer's Tax Records

Tax filings by Jamie Brown for the Employer LLC show gross receipts of \$651,213.00 and gross profit of \$299,624.00 for 2018. For 2019 the Employer reported gross receipts of \$876,660.00 and gross profit of \$258,796.00. Tax filings for "Southeastern Services" for 2017, the year prior to Employer's organization as an LLC, demonstrate gross receipts of \$860,381.00 and gross profit of \$239,593.00. CI's APA #6.

ISSUES

1. Did the Single Commissioner correctly find and conclude that Jamie Brown, as sole member of the employer LLC, was an employee of the LLC?
2. Did the Single Commissioner correctly conclude that the Employer was subject to the Act, as the employer regularly employed four or more employees in this State at all times relevant to this claim?

ARGUMENTS

1. **The Single Commissioner correctly found and concluded that Jamie Brown was an employee of Southeastern Services, HHI, LLC.**

The Decision and Order of the Single Commissioner rightly found that Jamie Brown, the sole member of Southeastern Services, HHI, LLC, was an employee of the LLC. This factual finding was based upon the greater weight of the evidence of record. Jamie Brown testified that although he had previously operated a business as a sole proprietor by the name of Southeastern Services, that prior to the present claim, he had organized the employer LLC in late 2017 or early 2018. This factual finding was further based in testimony and evidence that although Jamie Brown did not receive a paycheck from the LLC, he was compensated for work performed through the LLC, using the LLC account to pay his personal expenses. The Single Commissioner further found that Jamie Brown's status as a sole proprietor for tax purposes had no bearing on his status as an employee, and that he was required to file a Form 5 to exclude himself from coverage under the Act, which he failed to do, making him an employee of the Act for purposes of jurisdiction.

Under the Act, an employee is defined as "every person engaged in an employment under any appointment, contract of hire, or apprenticeship, expressed or implied, oral or written, including aliens and also including minors, whether lawfully or unlawfully employed but excludes a person whose employment is both causal and not in the course of the trade, business, profession or occupation of his employer." S.C. Code Ann. § 42-1-130. This broad definition of the term "employee" has been interpreted liberally, and "any doubt as to a worker's status should be resolved in favor of including him under the Act." *Poch v. Bayshore Concrete Products/South Carolina, Inc.*, 405 S.C. 359, 367 (2013) (quoting *Posey v. Proper Mold & Eng'g, Inc.*, 378 S.C. 210, 218-19 (Ct. App. 2008). Additionally, under the South Carolina Uniform Limited Liability Company Act, "[e]ach member is an agent of the limited liability company for the purposes of its business." S.C. Code Ann. § 33-44-301.

Pursuant to S.C. Code Ann. § 42-1-130, sole proprietors or general partners of a business

are excluded from the Act as employees, but “may elect to be included as employees under the workers compensation coverage of the business if they are actively engaged in the operation of the business.” Thus, the only exclusion in the definition of employee under the Act is as to “sole proprietors” and “partners,” and not members of LLC’s. As astutely noted by the Single Commissioner, the canon of statutory construction “*expressio unius est exclusio alterius*” or “the expression or inclusion of one thing implies the exclusion of the other or of the alternative,” when applied to this context requires a plain reading of the statute and interpretation of legislative intent to exclude *only* sole proprietors and partners, and not members of limited liability companies. Likewise, exceptions and restrictions on coverage are to be strictly construed. See *Peay v. U.S. Silica Co.*, 313 S.C. 91, 94, 437 S.E.2d 64, 65 (1993).

While S.C. Code Ann. § 33-44-120 provides that the term “partnership” or “general partnership, includes “limited liability company, it must further be noted that the absence of LLC members in the statute defining “employee” under the Act, which excludes sole proprietors and partners, cannot be construed as a mere accidental omission or incongruity caused by the later addition of the South Carolina Limited Liability Company Act to the South Carolina Code. Rather, the General Assembly had an opportunity to exclude LLC members as employees under the Act with the 2007 Workers’ Compensation Reform Act, more than a decade after the establishment of the South Carolina Limited Liability Company Act. Thus, it is clear from a plain reading of the statute, and the history of both the South Carolina Workers’ Compensation Act, and the South Carolina Limited Liability Company Act, that members of an LLC are not excluded and were not intended to be excluded under the definition of “employee” under the Act, and are to be treated under the Act as corporate officers, pursuant to 42-1-520, who may elect to exclude themselves from coverage via a WCC Form 5.

The SCUEF erroneously asserts in their brief that Jamie Brown cannot be an employee under the Act because he is the only member of a single member LLC, and that it is impossible for him to create an employment relationship with himself. The SCUEF argues that because S.C. Code Ann. § 42-1-130, requires a “contract of hire,” and because a sole proprietor cannot enter a contract with himself, there is no employment relationship, and Jamie Brown cannot be an employee for purposes of the Act. This argument misses the mark and simply ignores the fact that at the time of the Claimant’s workplace injury, Jamie Brown was not operating as a sole proprietor, but had organized his business as an LLC. Because Southeastern Services, HHI, LLC is a separate entity and not a sole proprietorship, an employment relationship can, and did at the time of the Claimant’s workplace injury, exist between Jamie Brown and the Employer LLC, based on his testimony that he was remunerated for work he performed through the LLC. Further, a formal, written “contract of hire” as described by the SCUEF is not a requisite for being considered an employee under S.C. Code Ann. § 42-1-130, as the term “employee” includes individuals under implied and less formal agreements of employment. While the Single Commissioner found that Mr. Brown dispensed with the formalities of the LLC in his relationship with the Employer LLC and its operating account, this cannot defeat Jamie Brown’s status as an employee for purposes of the Act.

While the SCUEF claims that our courts have addressed the issue of exclusion of LLC members “head on,” this assertion is misleading as the authority cited by the SCUEF concerns “working partners,” specifically *Marlow v. E.L. Jones & Son, Inc.*, 151 S.E.2d 747, 248 S.C. 568 (1966); and *Daniels v. Roumillat*, 264 S.C. 497, 216 S.E.2d 174 (1975). Those cases stand for the proposition that because a working partner is an employer of employees of the partnership, they cannot be an employee. However, reliance on this authority and rationale behind it in the present

context is misplaced because these cases predated the South Carolina Limited Liability Company Act by more than two decades, and because an LLC is a separate legal person.

In further support of their argument that a sole member of an LLC should be excluded from the definition of “employee” under the Act, SCUEF cites dicta from *Hartzell v. Palmetto Collision, LLC*, 406 S.C. 233, 750 S.E.2d 97 (Ct. App. 2013). In that case, the Court of Appeals stated in a footnote that for purposes of analyzing whether an employer LLC in that case met the jurisdictional limit, the Court excluded counting the sole member of the employer LLC because “the record does not indicate he elected to be included as an employee for workers’ compensation purposes.” *Id.* at 244. Again, making a bold, yet erroneous assertion, the SCUEF would have the Commission believe that the “inquiry should end there.” To their credit, the SCUEF correctly notes that the case was reversed by the Supreme Court, and thus is null and void, having no precedential value. *Hartzell v. Palmetto Collision, LLC*, 415 S.C. 617 (2016); See *Moore v. North American Van Lines*, 319 S.C. 446, 448 (1995)(“Generally, reversal of a judgment on appeal has the effect of vacating the judgment and leaving the case standing as if no judgment had been rendered”).

However, the dicta found in the Court of Appeals decision has been directly challenged and its reasoning found to ring hollow in this very context, by this Commission. Prior to the Supreme Court’s reversal of the Court of Appeals in *Hartzell*, the Commission addressed the dicta in *Hartzell* in *Rish v. Berry’s Custom Tree Service, LLC*, 2015 SC Wrk. Comp. Lexis 266 (October 15, 2015). In that case, the Single Commissioner found and concluded that the sole member of the employer LLC was an employee for purposes of establishing jurisdiction under the Act, reasoning that the sole member of the employer LLC was more akin to an executive officer of a corporation, and that “inclusion of an LLC as a corporation for jurisdictional purposes is consistent and fits logically within the structure of the Workers’ Compensation Act.” *Id.* As to the dicta in

Hartzell, the single Commissioner concluded that the footnote “is quintessentially dicta” and that “while perhaps instructive on the sentiment of the Court of Appeals, it is not binding precedent on the Commission.” The Single Commissioner also noted that the Court of Appeals made its statement about LLC members *sua sponte*, which was not briefed or argued by the parties in *Hartzell*. The Full Commission panel affirmed the Single Commissioner on the issue of jurisdiction under the Act, reiterating in its conclusions of law and the rationale provided below by the Single Commissioner. *Rish v. Berry's Custom Tree Service, LLC*, 2017 SC Wrk. Comp. LEXIS 126 (July 18, 2017). The inquiry in this case, should, thus, end where the Commission ended it in the *Rish* case.

In an attempt overcome the lack of support for their argument in South Carolina law, the SCUEF would divert the Commission’s attention to North Carolina law. While our Courts look to North Carolina precedent for guidance in interpreting the law of Workers’ Compensation in South Carolina, North Carolina authority is unpersuasive, because as correctly noted by the SCUEF, the North Carolina legislature has amended their Workers Compensation Act to allow LLC members to opt into the Act like sole proprietors or general partners, after the creation of Limited Liability Companies in North Carolina. However, as noted above, South Carolina amended its Workers’ Compensation Act more than 10 years after the adoption of the South Carolina LLC Act, and our legislature chose not to codify the status of LLC members to be treated similarly under the Act to sole proprietors and general partners. Thus, the fact that North Carolina specifically chose to treat LLC members as sole proprietors and partners, and South Carolina has not, does not support the argument that our Workers’ Compensation Act’s statutory definition of “employee” should be interpreted in the same fashion as that of North Carolina. Rather the opposite is true, and the intent of the General Assembly in choosing not to treat LLC members as

sole proprietors or general partners should be honored.

Finally, the Claimant has never argued that that the Fund's rights of attachment should be in any way altered in the context of a single member LLC. The fact that the SCUEF has been given the right to essentially pierce the veil of an LLC, to protect the Fund's interests and the public interest in maintaining a fund to provide for the injured employees of delinquent and irresponsible employers in this State, has no relevance upon the interpretation of the Act's definition of employee for purposes of jurisdiction and coverage.

II. The Single Commissioner correctly found and concluded that the employer LLC regularly employed four or more employees in this State at the time relevant to Mr. Brown's claim.

Assuming *arguendo* that the Commission erred in concluding that Jamie Brown was an employee for purposes of finding the jurisdictional number, the Single Commissioner correctly found that the employer regularly employed four or more employees in the State, because Chance Jones was a regular employee of the employer during the relevant time period. Pursuant to the Commissioner's findings, based on the employer's pay records, "Chance Jones worked between 30-40 hours per week as of the period ending November 2, 2018," which is the same week in which the Claimant was injured. The pay records further demonstrate that Chance Jones continued to work the week after Claimant's injury, supporting the conclusion that it was employer's intention to continue to employ Chance Jones. The Commissioner's findings are further supported by Claimant's testimony that during his very short tenure of employment with the employer, that Chance Jones worked alongside Claimant about three to four times. Depo. of Zachary Brown, p.36. Claimant also testified that at one time there would be as many as five employees of Southeastern Services, HHI, LLC on one job site Tr. p. 31, ln. 1 – 19. Thus, in addition to Jamie Brown's employment with the employer LLC, the greater weight of the evidence

supports the Single Commissioner's finding that Chance Jones was a regular employee of the employer at the time of the Claimant's workplace injury.

While unnecessary for establishing jurisdiction, and rejected by the Single Commissioner, the Claimant would further assert that this Commission should find that the employer LLC also regularly employed four or more employees by virtue of statutory employees through the employment of subcontractor employees. Under South Carolina's statutory employee doctrine, owners and contractors are liable for injuries sustained by workers of subcontractors, when the work being undertaken is a part of the contractor's "trade business or occupation." Further, statutory employees may be counted to meet the jurisdictional number of employees. See *Ost v. Integrated Products, Inc.* 296 S.C. 241 (1988).

At the hearing, Jamie Brown testified that as a general contractor, all of the electrical work, painting, plumbing, and flooring and tile work were integral to his business, and that all of the aforementioned jobs were ones that he regularly subcontracted out in 2018. Tr. p. 54-55. As discussed above, Jamie Brown specifically identified the subcontractors to whom these jobs were subcontracted and stated that he subcontracted painting work to Romero's painting in 2018, who would bring three to five workers to perform the subcontracted work. Tr. 56-61. The Claimant also testified that he was aware that at one job in his short tenure with the employer, Romero's Painting brought a crew of up to three painters from that subcontractor, and that they were present at the job site immediately before Claimant and other direct employees of the employer were tasked with performing the trim work. Tr. p. 33 – 34. Accordingly, there is substantial evidence of record to support that at the time relevant to the Claimant's workplace injury the employer regularly employed statutory employees that may be counted toward establishing jurisdiction.

Additionally, while the greater weight of the evidence establishes that the employer had at

least four regular employees at the time of the Claimant's workplace accident, the employer is also subject to the Act, as the employer LLC may be seen as an alter-ego of the sole member which failed to properly withdraw from the Act by filing a Form 38. For years leading up to 2018, shortly before the beginning of Claimant's employment, Jamie Brown operated as a sole proprietor doing business as Southeastern Services, voluntarily electing to submit to jurisdiction under the Act. Jamie Brown never withdrew from the Act at any point before or after his organization of the employer LLC. Virtually nothing changed regarding the operation of the business (even maintaining some of the same employees) and the LLC is simply an alter ego of Jamie Brown d/b/a Southeastern Services HHI. Thus, if this Commission is not inclined to find that Jamie Brown is an employee of the employer LLC that he created, the alternative is that the LLC is merely an alter ego of Jamie Brown, who failed to withdraw from the Act. Furthermore, the election to be subject to the Act without withdrawal is evidence supporting that the business' mode of operations was one which regularly employs four or more employees in the State.

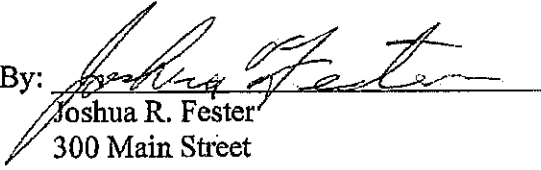
Conclusion

Given the foregoing, the Claimant respectfully requests that the appellate panel of the Full Commission **AFFIRM** the findings of fact and conclusions of law of the Single Commissioner, which support compensability of the Claim.

[Signature Block Follows]

April 29, 2022

LAW OFFICE OF
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May 2, 2022

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO: 1824344

Zachary Brown,
Employee/Claimant,
vs.
Southeaster Services HHI, LLC,
Employer,
And
Uninsured Employers' Fund,
Carrier,
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of May, 2022 I served a true and accurate copy of the foregoing Respondent's Brief to the Full Commission, on the parties listed below via email and/or by placing the same in the United States mail, first class and/or Certified postage attached, and addressed to the following:

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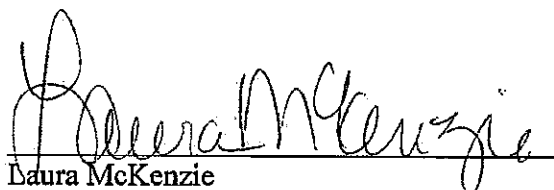
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April 18, 2022

VIA E-CASE

Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715

Re: Zachary Brown vs. Southeastern Services H.H.I., LLC
WCC File No.: 1824344 - Date of Accident: October 29, 2018
Carrier: SC Uninsured Employers' Fund - Claim No.: 2018-4029
HPLP File No.: 5415.00185

Dear Ms. Bracy:

Please find enclosed the Appellant's Brief to the Full Commission, in the above-referenced matter.

By copy of this correspondence, a copy of the Appellant's Brief to the Full Commission is being provided directly to Joshua Fester, Claimant's attorney via email.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC



Timothy B. Killen

TBK/maa

Enclosure

cc: Joshua Fester, Esquire (via email)
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**BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION**
WCC FILE NO. 1824344

Zachary Brown,	)	
	)	
Employee,	)	
Claimant/Respondent,	)	
	)	
vs.	)	
	)	
Southeastern Services H.H.I., LLC,	)	
	)	APPELLANT UEF'S BRIEF
Defendant/Appellant,	)	TO THE FULL COMMISSION
	)	
<i>and</i>	)	
	)	
South Carolina Workers' Compensation	)	
Uninsured Employers' Fund,	)	
	)	
<u>Defendant/Appellant.</u>	)	

STATEMENT OF THE CASE

This claim arises out of an incident which occurred on October 29, 2018. A hearing on the issues as set forth in the Forms 50 and 51 was held before R. Michael Campbell on February 18, 2021, in Walterboro, South Carolina. The Claimant sought a determination of whether the Employer was subject to the terms and provision of the South Carolina Workers' Compensation Act (the Act) and, if so, his entitlement to benefits.

Claimant asserted that Jamie Brown (sole member of Employer Limited Liability Company) admitted Employer regularly employed three (3) employees. Claimant asserted that, in addition to that number, Jamie Brown himself should be considered the fourth employee, thereby reaching the jurisdictional number and subjecting the Employer to the Act. Tr. p. 6, l. 4 – p. 7, l. 9. Claimant also asserted that even if Jamie Brown were to be excluded for the number, there was another employee, Chance Jones, who could bring the Employer under the Act. Tr. p. 7, l. 9 – p. 8, l. 1.

Claimant also asserted that Employer's subcontractors could be counted towards that number. Lastly, Claimant asserted that the LLC could be determined subject to the Act by failing to file a Form 38 because Jamie Brown, the sole proprietor, formerly had coverage. Defendants and the Single Commissioner disagreed with Claimant, and neither of these issues was appealed.

At the hearing, UEF asserted that Jamie Brown is not an employee of his LLC, because he is the only member of a single member LLC, and that LLC is taxed like a sole proprietorship. Tr. p. 11, ll. 1 – 4. UEF further asserted that Chance Jones was not regularly employed by Employer until after the date of accident. Tr. p. 11, l. 19 – p. 12, l. 1. UEF asserted that the relevant time period to consider whether employees are regularly employed is prior to the date of accident. Tr. p. 12, ll. 1 – 6.

The Single Commissioner issued his Decision and Order on February 18, 2022. In that Order, the Single Commissioner made Findings of Fact that, *inter alia*, the Claimant worked for the Employer approximately three (3) weeks prior to the accident¹ and Chance Jones became a regular employee of Employer during the pay period ending on November 2, 2018 (a date which is subsequent to Claimant's date of accident)². The Single Commissioner also made numerous Conclusions of Law, though many of which appear to operate as Findings of Fact. The Commissioner concluded that the Commission has jurisdiction over the parties because Employer regularly employed four (4) "or more employees at the time of the accident." Order, p. 9, Conclusion of Law 3. The Commissioner concluded that the relevant time period to determine whether Employer regularly employed the jurisdictional number was the entire year of 2018. Order p. 10, Conclusion of Law 5. It was undisputed that Employer regularly employed at least three (3) employees, including Claimant, during this time. The Commissioner concluded that the Employer

¹ Finding of Fact 6.

² Findings of Fact 21 and 23.

LLC's sole member, Jamie Brown, was also an employee of Employer. *Id.*

The Single Commissioner made this Conclusion based on Mr. Brown's status as being what he said was "akin to that of a corporate officer." *Id.* The Commissioner cited S.C. Code Ann. § 33-44-1205 as the legal basis for making the both novel and draconian conclusion that "*members of an LLC are treated as corporate officers for purpose of the Workers' Compensation Act.*" Order p. 10, Conclusion of Law 5, Footnote 3 (emphasis added). Section 33-44-1205 reads, in whole, as follows:

Except (1) as otherwise required by context, (2) as inconsistent with provisions of this chapter, and (3) Chapters 41 and 42 of Title 33, and Title 12, the term 'partnership' or 'general partnership', when used in any other statute or in any regulation, includes and also means 'limited liability company.'

The Commissioner's reasoning appears to have been that because the term "sole proprietor" is not included in § 33-44-1205, the single member of a single member LLC must *always* be considered an employee of the LLC. However, apparently, the members of an LLC taxed like a partnership would not be employees.

The Commissioner found Jamie Brown to his own employee even while concluding that Mr. Brown used the LLC's finances interchangeably with his own. Order pp. 10 – 11 (Conclusion of Law 5). Despite being an LLC, the Commissioner found that Mr. Brown "disregard[ed] *corporate* formalities" Order p. 11 (Conclusion of Law 5) (emphasis added). The Commissioner concluded that Mr. Brown's "status as a sole proprietor for tax purposes has no bearing on his status as an employee under the Workers' Compensation Act." *Id.* Further, despite never having voluntarily seeking coverage, the Commissioner found that Mr. Brown was required to file a Form 5 ("*Corporate* Officer Notice to Reject") to exclude himself from coverage (rather than just not acquiring coverage). *Id.* (emphasis added). The Commissioner concluded that "Defendant LLC because subject to the Act the day it hired Claimant in October 2018 as its 4th full-time employee." *Id.*

In Conclusion of Law Six (6), the Commissioner found that Chance Jones was a regular employee of Employer during 2018. Order p. 11, Conclusion of Law 6. He made this finding/conclusion based primarily on payroll records which showed that Chance Jones worked regularly *after* Claimant's injury, a time when Claimant was no longer working for Employer. Order p. 12, Conclusion of Law 7. He also determined that Chance Jones worked "intermittently" prior to Claimant's accident. *Id.* That Conclusion is not being appealed.

The Commissioner found that the payroll records show Chance Jones was paid for thirty-four (34) hours on November 2, 2018. However, for reasons not entirely clear, the Single Commissioner further concluded that "it would be physically impossible [for Chance Jones] to work 34 hours in 1 day." *Id.* This was apparently an attempt to show that Chance Jones worked regularly alongside Claimant. However, this ignores the fact that Claimant was injured on a Monday (October 29, 2018) and the pay period used as a reference ends on a Friday (November 2, 2018). Therefore, there were four (4) days of that pay period when Claimant was no longer working for Employer, giving Chance Jones the opportunity to work four (4) eight and a half (8.5) hour days.

UEF timely appealed.

ISSUES PRESENTED

- I. WHETHER A SOLE MEMBER OF AN LLC TAXED LIKE A SOLE PROPRIETOR IS AN EMPLOYER OR AN EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT?**
- II. WHETHER EMPLOYER REGULARLY EMPLOYED THE JURISDICTIONAL NUMBER AFTER HIRING CHANCE JONES OR WHILE CLAIMANT WAS EMPLOYED?**

ARUGMENTS

I. WHETHER A SOLE MEMBER OF AN LLC TAXED LIKE A SOLE PROPRIETOR IS AN EMPLOYER OR AN EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT?

The Single Commissioner found that, on the date of Claimant's injury, Jamie Brown was the sole member of LLC. Order p. 6, 8, Findings of Fact 16, 28. The Single Commissioner found that LLC was taxed like a sole proprietor, rather than as a corporation. Order p. 8, Finding of Fact 28. As explained below, this creates a unique scenario, insofar as workers' compensation coverage in South Carolina is concerned.

To that end, because an employment relationship requires a contract of hire, and a contract requires more than one party, an Employer cannot also be an employee of himself. Accordingly, since Jamie Brown isn't an employee of the business, the UEF asserts that he, in turn, cannot be counted as an employee to reach the jurisdictional minimum number of employees required to subject the Employer to terms and provisions of the South Carolina Workers' Compensation Act.

The Act was never intended to be an absolute safety net for *every* individual who suffers a work-related injury. Such legislation would be unworkable for many reasons. Accordingly, not every employer whose employee suffers a work-related accident is liable for benefits thereunder. Because of the great burdens it would place on very small employers, those employers are exempt from the Act's terms and provisions. Under S.C. Code Ann. § 42-1-360(2), the Act excludes "[a]ny person who has regularly employed in service less than four employees in the same business within the State or who had a total annual payroll during the previous calendar year of less than three thousand dollars regardless of the number of persons employed during that period[.]" According to the Court of Appeals, "[t]he statutory language unequivocally exempts employers who do not regularly employ four or more employees." *Hernandez-Zuniga v. Tickle*, 374 S.C.

235, 257, 647 S.E. 2d 691, 702 (2007). An employee of an employer who is not subject to the Act has other avenues for recovery, of course, such as civil liability.

To be subject to the Act and the Commission's jurisdiction, the Act specifically requires that an employer "regularly employ[]" four (4) or more "*employees*" within South Carolina. S.C. Code Ann. § 42-1-360(2) (emphasis added). S.C. Code Ann. § 42-1-130 defines "employee." This section marks a clear distinction between an employee and a sole proprietor and/or a partner of a business (more on why a discussion of partnerships/sole proprietorships is relevant *infra*). Resultantly, a sole proprietor or partner in a business is not an employee under the terms of the Act. Importantly, that section, as well as an employment relationship, requires a "contract of hire." S.C. Code Ann. § 42-1-130. It is axiomatic that a contract requires two (2) parties, and one party as a sole proprietor or partner cannot enter into a contract of hire with himself as employee.

Nevertheless, this section does allow sole proprietors and partners in businesses subject to the Act to *elect* coverage under the Act. As the Supreme Court wrote, "The obvious purpose of this section is *to expand coverage* of the Act by making its benefits available *to working partners* . . . whose employees are covered under the Act, but who would be otherwise excluded because of their status [as working partners]." *Carver v. Bill Pridemore & Co.*, 294 S.E.2d 419, 420, 278 S.C. 235, 235 (1982) (emphasis added). If the purpose of a section is to "expand coverage . . . to working partners," *there can be no coverage available to working partners without such an election*. If there is no such coverage, there can be no finding that a working partner or sole proprietor is an employee, as employees whose employers are subject to the Act are covered without making further election.

The Supreme Court of South Carolina has addressed this issue head-on. See *Marlow v. E.L. Jones & Son, Inc.*, 151 S.E.2d 747, 248 S.C. 568 (1966). In *Marlow*, the Supreme Court explicitly wrote that "[w]orking partners' are not employees." 151 S.E. 2d at 568, 248 S.C. at

571 (quoting *Larson's Workmen's Compensation Law*, Sections 54.30 – 54.32) (emphasis added); also see *Dawkins v. Jordan*, 534 S.E.2d 700, 341 S.C. 434 (2000), *Smith v. Squires Timber Co.*, 428 S.E.2d 878, 311 S.C. 321 (1993).

This issue was further addressed by the Supreme Court in the tort context in *Daniels v. Roumillat*, 264 S.C. 497, 216 S.E.2d 174 (1975):

Professor Larson in his treatise 'The Law of Workmen's Compensation,' Vol. 2, section 72.10, said: '... a member of a partnership, even if he is a 'working partner,' is still in law the employer of employees of the partnership and cannot be sued.' The foregoing rule is supported by the cases of *Sonberg v. Bergere*, 220 Cal.App.2d 681, 34 Cal.Rptr. 59; *Cockerham v. Consolidated Underwriters, La.App.*, 262 So.2d 119; and *Candler v. Hardware Dealers Mutual Ins. Co.*, 57 Wis.2d 85, 203 N.W.2d 659. In the cited cases a member of the partnership is held to be an employer of an injured employee and an action based on negligence against the member of the partnership is barred by the Workmen's Compensation Law. In our own case of *Marlow v. E. L. Jones & Son, Inc.*, 248 S.C. 568, 151 S.E.2d 747, we stated that 'working partners' are not employees.

Daniels v. Roumillat, 264 S.C. 497, 501 – 502, 216 S.E.2d 174, 176 – 177 (1975) (emphasis added).

Though there is not voluminous case law on LLCs in this context in South Carolina, the Court of Appeals in *Hartzell v. Palmetto Collision, LLC*, 406 S.C. 233, 750 S.E.2d 97 (Ct. App. 2013) excluded the sole member of the employer limited liability company from the number of employees counting towards the jurisdictional number because “the record does not indicate he elected to be included as an employee for workers’ compensation purposes.” *Hartzell v. Palmetto Collision, LLC*, 406 S.C. 233, 249, 750 S.E.2d 97, 106. (Ct. App. 2013). The reasoning of the Court of Appeals should be persuasive in this matter, where it is undisputed that Jamie Brown did not elect “to be included as an employee for workers’ compensation purposes.” The inquiry should end there. Claimant will argue that this case was reversed by the Supreme Court, and it was reversed on other grounds and relative to the issue of notice to the employer, not the number of employees. See *Hartzell v. Palmetto Collision, LLC*, 415 S.C. 617, 785 S.E.2d 194 (2016). The

Court of Appeals' reasoning was sound on the issue at hand, and that should guide this Commission in coming to its determination.

Of course, we look to North Carolina as being instructive in the application of Workers' Compensation laws, since the South Carolina law was based on theirs. The North Carolina legislature has gone as far as to codify the status of LLC members, so far as workers' compensation laws are concerned. The North Carolina code says that LLC members have the same status as sole proprietors and partners, and that they aren't covered under the N.C. Act unless they choose to be covered. N.C. Gen. Stat. § 97-2.³ This is the same reasoning the Court of Appeals used in *Hartzell*, above. And the inquiry should, again, end there.

Another complicating factor, though, is that under S.C. Code Ann. § 42-7-200 the Fund has rights of attachment and indemnification against uninsured employers for the benefits, costs, and expenses it pays on their behalf. Fund may file a judgment against employers for those amounts. Importantly, Fund "has all rights of attachment . . . as the Department of Revenue" S.C. Code Ann. § 42-7-200(D).

Those rights of attachment are outlined in the South Carolina Code. Of particular note here is the DOR's rights against limited liability companies *and their members* are outlined in S.C. Code Ann. § 12-2-25. Under S.C. Code Ann. § 12-2-25(B)(1), "for South Carolina tax purposes[,] a single-member limited liability company, which is not taxed for South Carolina income tax purposes as a corporation, *is not regarded as an entity separate from its owner.*" (emphasis added). Thus, single-member LLCs taxed like sole proprietorships provide no shield for the personal assets of the member, at least so far as DOR and Fund are concerned.

³ "Any sole proprietor or partner of a business or any member of a limited liability company may elect to be included as an employee under the workers' compensation coverage of such business if he or she is actively engaged in the operation of the business and if the insurer is notified of his election to be so included."

Further, because Fund has the rights of attachment of the DOR, *Fund can attach the personal assets of the members of single-member LLCs taxed like sole proprietorships*. In this case, if LLC is ultimately deemed subject to the Act and the Fund must pay benefits, the Fund will attach Jamie Brown's personal assets. As it stands now, all of Jamie Brown's personal assets are at risk to pay for the benefits to and for a co-employee. Nowhere in the Workers' Compensation Act would an employee have to pay for the benefits of another employee. The end result of such a finding would turn the idea of workers' compensation on its head and would certainly not be one intended by the Legislature. The ultimate result makes an employee liable for the payment of workers' compensation benefits on behalf of a co-employee. This result is the result of the Single Commissioner's Decision and Order.

For these reasons and those that may be set forth at oral arguments in this matter, the Order of the Single Commissioner should be reversed, and the Claimant's claim for benefits should be denied and dismissed.

II. WHETHER EMPLOYER REGULARLY EMPLOYED THE JURISDICTIONAL NUMBER AFTER HIRING CHANCE JONES OR WHILE CLAIMANT WAS EMPLOYED?

The Single Commissioner determined that Chance Jones was a regular employee of Employer during the relevant time period, which he also determined to be the entire year of 2018. Order p. 12, Conclusion of Law 7; Order p. 10, Conclusion of Law 5. The Commissioner concluded that "Chance worked between 30 – 40 hours per week as of the period ending November 2, 2018." Order, p. 12, Conclusion of Law 7. He went on to conclude: "Chance was paid for 34 hours of his services for the week ending November 2, 2018. It would be physically impossible to work 34 hours in 1 day." *Id.* There was no testimony, allegation, or evidence that Chance Jones only one day following Claimant's injury date. The injury date was a Monday. November 2, 2018, was a Friday.

Employer conceded that he regularly employed two (2) employees in 2018 prior to hiring Claimant in October. This is clearly reflected in the payroll records. Employer's APA pp. 1 – 84. The Commissioner agreed with this ("Defendant LLC became subject to the Act the day it hired Claimant in October 2018 . . ."). Order p. 11, Conclusion of Law 5. However, the records show that there were four (4) employees being paid at the same time for two (2) pay periods in 2018, and those were the pay periods ending November 2, 2018, and November 9, 2018. Employer's APA pp. 1 – 84. We know from the Claimant's testimony and the Single Commissioner's findings that Chance Jones was not a regular employee during Claimant's employment ("Claimant testified at the hearing that Chance 'would come in once per week or so if he could help out' and that [Claimant] worked with [Chance Jones] about 3 times." Order p. 12, Conclusion of Law 7; "Additional testimony at the hearing established that Chance worked intermittently prior to the accident but wasn't on the jobsite the day Claimant was injured." *Id.*; "[Chance Jones'] employment, though perhaps irregular . . ." *Id.*).

The Single Commissioner determined the relevant period to analyze whether the Employer was subject to the Act was the entire year of 2018. In finding that Chance Jones brought Employer under the terms of the Act, the Single Commissioner cast aside fifty-one (51) weeks of the year where the Employer had, at most three (3) employees. Instead, the Single Commissioner imputed Chance Jones' employment after the accident – time when Claimant was no longer employed – to a time period when Claimant was employed.

For these reasons and those that may be set forth at oral arguments in this matter, the Order of the Single Commissioner should be reversed, and the Claimant's claim for benefits should be denied and dismissed.

CONCLUSION

For the forgoing reasons and reasons that may be set forth at oral argument of this matter, the Appellants respectfully request the Single Commissioner's Decision and Order be reversed.

Respectfully submitted,

**HOLDER PADGETT LITTLEJOHN +
PRICKETT, LLC**



Timothy B. Killen
Attorneys for Appellants

April 18, 2022

BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1824344

Zachary Brown,	)	
Employee,	)	
Claimant,	)	
	)	
vs.	)	
	)	
Southeastern Services H.H.I., LLC,	)	CERTIFICATE OF SERVICE
	)	
Employer,	)	
and	)	
	)	
SC Uninsured Employers' Fund,	)	
	)	
Defendants.	)	
	)	

I, Michelle A. Adams, do hereby certify that I am an employee of **HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC**, and that I have served, on April 18, 2022, a copy of the Appellant's Brief to the Full Commission to the following:

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Michelle A. Adams
Paralegal to Timothy B. Killen

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 1824344

Zachary Brown,)
)
Claimant,)
)
v.)
)
Southeastern Services, H.H.I,)
LLC,)
)
Employer,)
)
and)
)
South Carolina Workers')
Compensation Uninsured)
Employers Fund,)
)
Carrier/Defendants.)
-----)

COMMISSION HEARING

Thursday, February 18, 2021
2:12 p.m. - 3:36 a.m.

The Commission Hearing was heard before Commissioner R. Michael Campbell, II, at the Walterboro Vocational Rehabilitation Conference Room, 919 Thunderbolt Drive, Walterboro, South Carolina on the 18th day of February, 2021, before Amber Scarborough, Court Reporter and Notary Public in and for the State of South Carolina.



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Zachary Brown
Jamie Brown

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EXHIBITS

(No Exhibits were marked during this hearing.)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the Administrative Procedures Act and the South Carolina Rules of Civil Procedure.



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CALL TO ORDER:

COMMISSIONER CAMPBELL:

Today's hearing date is February 18th, 2021. This is Workers' Compensation Case File Number 1824344. The Claimant is Zachary Brown, represented by Joshua Fester. The Employer is Southeastern Services H.H.I, LLC, represented by Michael P. Bennett. The Carrier or the South Carolina Workers' Compensation Uninsured Employers Fund is also here and represented by Timothy B. Killen. The date of accident was October 29th, 2018. The average weekly wage and corresponding compensation rates are to be determined. APAs have been submitted. Are there any objections to APAs, Jurisdiction or venue or any other items?

MR. FESTER: None for me, Your Honor.

MR. KILLEN: The Fund objects jurisdiction, I believe you're aware.

COMMISSIONER CAMPBELL: Okay.

MR. BENNETT: No objections, Your Honor.

COMMISSIONER CAMPBELL: Okay. Without further objection the Commission file become a part of the record with the exception of self-serving declarations and unstipulated medical reports.



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1 Mr. Fester, we're here today on a Form 50 that
2 you have filed with the Commission so if you
3 would, please put your position on the record
4 and let us know what you're seeking here today,
5 sir.

6 **CLAIMANT'S POSITION:**

7 **MR. FESTER:** Yes, Your Honor, thank you. We're here
8 today about an October 29th, 2018 accident.
9 Mr. Zachary Brown, and again we have two Browns
10 here today, no relation, so I'll try to use
11 first names. But Zach was working for
12 Southeastern Services HHI, LLC run by Jamie
13 Brown on the day of the accident. He was
14 replacing some windows on a job that the
15 general contracting business was doing on
16 Hilton Head Island Plantation on Ribaut Island.
17 Mr. Brown, well, Zach slipped through two rungs
18 of the ladder as he fell breaking the tibia and
19 fibula of his left leg. He was taken to the
20 hospital by co-employees where he needed to
21 have surgery for those bones and placement of
22 internal hardware to heal the fracture. We're
23 here today, again, the main issue is -- isn't
24 so much whether the injury arose out of the
25 course and scope of his employment with Mr.

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1 Brown and Southeastern Services, HHI as it is
2 about, you know, the jurisdictional issue of
3 whether Mr. Brown, his business, were subject
4 to the Act at the time of the accident. And
5 it's certainly our position that he was and I
6 think that the Commission can get to that
7 determination in a number of ways. The first
8 being that Jamie Brown, who testified during
9 his deposition that he had at the time of the
10 accident three regular W-2 employees who, based
11 on the pay records, were essentially working
12 full-time. That he testified additionally that
13 prior to incorporation in December of 2017 of
14 Southeastern Services HHI, LLC, that he had
15 worked as a sole proprietor under that doing
16 business as name Southeastern Services, HHI.
17 However, you know, he did incorporate and at
18 that point, it's our position that, you know,
19 in 2018 he's no longer the owner. He's no
20 longer the employer under LLC law in South
21 Carolina, you know, a member, even if it's a
22 sole member of the LLC is an agent for the
23 purposes of the business. Mr. Brown testified
24 that he was paid through the LLC for work that
25 he did through the LLC, that he was compensated



1 through the LLC, and although he didn't draw a
2 paycheck, wasn't on payroll, but essentially
3 paid all of his bills out of the LLC. And so
4 that -- you know, there's no other way to
5 categorize him except as an employee. He's --
6 at the moment that that entity, that LLC is
7 born he's no longer the employer of that
8 business, he's an agent and so I think that way
9 we get to the four or more. The second,
10 everybody, and when I say everybody, Jamie
11 Brown, Zach, and Daniel Smith, another co-
12 employee testified that there was another
13 employee, Chance Jones. And I briefly stated
14 off the record, we have at least one week where
15 all four of them are paid for that week in
16 early November, late October, early November.
17 He continued to work after that well into 2019.
18 So there's -- if you don't want to include
19 Jamie, there's that employee and let's say
20 hypothetically Jamie and Chance, but Jamie's
21 not an employee, this Commission finds that
22 he's not an employee. Chance, even though it's
23 our position that he wasn't a casual employee,
24 he was working in the trade in the occupation
25 of the business and fairly regularly around the

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1 time. Let's say hypothetically, those two
2 aren't found to be employees, you can still get
3 there through subcontractors. Mr. Brown or
4 Jamie testified that, you know, in response to
5 my question of how frequently he employed or
6 hired subcontractors for jobs in his business,
7 his answer to me was pretty regular. The word
8 regular, regularly employed, that word came out
9 of his mouth and so it's our position that in
10 a number of different ways you can get to four
11 or more regularly employments in the state.
12 But in addition, as included in my memorandum
13 and I'll try to keep it brief as I know we've
14 already discussed all this off the record, but
15 if you look to the *Monroe* factors, the
16 *Bayshore*, and look at this case in view of
17 whether Jamie Brown d/b/a Southeastern Services
18 is an alter ego of the LLC and vice versa, it's
19 clear that it's simply an alter ego. Jamie
20 admitted on the record that, you know, he did
21 in the past bring himself under the Act by
22 purchasing worker's comp insurance, that he
23 never called the Form 38 withdrawing his waiver
24 of exemption which is required, there's
25 continued liability if you don't. And that



1 essentially what we're working with here, as
2 well as an alter ego, an employer that never
3 withdrew from the Act. That and again, the
4 totality of evidence here including and I don't
5 think I stated this off the record, we have,
6 you know, all these subs, we have tax returns
7 showing better than three quarters of a million
8 dollars in I think 2017 and 2019 receipts and
9 a little less the year Zach was employed. But
10 I think common sense dictates that he wasn't
11 accomplishing those sort of receipts with maybe
12 two, maybe three employees and nothing else and
13 himself. And again, I think the totality of
14 evidence is that he was regularly employing
15 four or more and that certainly he is subject
16 to the Act at all times relevant to this
17 accident, this injury.

18 **COMMISSIONER CAMPBELL:** Okay. And -- I'm sorry. Go
19 ahead.

20 **MS. BENNETT:** Just for the record, we discussed it
21 briefly off the record, we're asking for TTD
22 from October 29th, 2018 to April 15th, 2019,
23 which is based on my APAs and, you know,
24 employment records from a subsequent employer
25 when he started back to work when he was able



1 to. It'll be his testimony as well that that's
2 when he was able to go back to work. So we'd
3 stipulate, although disability is presumed to
4 continue from the date of the accident, we
5 would stipulate that he was able to get back to
6 work by April 15th. So we're asking for TTD
7 from that date and I believe the number,
8 average weekly wage for the two weeks
9 immediately prior to his workplace injury, if
10 I'm not mistaken was, bear with me, the average
11 of those two weeks based on Jamie's payroll
12 records were \$749.25 resulting in a comp rate
13 of \$499.50. So it's our position that that
14 would be his average weekly wage and comp rate.

15 **COMMISSIONER CAMPBELL:** Okay. All right. Mr.
16 Killen?

17 **CARRIER'S POSITION:**

18 **MR. KILLEN:** Thank you, Commissioner. Tim Killen, I
19 represent the South Carolina Workers'
20 Compensation Uninsured Employers' Fund. We do
21 enter a denial in this case. It's our position
22 that the Employer's not been shown to be
23 subject to the terms of provisions of the South
24 Carolina Workers' Compensation Act. I would
25 say that there are certainly other ways that



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1 Mr. Jamie Brown could be characterized other
2 than an employee of his LLC and that's as a
3 single member of the LLC, of an LLC tax like a
4 sole proprietorship. You'll see the tax
5 documents, they're in the APA submissions and
6 he wasn't -- didn't pay taxes like a sole
7 proprietorship. There is no -- this is not a
8 corporation. It's been a -- there's overlap
9 and talk about incorporating and *Poch versus*
10 *Bayshore*, but he's not a corporation. It's an
11 LLC. It's a completely different legal animal.
12 LLCs are aren't incorporated, they're
13 organized. And there's other, many other
14 reason, differences between an LLC and a
15 corporation including boards of directors,
16 stockholders. Those don't exist in an LLC and
17 they don't exist by virtue of our state
18 legislature and the laws enacted in the state.
19 Second, if Chance Jones is an employee, who by
20 the Claimant's own deposition testimony only
21 worked a few hours in the entire time that the
22 Claimant was there, then that's -- I just don't
23 think that he can be counted as a regular
24 employee and at the time that he worked after
25 the accident is inapplicable as to the analysis



1 here. What we're looking at here is a certain
2 time period before the accident at what the
3 LLCs modus of operation was during that time,
4 how many people it employed over, you know,
5 during its primary activities which I think the
6 *Zuniga Tickle* case requires. And *Poch versus*
7 *Bayshore*, which Mr. Fester sited, it cites a
8 federal case, *Monroe versus Monsanto*. Monsanto
9 is one of the biggest corporations in the
10 world. And those are both -- and the analysis
11 there is looking at corporate entities as is on
12 Page 5 of the Claimants addendum on the pre-
13 hearing brief. It talks about corporations.
14 It talks about separate corporate entities,
15 board -- separate board of directors, books and
16 bank accounts. And to say that the LLC is
17 simply an alter ego of the individual, to say
18 that he needed to file a Form 38 is, ignores
19 the reality that creating an LLC creates an
20 entire new legal entity. So I don't know, I
21 don't think that the alter ego/Form 38
22 argument, you know, is persuasive either. And
23 the primary reasons that it's our position that
24 the single member LLC, taxed like a sole
25 proprietorship, should not be considered an

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1 employee of LLC are set out in Memorandum of
2 Law, which I handed up earlier, and I will not
3 go into any further detail right now in fear of
4 boring everyone to death. So -- and I'll rely
5 on the arguments as set forth therein. And as
6 far as the average weekly wage and compensation
7 rate are concerned the Claimant testified that
8 he is making \$13 an hour, \$13 an hour, 40 hours
9 a week.

10 **COMMISSIONER CAMPBELL:** Okay.

11 **MR. KILLEN:** That's page 17 of his deposition.

12 **COMMISSIONER CAMPBELL:** All right. Mr. Bennett?

13 **EMPLOYER'S POSITION:**

14 **MR. BENNETT:** Michael Bennett, representing the
15 Employer Jamie Brown and Southeastern Services
16 HHI, LLC. We are in support of exactly what
17 Tim said. There's -- after going through the
18 APAs and hearing the testimony you'll find that
19 they were not four employees. It's exactly
20 carved out to protect small businesses, sole
21 member LLCs in our state that they're not
22 required to have it, they're excluded from the
23 Act and that's exactly what we have here. Mr.
24 Brown's company was excluded from the Act
25 because he did not have four or more regularly



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1 employed employees. You will see that
2 throughout the evidence. We would contend
3 about the -- the back TTD if it were to be
4 awarded, based on Claimant's testimony he was
5 released from physical therapy in January or
6 February, it's his own words, of 2019. So
7 we're -- we're unsure where the April 15th
8 comes from if he was released to go back to
9 work in January or February. He doesn't know
10 when. It would probably be in the physical
11 therapy records but that's from his own
12 testimony so we would dispute that as well.
13 It's just our position that there's not four or
14 more employees. There's no reason to be held
15 within the Act. This is, this isn't, it's an
16 open and shut case, in my eyes.

17 **COMMISSIONER CAMPBELL:** And just clarification for
18 the record, it's my understanding there's
19 really not a dispute with regard to the
20 accident itself, is that correct?

21 **MR. BENNETT:** That's correct.

22 **COMMISSIONER CAMPBELL:** I mean, obviously, the issues
23 we've already discussed but there's really not
24 a dispute over the accident itself?

25 **MR. BENNETT:** Correct.

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1 COMMISSIONER CAMPBELL: All right. Okay.

2 MR. FESTER: And I just wanted to -- one other thing
3 for the record. I don't think in the heat of
4 trying to briefly restate everything on the
5 record, I typically do this, but it's also our
6 position that you can look to Mr. Brown's
7 statutory employees by way of his
8 subcontractors. He admitted that he regularly
9 uses those and didn't remember if I stated that
10 on the record, but I think it's clear that we
11 get to it that way. But as the back TTD, just
12 to clarify, the medical records show the last
13 date of his -- Zach's appointment in Bluffton,
14 the outpatient tenant center there, that the
15 doctor encouraged him to try to start working
16 on it, working with the leg and he didn't put
17 him out without any restrictions. But it's --
18 it's our position that he was working
19 construction belts, there's only so much he
20 could do with a boot on at that time. And,
21 again, it's their burden -- disability is
22 presumed to continue. Otherwise, it's their
23 burden to show that it's stopped at a certain
24 point, but we would stipulate to that April
25 15th date.



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1 **COMMISSIONER CAMPBELL:** And just for the record, as
2 we discussed as part of our pre-hearing
3 conference, because I know there was some
4 discussion on the calculation of the weekly
5 wage and I've offered to the parties to hold
6 off on ruling on that to give y'all an
7 opportunity if you care to, to see if y'all can
8 stipulate to a weekly wage and comp rate and
9 then just advise me as to whether or not in my
10 order, whether I need to address it in my order
11 or whether y'all can stipulate to something.
12 So if y'all would like for me to do that. And
13 I just want to put that out there. So anything
14 else at this time?

15 **MR. KILLEN:** I would just like to address the
16 subcontractor issue.

17 **COMMISSIONER CAMPBELL:** Sure

18 **MR. KILLEN:** Subcontractors are by their very nature
19 independent contractors and not employees. The
20 subcontractors themselves do not count as
21 employees of his LLC.

22 **MR. FESTER:** Unless they are within the same
23 ordinary business, trade occupation and in
24 which case they are. They're statutory
25 employees and 41, 400 and 410 explicitly states



1 the workman, regardless of whether it's in the
2 same business trade or occupation, the workman
3 or statutory employees so any of the
4 electricians, plumbers, flooring folks, their
5 employees would certainly, there's no question
6 that they would be considered statutory
7 employees and they count towards the four or
8 more.

9 **MR. KILLEN:** Subcontractors themselves, like I said,
10 are not employees and no argument about the
11 workman and that's exactly what statute says as
12 title is workman, uses that sexist language.
13 Maybe one day we will change that.

14 (Laughing.)

15 **COMMISSIONER CAMPBELL:** Mr. Bennett, anything more at
16 this time?

17 **MR. BENNETT:** I think we've been over it. I think
18 that the subcontractor, there's no evidence
19 within the record that I've seen besides some
20 testimony that said I may hired subcontractors
21 to, you know, if I needed help with plumbing or
22 an electrical job. I don't see how that would
23 ever count towards the four or more employees.
24 There's no record that they didn't show that
25 they had a certificate of insurance, if they



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1 were hired. It just doesn't get there, doesn't
2 follow the path.

3 **COMMISSIONER CAMPBELL:** All right. And Mr. Brown, I
4 have a couple of quick things to run through
5 with you before we begin. First and foremost,
6 please speak up, speak clearly for us, which is
7 kind of hard to do with the mask on, but do the
8 best you can. It's important we all hear your
9 responses to the questions but most importantly
10 that this nice lady seated over here to my left
11 get it on the record. If you are asked a yes
12 or no question, please give us a verbal yes or
13 no answer. You can shake your head yes or no
14 like I do all the time, just make sure you
15 accompany that with a verbal yes or no. And
16 try and stay away from things uh-huh and huh-
17 uh, just because that can be easily
18 misinterpreted on the record. So if you could
19 help me out with that I'd appreciate, okay?

20 **MR. ZACHARY BROWN:** Yes, sir

21 **COMMISSIONER CAMPBELL:** Okay. Please raise your
22 right hand?

23 (Witness complies.)

24 **COMMISSIONER CAMPBELL:** Do you swear or affirm the
25 testimony you're about to give is the truth,



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1 the whole truth, and nothing but the truth?

2 **MR. ZACHARY BROWN:** Yes, sir.

3 **COMMISSIONER CAMPBELL:** Okay. you can put your hand
4 down. And I know we all know your but please
5 state and spell your name for the record, sir.

6 **MR. ZACHARY BROWN:** It's Zachary Lloyd Brown, Z-A-C-
7 H-A-R-Y, L-L-O-Y-D, B-R-O-W-N.

8 **COMMISSIONER CAMPBELL:** Okay. Thank you, Mr. Brown
9 and Mr. Fester, your witness.

10 **ZACHARY LLOYD BROWN,** having been duly sworn,
11 testifies as follows:

12 **MR. ZACHARY BROWN - DIRECT EXAMINATION BY MR. FESTER:**

13 Q: Zach, quickly, what's your date of birth?

14 A: It's 10/13/95.

15 Q: And that makes you how old?

16 A: 25.

17 Q: Okay. And on October 29th, 2018, the date of
18 injury which is what we're about today, how old
19 were you?

20 A: It was just after my 23rd birthday.

21 Q: And who were you working for at that time?

22 A: At the time I was working for Southeastern
23 Services, LLC.

24 Q: And what kind of work is Southeastern Services
25 HHI, LLC do?



1 A: Home Remodeling, we do any, or we at the time
2 were doing anything from building decks on the
3 back of houses to remodeling houses inside
4 completely, tiling floors, doing kitchen
5 remodeling, the whole nine.

6 Q: Okay. And is that a general contracting
7 business?

8 A: Yes, sir.

9 Q: Okay. What did you do specifically for
10 Southeastern?

11 A: I was a laborer. I did basically all the grunt
12 work, carry boards where they needed to be. I
13 pretty much did everything.

14 Q: Okay. And very briefly, can you tell me what
15 happened or what you were doing on the day of
16 the accident we're here about?

17 A: I was pulling stucco out from around a window.
18 We were cutting out windows and replacing them
19 at the time.

20 Q: Okay. And how'd the accident occur?

21 A: I was pulling the stucco out from around one of
22 the windows on the lower floor and I was up on
23 the ladder and I was pulling out around the top
24 of the window when the ladder slipped and
25 that's when I fell



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- 1 Q: Okay. And what happened when you fell?
- 2 A: The -- the ladder kicked to the right and my
- 3 legs slung into the rungs and when it did I
- 4 fell backwards and the ladder went the other
- 5 way and my leg broke.
- 6 Q: Okay. And that broke both bones in your left
- 7 leg?
- 8 A: Yes, sir. It ---
- 9 Q: And just to clarify that was your left leg?
- 10 A: Yes, sir, it was.
- 11 Q: And what's -- well, where were you that day?
- 12 A: We were in Hilton Head Plantation on Hilton
- 13 Head Island.
- 14 Q: Okay. And you were, just to clarify, you were
- 15 working for Southeastern that day?
- 16 A: Yes, sir, I was.
- 17 Q: And what's -- first of all, how did you get to
- 18 the hospital?
- 19 A: We -- my co-workers at the time, Daniel and
- 20 Taylor, loaded me up into the work van and took
- 21 me up there.
- 22 Q: Okay. Is that Daniel and Taylor Smith?
- 23 A: Yes, sir, it is.
- 24 Q: All right. And what kind of treatment did they
- 25 give you at the hospital?



1 A: They went in and did x-rays, gave me some
2 painkillers and everything and then they
3 proceeded to go ahead and put a rod and some
4 screws into my leg.

5 Q: All right. And after your discharge from the
6 hospital did you go anywhere else for
7 treatment?

8 A: Yes, sir, I did.

9 Q: Where'd you go?

10 A: It was to, I want to say it was the Hilton Head
11 Orthopaedics Association.

12 Q: Is that Bluffton or Hilton Head?

13 A: The office was in Bluffton.

14 Q: All right. And that was an outpatient center.

15 A: Yes, sir, it is.

16 Q: And what'd they do there?

17 A: They did x-rays, they worked with me a little
18 bit, had me walk on it, checked it a couple of
19 different times, made sure it was moving right.
20 They put me into a soft cast and they had me in
21 a soft cast for a month or so and then they
22 moved me into a boot which from there they put
23 me on crutches and then eventually moved me
24 into walking in the boot.

25 Q: Okay. And more recently you saw a Dr. Tobin



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1 for issues concerning your left leg, correct?

2 A: Yes, sir, I did.

3 Q: All right. And in his report he notes clicking
4 and popping in the left knee, what can you tell
5 me about that?

6 A: At different occasions, either getting up and
7 down bending or climbing on different things,
8 it'll tend to pop and every now and again you
9 can feel it pop or either hear it pop.

10 Q: Okay. You have any other issues with your leg
11 and knee?

12 A: Just soreness.

13 Q: Soreness?

14 A: Yes sir.

15 Q: And like aching pain or?

16 A: Just like that ache, yes, sir.

17 Q: Okay. And is there anything that you can't do
18 now that you could be before your accident?

19 A: I'm more cautious about getting on ladders or
20 getting up into higher areas off the ground
21 especially or anything like that.

22 Q: Okay. And currently what do you do for a
23 living?

24 A: As of right now I'm pressure washing houses and
25 skirting mobile homes.



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1 Q: Okay. And who do you work for?

2 A: Pro Wash Plus. It's the pressure washing
3 company and then the skirting company is
4 Southern Signs and Mobile Home Supplies.

5 Q: All right. And is there anything, say for
6 instance, with the power washing company that
7 you can't do because of your leg?

8 A: A lot of times I don't get on any of the roofs
9 or climb up on ladders to get onto high places.

10 Q: Okay. So if it's climbing the ladder or
11 getting up on a roof, they would choose another
12 employee to do that?

13 A: Normally whenever it comes to, you know,
14 getting up on the roof, cleaning out gutters,
15 or having to get on a ladder at all they always
16 send a younger fella with me.

17 Q: Okay. All right. And is that because of
18 issues that you're having with you leg?

19 A: Yes, sir, it is.

20 Q: Okay. Dr. Tobin in his report, which is in my
21 APAs, recommended, you know, an MRI and
22 potentially removing the hardware which may
23 help with, you know, clicking, popping, he's
24 recommended additional treatment. Are you
25 asking the Commission today for that treatment?



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1 A: Yes, sir, I am.

2 Q: Okay. And you think it, you know, it, you
3 know, anything that you can do that could make
4 your leg better to be able to work more
5 efficiently that's what you would want, right?

6 A: Yes, sir.

7 Q: All right. On the date of the accident, going
8 back, how did to get to the job site?

9 A: We road on a work van from Richland.

10 Q: All right. What kind of work van?

11 A: It is a '08 Chevy work van.

12 Q: And I would -- I'm referring to Claimants APA
13 413.

14 **COMMISSIONER CAMPBELL:** Thank you.

15 Q: Y'all need to see it? It's a photo of
16 Southeastern Services work van. All right. Do
17 you recognize that van?

18 A: Yes, sir.

19 Q: Okay. And what's the van say on the side
20 there?

21 A: Southeastern Services General Contracting.

22 Q: Okay.

23 A: And the phone number for it.

24 Q: All right. Does it say Southeastern Services,
25 LLC?



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1 A: It has some smaller writing on the bottom.
2 It's kind of blurred.
3 Q: Okay. Does it say HHI, LLC at all? Can you
4 tell?
5 **MR. FESTER:** Sorry for the poor picture in black and
6 white.
7 A: Yes, sir.
8 Q: All right. Is this the van that you took to
9 the job site that day?
10 A: Yes, sir.
11 Q: Okay. How long had you been employed prior to
12 the accident?
13 A: About two or three weeks.
14 Q: All right. And were you working full-time with
15 Southeastern Services?
16 A: Yes, sir, I was.
17 Q: And was it your understanding that you were
18 going to work full-time for Southeastern after
19 you started.
20 A: Yes, it was.
21 Q: All right. And but for your accident would you
22 have continue to work for Southeastern?
23 A: Yes, sir, absolutely.
24 Q: And how much were you making an hour?
25 A: \$13.00 an hour.



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1 Q: Okay. And can you confirm a few weeks prior --
2 I'm referring to APA Page 301. Appears on 301
3 and 303. We have for the weeks 2/12 to 2/19
4 and 2/19 at work -- 10/12 to -- at 10/12/18 to
5 10/19/18. So that -- for that week, excuse me,
6 and 10/19 of 2018 to 10/26 of 2018, those two
7 pay checks. Looking at this, pages 301 to 303
8 Claimant's APAs it states that your total
9 earnings for the week of 10/12 to 10/19 of 2018
10 you earned 756.00, does that sound right?

11 A: Yes, sir.

12 Q: Okay. And the week immediately after and prior
13 to your injury you would have made \$742.50, is
14 that right?

15 A: Yes, sir.

16 Q: Okay. Eventually you were able to go back to
17 work, but did you ever go back to work for
18 Southeastern?

19 A: No, sir, I didn't.

20 Q: All right. And why is that?

21 A: Tried to reach out, whenever I was able to go
22 back to work to see if I could go back to work
23 and I never heard anything.

24 Q: Okay. And you said you did reach out though
25 and ask for work after you got better?



1 A: Yes, sir.

2 Q: All right. Did Jamie Brown ever offer you any

3 work?

4 A: No, sir

5 Q: Any light duty?

6 A: No, sir.

7 Q: After the accident were you ever paid by Jamie

8 or Southeastern Services HHI, LLC.

9 A: Yes, sir, there was one time.

10 Q: Okay. And do you recall how much?

11 A: It was about \$100. It was a -- a check that

12 was written out.

13 Q: Okay. Was that was that all he paid you?

14 A: Yes, sir, it was.

15 Q: And did Jamie ever tell you why he paid you?

16 A: He said it was to help out.

17 Q: Okay. And it wasn't wages or anything like

18 that?

19 A: No, sir, it wasn't.

20 Q: All right. Did you call him for more work or

21 for more pay rather after that?

22 A: No, sir.

23 Q: All right. But you did call him for, you know,

24 to see if you could get back to work?

25 A: Yes, sir.



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1 Q: Okay. And eventually you did go back to work
2 and that was with Crossroads Construction, is
3 that right?
4 A: Yes, sir, it is.
5 Q: And when did you first go to work for
6 Crossroads?
7 A: That was on April 15th.
8 Q: And how much do you make at Crossroads?
9 A: At Crossroads I was making \$15.00 an hour.
10 Q: All right. And back -- so you were out, just
11 to clarify, from the date of your accident
12 October 29th of '18 to April 15th of '19?
13 A: Yes, sir.
14 Q: Back to I guess your work with Southeastern, on
15 the date of your accident you stated that
16 Daniel Smith and Taylor Smith after you fell
17 took you to the hospital in the van, right?
18 Q: Yes, sir, that's correct.
19 A: Anybody else working with you on that job site
20 that day?
21 A: No, sir, there wasn't.
22 Q: Okay. Were there any other employees for
23 Southeastern at that time when you were
24 employed?
25 A: At the time he would have Chance come in and do



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1 side work like help either getting material or
2 stuff like that instead of having to pull
3 people off jobs.

4 Q: Instead of having to pull people off jobs, how
5 do you mean?

6 A: As in like if, for when he would drop or --
7 drop Taylor off or me Taylor and Danny would
8 ride together to a job site instead of having
9 to pull one of us off of a job site to help him
10 go get anything, Chance would ride with them.

11 Q: Okay. All right. And you said he did work
12 during that period when you're employed right
13 before your accident, he did work some time
14 with Southeastern, isn't that right?

15 A: Yes, sir.

16 Q: Okay. About how much?

17 A: I saw him probably about a couple hours.

18 Q: Did Jamie ever work with y'all?

19 A: Yes, sir, he did.

20 Q: All right. And so he would be on job sometimes
21 working with y'all?

22 A: Yes, sir, he would.

23 Q: And would it be fair to say that he directed
24 the work?

25 A: Yes, sir.



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- 1 Q: All right. And was he responsible for
2 contracting jobs?
- 3 A: Yes, sir.
- 4 Q: All right. And besides Jamie were there any
5 other people supervising or directing any work?
- 6 A: No, sir.
- 7 Q: All right. Did you or any others -- so Daniel,
8 Taylor or Chance, did y'all consider him to be
9 the boss?
- 10 A: Yes, sir.
- 11 Q: Of Southeastern?
- 12 A: Yes, sir.
- 13 Q: All right. So when you were working for
14 Southeastern there was you, Daniel, Taylor,
15 Jamie would be on job sites and sometimes
16 Chance, is that right?
- 17 A: Yes, sir.
- 18 Q: So up to five of y'all?
- 19 A: Yes, sir.
- 20 Q: All right. What about the subcontractors?
- 21 A: Yes, sir. He would use subcontractors for
22 electric work, tile work, and painting.
- 23 Q: Do you know who he would use for electric work?
- 24 A: It was Dedicated Electric.
- 25 Q: Okay. And was Dedicated Electric on any jobs



1 that you were on?

2 A: There was one job I was on over on Hilton Head
3 Island. We were doing a full home remodel and
4 they sent a older gentleman with glasses over
5 who did the panel work.

6 Q: Okay. Do you know that gentleman's name?

7 A: No, sir, I can't remember it off the top of my
8 head.

9 Q: Okay. Was he an employee of Dedicated?

10 A: Yes, sir.

11 **MR. KILLEN:** Objection, calls for speculation.

12 **MR. FESTER:** I'm asking ---

13 **MR. KILLEN:** There's no foundation for that.

14 **MR. FESTER:** I'm asking him for his knowledge of
15 whether he knew if he was an employee or not.

16 **MR. KILLEN:** You asked him whether he was in fact,
17 an employee.

18 Q: Do you know if the -- I'll rephrase.

19 **COMMISSIONER CAMPBELL:** Okay. That's fine.

20 Q: Do you know if this person, old man with
21 glasses that came to work on the electrical for
22 Dedicated, do you know if he was an employee or
23 not?

24 A: I would believe so.

25 Q: Okay. Any other subcontract- -- well, first,



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1 are there any other jobs that Dedicated was
2 working on at the same time you were?

3 A: No, sir, that was the only one I was seen the
4 moment at the time.

5 Q: Okay. And that was in the two week period or
6 three week period prior to your injury?

7 A: Yes, sir, that's correct.

8 Q: Okay. Any other subcontractors that you saw on
9 job site with you?

10 A: Not on job sites with us, no, sir.

11 Q: Okay. Do you know of any subcontractors that
12 Jamie would have utilized during your
13 employment?

14 A: Yes, sir. Painters.

15 Q: Painters? Okay.

16 A: Tile.

17 Q: And tile folks?

18 A: Yes, sir.

19 Q: Did you ever see any painters on the job site?

20 A: No, sir.

21 Q: Okay. Do you know what painting company it is?

22 A: It was a Romero's Painting.

23 Q: Okay. How do you know, how did you come to
24 know about the painters?

25 A: When I first started working, I asked him and



1 Daniel about doing tile work and painting and
2 stuff like that, mainly the tile work because
3 I wasn't interested in it. I'd done tile work
4 before.

5 Q: Okay. Do you know the specific jobs of the
6 painters who worked there?

7 A: There was a job, I know we did some trim work
8 on and the painters were there for that job.

9 Q: Okay. So they weren't present at the same time
10 you were when you were doing ---

11 A: They were there before.

12 Q: They were there before you?

13 A: Yes, sir.

14 Q: Did you see him at the job site?

15 A: No, sir.

16 Q: Okay. Do you know how many there would have
17 been?

18 A: I would imagine they'd send a crew of painters.

19 **MR. KILLEN:** Objection. He's speculating.

20 **COMMISSIONER CAMPBELL:** I'll let you reply to the
21 objection.

22 **MR. FESTER:** I'll rephrase.

23 Q: Do you know how many painters that would have
24 used?

25 A: Up to three.



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- 1 Q: So -- well, let me ask you this way. You've
2 done contracting work, you know, construction
3 type jobs before, right?
- 4 A: Yes, sir.
- 5 Q: Does someone typically do a painting job by
6 themselves on a remodel or construction job?
- 7 A: No, sir.
- 8 Q: Okay. And typically it's a crew, correct?
- 9 A: Yes, sir, that's correct.
- 10 Q: All right. And you were under the impression
11 at least that they sent in a crew of Ramirez
12 Painting, sent in a crew of workers to do the
13 job before y'all did the trim, is that correct?
- 14 A: Yes, sir, that's correct.
- 15 Q: And did y'all ever do any painting?
- 16 A: No, sir.
- 17 Q: No. It was -- was there ever -- so there was
18 never a time when or Taylor or Daniel were
19 asked to do painting?
- 20 A: No, sir.
- 21 Q: Okay. And Jamie always subbed out painting ---
- 22 A: Yes, sir.
- 23 Q: -- on these jobs? What about flooring? Did
24 y'all do any flooring?
- 25 A: No, sir.



1 Q: And that's you -- you specifically asked when
2 you started employment with Jamie about
3 flooring, correct?

4 A: Yes, sir.

5 Q: And that was because that was something you
6 were interested in?

7 A: Yes, sir, absolutely.

8 Q: All right. And you had done tile and flooring
9 before?

10 A: Yes, sir.

11 Q: All right. You were told that he subs that
12 out?

13 **MR. KILLEN:** Objection, hearsay.

14 Q: Was it your understanding that he subbed out
15 all the flooring and tile?

16 A: Yes, sir.

17 Q: Okay. What about plumbing? You know, this is
18 a general contracting business, did you ever do
19 any plumbing jobs?

20 A: No, sir, we didn't.

21 Q: And is that something that Jamie subbed out?

22 A: I would imagine.

23 Q: Okay. Do you have any direct knowledge of
24 plumbers?

25 A: No, sir.



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1 Q: Okay. What about -- bear with me a moment.
2 Any other subcontractors that you know that
3 Southeastern Services HHI, LLC or Jamie would
4 have utilized during your employment there?

5 A: No, sir.

6 Q: But it's your understanding that he regularly
7 subbed out electrical work, correct?

8 **MR. BENNETT:** Objection. Leading.

9 Q: Is it your understanding that he regularly
10 subbed out electrical work?

11 A: Yes, sir.

12 Q: What about paint?

13 A: Yes, sir.

14 Q: Plumbing?

15 A: Yes, sir.

16 Q: Flooring and tile?

17 A: Yes, sir.

18 Q: All right. And these remodeling jobs that he
19 did on Hilton Head did they frequently require
20 those sorts of work to be done?

21 A: Yes, sir.

22 Q: Okay.

23 **MR. FESTER:** Bear with me a moment.

24 **COMMISSIONER CAMPBELL:** Take your time.

25 **MR. FESTER:** I think that's all I have.



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1 COMMISSIONER CAMPBELL: Okay. Mr. Killen?

2 MR. KILLEN: Thank you, Commissioner.

3 MR. ZACHARY BROWN - CROSS-EXAMINATION BY MR. KILLEN:

4 Q: Mr. Brown, good afternoon. Tim Killen for the
5 Uninsured Employers Fund. You made \$13.00 an
6 hour working for this LLC, correct?

7 A: Yes, sir.

8 Q: And you never worked more than 40 hours a week,
9 did you?

10 A: No, sir.

11 Q: Okay. So the most you ever worked was 40 hours
12 a week, that's correct?

13 A: Yes, sir.

14 Q: Okay. And you said you were -- the only
15 subcontractor you ever saw while you were
16 working for the LLC was one guy who worked for
17 Dedicated Electric?

18 A: Yes, sir.

19 Q: Okay. You saw one guy? You don't know what
20 his name was, do you?

21 A: No, sir.

22 Q: Okay. You don't know what his position in the
23 company was, do you?

24 A: No, sir.

25 Q: You never saw Romero or his purported painters,



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1 did you?

2 A: No, sir.

3 Q: You were under the impression, I believe you
4 testified, that he would have sent a crew, is
5 that right?

6 A: Yes, sir.

7 Q: But you don't know?

8 A: Yes, sir.

9 Q: And you don't know anything about the plumbing
10 or the tile guys either, do you?

11 A: No, sir.

12 Q: Okay. And what's regular mean to you?

13 A: Regular, on a regular basis.

14 Q: What's that mean?

15 A: On a constant basis.

16 Q: A constant basis?

17 A: Yes, sir.

18 Q: So if it was on a constant basis, if it were
19 regular you would have been seeing these people
20 working there in the two or three weeks you
21 worked there, right?

22 A: On the job site that it would be required, yes,
23 sir.

24 Q: Right. Okay. And when you were paid by the
25 LLC, you were paid by check, right?



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- 1 A: Yes, sir, that's correct.
- 2 Q: And what it is say in the upper left hand
3 corner of the check? Did it have the LLC's
4 name or Mr. Jamie Brown's name?
- 5 A: It had the LLC's name on it.
- 6 Q: Okay. Were you ever paid by cash by Jamie or
7 his LLC?
- 8 A: No, sir, I was not.
- 9 Q: And during the time you worked for the LLC you
10 saw Mr. Chance Jones work for a couple hours,
11 is that right?
- 12 A: Yes, sir.
- 13 Q: But you worked 40 hours a week, right?
- 14 A: Yes, sir, that's correct.
- 15 Q: And so did the Smith's, right? Both of them?
- 16 A: Yes, sir.
- 17 Q: But Chance didn't ever work 40 hours a week, in
18 fact, he only work a couple hours the entire
19 time you were there, correct?
- 20 A: Yes, sir.
- 21 Q: When you got a W-2, did you get a W-2 from Mr.
22 Jamie Brown or from the LLC?
- 23 A: It was from the LLC.
- 24 Q: Did you ever attend any Board of Director
25 meetings for the LLC?



1 A: No, sir, I did not.

2 Q: Now, Chance went to work more often or excuse
3 me, did Chance go to work more often after you
4 left work with LLC?

5 A: Yes, sir.

6 Q: Okay. So he was kind of filling in your spot,
7 is that right?

8 A: Yes, sir.

9 Q: All right.

10 MR. KILLEN: That's all the questions I have, thank
11 you, Your Honor.

12 COMMISSIONER CAMPBELL: Okay. Mr. Bennett?

13 MR. ZACHARY BROWN - CROSS-EXAMINATION BY MR. BENNETT:

14 Q: Mr. Brown, Michael Bennett for Southeastern
15 Services. Just a few follow ups for you.
16 Chance Jones, at the time you were employed by
17 Southeastern Services, he wasn't permanently
18 employed by Southeastern Services, was he?

19 A: No, sir.

20 Q: And I failed to ask this at your deposition,
21 you said you don't smoke cigarettes, correct?

22 A: No, sir, not anymore. I dip.

23 Q: Okay. That's a bad habit. Yu should quit
24 that.

25 A: Yes, sir, I know.



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- 1 Q: Do you smoke marijuana?
- 2 A: No, sir, not anymore.
- 3 Q: Okay. When did you stop that?
- 4 A: I stopped that over a couple months ago?
- 5 Q: Okay. Were you regularly smoking marijuana on
- 6 a weekly basis when you were employed by
- 7 Southeastern Services?
- 8 A: No, sir.
- 9 Q: Why would you refuse a drug test at the
- 10 hospital when one was asked?
- 11 A: I wasn't asked for one.
- 12 Q: You have no recollection of refusing?
- 13 A: No, sir.
- 14 Q: And you attended physical therapy, is that
- 15 correct?
- 16 A: Yes, sir, that's correct.
- 17 Q: Do you know, when you were released from
- 18 physical therapy?
- 19 A: It was when I got into my boot they told me to
- 20 go to light duty. As in to work when I can,
- 21 you know, try and work on it, try to put more
- 22 pressure on it, and eventually go back from
- 23 there.
- 24 Q: Do you know when that was?
- 25 A: That was on my last appointment, which like I



1 said, I can't remember if it was at the end of
2 January or February.

3 Q: These -- Mr. Fester asked you about some
4 subcontractors at Whole Home Remodels. Do you
5 recall that line of questioning?

6 A: Yes, sir.

7 Q: Do you have any knowledge on who hired the one
8 electrician?

9 A: No, sir

10 Q: And you never saw any other subcontractors at
11 any site?

12 A: No, sir.

13 Q: All right. No further questions.

14 COMMISSIONER CAMPBELL: Mr. Fester?

15 MR. ZACHARY BROWN - RE-DIRECT EXAMINATION BY MR.
16 FESTER:

17 Q: Your understanding that the electrician that
18 you saw at the job site on Hilton Head was
19 subcontracted by Jamie?

20 A: Yes, sir.

21 Q: All right. Nothing further.

22 COMMISSIONER CAMPBELL: Mr. Killen?

23 MR. ZACHARY BROWN - RE-CROSS EXAMINATION BY MR.
24 KILLEN:

25 Q: How did you come to that understanding, by your



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1 lawyers question or some other ---

2 A: No, sir. It is by the fact that whenever I
3 asked them, whenever I first started working,
4 about subcontracting and, you know, electric
5 work and tile work and stuff like that, he told
6 me that he subbed it out.

7 Q: Okay. And in general, but you don't have any
8 knowledge about who hired that older man with
9 I think you said glasses or something?

10 A: Yes, sir.

11 Q: You don't have any knowledge about him, do you?

12 A: No, sir.

13 Q: Okay. Thank you.

14 A: Mr. Bennett, anymore?

15 **MR. BENNETT:** I don't have anything further.

16 **MR. FESTER:** Nothing further.

17 **COMMISSIONER CAMPBELL:** Thank you for your testimony.
18 You can step down and if you want to have a
19 seat next to your attorney.

20 **MR. ZACHARY BROWN:** Yes, sir.

21 **COMMISSIONER CAMPBELL:** I know you were in the room,
22 but I'll run through it real quick.

23 **MR. JAMIE BROWN:** Yes, sir.

24 **COMMISSIONER CAMPBELL:** Pleas speak up, speak clearly
25 for us. If you're asked a yes or no question



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1 please give us a verbal yes or no answer and
2 stay away from things like uh-huh and huh-uh.
3 So if you can help me out with that I'd
4 appreciate it. Please raise your right hand?
5 (Witness complies.)

6 **COMMISSIONER CAMPBELL:** Do you swear or affirm the
7 testimony you're about to give is the truth,
8 the whole truth, and nothing but the truth?

9 **MR. JAMIE BROWN:** Yes, sir.

10 **COMMISSIONER CAMPBELL:** Okay. You can put your hand
11 down and please state and spell your name.

12 **MR. JAMIE BROWN:** Jamie Brown, J-A-M-I-E, B-R-O-W-N.

13 **COMMISSIONER CAMPBELL:** Thank you, Mr. Brown. Mr.
14 Bennett, your witness.

15 **JAMIE BROWN,** having been duly sworn, testifies as
16 follows:

17 **MR. JAMIE BROWN - DIRECT EXAMINATION BY MR. BENNETT:**

18 Q: Jamie, did you form an LLC for Southeastern
19 Services at any time?

20 A: Yes.

21 Q: Do you know when that occurred?

22 A: I'm not exactly positive of the date, December
23 or either January of 2018.

24 Q: Okay. When you formed that LLC, how many
25 employees did you have?



- 1 A: Two.
- 2 Q: And is that LLC, Southeastern Services HHI,
- 3 still in existence today?
- 4 A: Yes.
- 5 Q: How many employees at most has Southeastern
- 6 Services ever had?
- 7 A: Three?
- 8 Q: And we're here about Mr. Brown's claim arising
- 9 from a work injury on October 29th, 2018. I
- 10 think you understand that. How many employees
- 11 did you have October 29th, 2018?
- 12 A: Three.
- 13 Q: And who are those employees?
- 14 A: Daniel Smith, Taylor Smith, Zachary Brown.
- 15 Q: And when was Zachary Brown hired?
- 16 A: I'm not sure of that date either. Late -- mid
- 17 to late October.
- 18 Q: So he hadn't been on the job too long before he
- 19 was injured, is that correct?
- 20 A: No, just three weeks at most.
- 21 Q: Okay. And when you hired him, in what capacity
- 22 did you hire Mr. Brown?
- 23 A: As a laborer/carpenter helper.
- 24 Q: Okay. Was he hired to do this on a full-time
- 25 basis for Southeastern Services?



1 A: Yes.

2 Q: And at the time, Daniel and Taylor, were they
3 still working with Southeastern Services when
4 Mr. Brown was hurt?

5 A: Yes.

6 Q: Have you ever considered yourself an employee
7 of Southeastern Services HHI, LLC?

8 A: No.

9 Q: You don't draw a paycheck from Southeastern
10 Services.

11 A: I do not.

12 Q: What kind of work is Southeastern Services
13 involved in generally?

14 A: The main brunt of our work is interior
15 remodels.

16 Q: Okay. Like can you give me some examples?

17 A: Kitchens and baths. We do a lot of windows and
18 doors. We do some decks. We don't do -- don't
19 really do home building and we don't really do
20 major additions.

21 Q: Okay. So a relatively small kind of workload
22 that you can handle with three employees?

23 A: Correct.

24 Q: At anytime in 2018 did you have four or more
25 employees?



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1 A: No.

2 Q: Has Southeastern ever had four or more
3 employees?

4 A: No.

5 Q: And Southeastern Services HHI, LLC, is a
6 limited liability company, how many members are
7 in the company?

8 A: One.

9 Q: Who was that sole member of the LLC?

10 A: Me.

11 Q: After Zachary was injured did you try to assist
12 him in any way at all?

13 A: Yes.

14 Q: How did you go about it?

15 A: I paid him, I think, three full paychecks after
16 he got hurt. It might not have been three, may
17 have been two and then a portion of one. And
18 I, you know, checked on him regularly. I
19 wanted him back to work.

20 Q: When you would check on him would he respond to
21 you?

22 A: Yes, in the beginning.

23 Q: Did -- you say at the beginning?

24 A: Uh-huh.

25 Q: Is -- did that not continue?



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1 A: It did not.

2 Q: When did Zachary, I guess, stop responding?

3 A: Again, I'm terrible with dates, but it was
4 three to four weeks after he got hurt he
5 stopped replying to my text, stop answering my
6 phone calls, and wouldn't return my phone
7 calls. I was,-- we also were in pretty
8 constant contact with his aunt, who we've known
9 since we were kids and she just said the same
10 thing, that he was recovering, didn't really
11 know what he was going to do once he recovered
12 so I just kind of stopped trying.

13 Q: On the date Zach was injured I believe his
14 testimony was the Smiths took him to the
15 hospital, did -- were you were you present for
16 that testimony?

17 A: Yes.

18 Q: Did you ever go to the hospital?

19 A: Yes.

20 Q: Okay.

21 A: That afternoon.

22 Q: I'll keep this quick. Can you just go over
23 generally the week's work, how you would
24 approach the jobs and how many people you would
25 direct to work at jobs?



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1 A: In relation to the time he worked or ---

2 Q: Correct. I'm sorry.

3 A: Okay. Yeah. Zachary worked on three different
4 jobs to my recollection. The first one was
5 tearing out some flooring where termites had
6 eaten them up and that was Daniel Taylor and
7 Zachary are cutting out plywood. And I
8 basically just told him, this is what I found,
9 this is what I want you to do, do it, and they
10 did. Then the second job, oh, we built a deck
11 on the back of the house. Again, it was
12 basically -- I was just -- I was the liaison
13 with the customers and the clients and then I
14 would make sure the material was on job and
15 Daniel, Zach, and Taylor built the deck. And
16 then we moved to that window job that Zachary
17 was ultimately hurt on. That was the same
18 thing. I sold the job, make sure the job was
19 running right and they worked.

20 Q: Okay. I don't think I have any further
21 question for you, Jamie. I appreciate it.
22 Please answer -- thank you.

23 **MR. JAMIE BROWN - CROSS-EXAMINATION BY MR. KILLEN:**

24 Q: Mr. Brown, I'm Tim Killen, I represent the UEF.
25 It's nice to see you again. Have you done any



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1 business as an individual since you formed your
2 LLC?

3 A: No.

4 Q: Okay. So all the work you've done since you
5 formed your LLC, organized it, has been through
6 the LLC, correct?

7 A: That's correct.

8 Q: So the LLC is the one who gets paid by the
9 homeowners or the whoever hires you to do these
10 jobs, right?

11 A: That is correct.

12 Q: And you put the money in the LLC's bank
13 account, correct?

14 A: Yes.

15 Q: Okay. And you pay any of the employees that
16 you have working at any time to through that
17 LLC, correct?

18 A: Yes.

19 Q: And your accountant takes care of the
20 paperwork, right?

21 A: That's correct.

22 Q: Okay. And in 2017 did you -- you filed your
23 tax returns because they're here in the
24 Claimant's APA submissions and you did that as
25 a sole proprietorship even though you had an



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- 1 LLC, correct?
- 2 A: Yes.
- 3 Q: Okay. You did that in 2018?
- 4 A: Yes.
- 5 Q: That's APA page 383. As a sole proprietor,
- 6 even though you were -- that's how you were
- 7 taxed, right?
- 8 A: That's correct.
- 9 Q: And you told Zach Brown that he can come back
- 10 and work for you ---
- 11 A: Absolutely.
- 12 Q: --- after he got hurt? Okay. But he never
- 13 did, did he?
- 14 A: No, sir.
- 15 Q: Okay. And that's when he dropped out of
- 16 contact with you, is that correct?
- 17 A: I literally thought he had moved.
- 18 Q: Did -- you were here for his testimony. He
- 19 testified he was paid \$13.00 an hour, is that
- 20 right?
- 21 A: Yes, sir.
- 22 Q: Okay. Did you ever pay him for more than 40
- 23 hours a week?
- 24 A: No.
- 25 Q: Okay. You do pay him for fewer than 40 hours?



1 A: Yes.

2 Q: Okay. And he testified that you paid him
3 \$100.00 after this accident or your company
4 did, but you actually paid him \$1,100.00 after
5 this accident, correct?

6 A: That sounds about right, yes.

7 Q: Okay. And what was that for?

8 A: I just knew that he needed money. I mean, he
9 got hurt and wasn't working. I just basically
10 felt like I should.

11 Q: How long you been doing this general
12 contracting?

13 A: 20 -- this'll be my 25th year.

14 Q: Okay. And when you did it before you started
15 LLC, were you always the sole proprietor?

16 A: Yes.

17 Q: Okay. Does your LLC have a Board of Directors?

18 A: No.

19 Q: Does your LLC have shareholders?

20 A: No.

21 Q: Okay. It's just you as a sole or a single
22 member taxed as a sole proprietorship, correct?

23 A: That's correct.

24 Q: All right. That's all the questions I have.

25 **MR. JAMIE BROWN - CROSS-EXAMINATION BY MR. FESTER:**



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1 Q: Mr. Brown, good morning, Josh Fester. We met
2 before and spoke during your deposition, I
3 believe back in July. It's been awhile. But
4 during your deposition in this matter you
5 stated that you incorporated Southeastern
6 Services around the end of 2017, is that right?

7 A: That is correct.

8 Q: All right. And just to clarify, what kind of
9 work does Southeastern do?

10 A: Remodeling, home remodeling, and general
11 contracting.

12 Q: What kind of licenses does Southeastern have?

13 A: I have a home builders license and a general
14 contractor's license.

15 Q: A what now?

16 A: A home builders license and a general
17 contractors.

18 Q: General Contractors. Okay. So residential and
19 general contractor and a home builders license
20 means that you can build a home from the ground
21 up, correct?

22 A: Yes.

23 Q: You're licensed to do that in South Carolina?

24 A: Yes.

25 Q: Have you ever done that?



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1 A: Yes.

2 Q: Okay. When and how often?

3 A: Not very often. Just finished my own house.

4 Q: I've heard about that. Yeah, I was going to
5 ask that. I understood that you built your own
6 house which is admirable, my grandfather did
7 the same thing, my parents still live in it.
8 In 2018 did -- were you building houses?

9 A: No.

10 Q: Not at all?

11 A: No.

12 Q: All right. Part of general contracting --
13 would you say that electrical work is integral
14 to general contracting. If you're going to
15 build a house or remodel a house that
16 electrical work is integral to that job?

17 A: Yes.

18 Q: What about plumbing?

19 A: Typically, yes.

20 Q: Flooring, tile?

21 A: Yes.

22 Q: And painting?

23 A: Yes.

24 Q: Okay. Did you do any of those sorts of work or
25 is that something that you subbed out?



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- 1 A: In 2018 or?
- 2 Q: In 2018.
- 3 A: Yeah. We do all of that sometimes, depending
- 4 on how busy we are.
- 5 Q: Okay. But I believe it was your testimony that
- 6 you regularly sub out for electrical, is that
- 7 correct?
- 8 A: That is correct.
- 9 Q: Plumbing?
- 10 A: Yes.
- 11 Q: Flooring and tile?
- 12 A: Yes.
- 13 Q: And painting?
- 14 A: Yes.
- 15 Q: Who do you use for electrical?
- 16 A: Dedicated Electric.
- 17 Q: Okay. And you were regularly subbing jobs to
- 18 Dedicated Electric for electrical work,
- 19 correct?
- 20 A: Correct.
- 21 Q: How many employees do they have?
- 22 A: One.
- 23 Q: One? So it's the owner and another person?
- 24 A: No, it's just the owner.
- 25 Q: Okay. What about for -- do you sub work and



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1 did you sub work in 2018 to any other
2 electrical company?

3 A: No.

4 Q: What about Powell Electric?

5 A: No.

6 Q: What about for plumbing, who do you sub for
7 that?

8 A: Padgett Plumbing.

9 Q: Okay. And would you say you can regularly
10 subcontract work for your plumbing in 2018?

11 A: In 2018 maybe not. There was a year where we
12 didn't really use them.

13 Q: Okay.

14 A: Not sure if that was the year.

15 Q: Would you have subbed, hired subcontractor for
16 plumbing, another subcontractor for plumbing at
17 that time?

18 A: Likely yes.

19 Q: Was it -- was it Tidewater plumbing?

20 A: Low Tide.

21 Q: Low Tide. Okay. And you would regularly use
22 them for plumbing work in 2018?

23 A: Again, depending on how busy we were, yes.
24 Sometimes we did it ourselves.

25 Q: All right. In your deposition you stated that



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1 for flooring and tile you used regularly in
2 2018 or subbed to a guy named Milton Hernandez,
3 is that right?

4 **MR. KILLEN:** Objection, Commissioner. If he's going
5 to use his deposition it should be, I mean,
6 he's using it improperly. It shouldn't be in
7 contradiction of something he's testifying to.
8 And additionally, I'd like to know the page.

9 **COMMISSIONER CAMPBELL:** Sure.

10 **MR. FESTER:** And just as a ---

11 **MR. KILLEN:** Page and line number.

12 **MR. FESTER:** --- procedural issue we jumped right
13 into Mr. Brown's testimony. I would move to
14 admit deposition of Mr. Brown, Taylor Smith,
15 and Daniel Smith and Zach Brown, but I can
16 certainly refer to page numbers if you'd like.

17 **MR. KILLEN:** If you're going to examine him about it
18 I think there's a right way to do it. I don't
19 know that any deposition should be submitted if
20 ---

21 **MR. FESTER:** Bear with me a moment.

22 **COMMISSIONER CAMPBELL:** Take your time.

23 **Q:** Okay. Page 15 of your deposition from July
24 1st, 2020 you stated I feel certain my guy's
25 tile man or my tile guy's name is Milton



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1 Hernandez. Is that your subcontractor that you
2 use for tile and flooring?

3 A: It's Milton Ayende.

4 Q: Ayende?

5 A: But yes.

6 Q: Okay. All right. And were you hiring him as
7 subcontractor to work in 2018 at all?

8 A: I feel certain, yes.

9 Q: Okay. And does he have any employees?

10 A: One.

11 Q: One? And when he would come to do tile or
12 flooring work on jobs would he bring his
13 employee or employees with him?

14 A: Yes?

15 Q: Okay. Around how often would you say he would
16 do that or you would hire this subcontractor to
17 do that flooring or tile work?

18 A: How often would I hire Milton?

19 Q: Yeah, in 2018.

20 A: I don't know if I can accurately answer that.

21 Q: But your statement to me on that day as to all
22 subcontractors was, I asked -- and this is a
23 page 27 in your deposition, line 7 -- 16 and 17
24 -- how often do you sub the work to other
25 people? And your response was you mean hire



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1 subs? Yes. Your answer in your words was
2 pretty regular. So in 2018 you were regularly
3 hiring subcontractors for work?

4 **MR. KILLEN:** Objection, Commissioner. There's no
5 time element ---

6 **MR. FESTER:** Well, I -- and I'm asking in 2018.

7 Q: In 2018 your hiring of subs was pretty
8 regular, right?

9 A: I would say that's fair, yes.

10 Q: Okay. And for plumbing in 2018 you were
11 regularly hiring Low Tide Plumbing for work on
12 remodeling jobs?

13 A: Yes.

14 Q: Okay. What about painters?

15 A: Occasionally.

16 Q: And who?

17 A: We used Romero Painting at a time.

18 Q: Okay. So there's the Romero Painting that you
19 used for jobs in 2018?

20 A: Yes.

21 Q: All right. And typically when you do a
22 painting job -- you've been doing this, how
23 long did you say you've been in general
24 contracting?

25 A: 25 years.



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1 Q: 25 years. Typically when you are remodeling a
2 house after you go in and do the drywall, sub
3 someone to do the painting, Romero's in this
4 case, how many employees or how many people
5 would come and do the painting?

6 A: If I used Romero he would typically bring three
7 to five guys.

8 Q: Okay. And you regularly used Romero in 2018
9 for painting?

10 A: I used Romero, not regularly.

11 Q: Okay. Would it have been around the time of
12 Mr. Brown, Zach's employment?

13 A: No. Actually, that job was done by a single
14 painter that I did not hire.

15 Q: Okay. What job?

16 A: The job Zachary was hurt on.

17 Q: Oh, okay. Okay. And remind me, again, I know
18 this is, we covered this in the deposition, but
19 how do you make a living?

20 A: As a general contractor,

21 Q: Okay. And that's through your LLC, right?

22 A: That's correct.

23 Q: All right. And you -- do you draw a paycheck
24 from the LLC?

25 A: I do not.



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1 Q: Well, then how do you, I guess, how do you get
2 paid?

3 A: My bills just get paid through the company.

4 Q: Okay. And so you're compensated for the work
5 that you do through your company?

6 A: Yes.

7 Q: And you're not just a silent partner in the
8 LLC, right?

9 A: No.

10 Q: It's not the -- Southeastern Services, LLC
11 isn't a company that you're a member of that
12 you just throw money at? You involved in the
13 day to day operations of that business, right?

14 A: Yes.

15 Q: And you, if need be, you'll get in there and do
16 the hands on work as well, right?

17 A: Yes.

18 Q: Yeah. Along with your employees?

19 A: Yes.

20 Q: And just to be clear, you never -- well, let me
21 back up. You previously, when you're working
22 as Jamie Brown d/b/a, doing business as
23 Southeastern Services, you had workers' comp
24 insurance at one point?

25 A: For -- for one job, yes.



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1 Q: All right. Did you ever follow up on 38 with
2 a Worker's Comp Commission?

3 A: Not that I know of.

4 Q: Okay. And just, again, to be clear, so there's
5 no doubt for the record, when you organize the
6 LLC you filed all the appropriate paperwork
7 with Secretary of State's office?

8 A: Yes.

9 Q: To organize it?

10 A: Yes.

11 Q: It's not like you just slapped LLC down on your
12 paychecks.

13 A: No.

14 Q: You actually Incorporated, organized it, excuse
15 me. And you're the sole member, right?

16 A: Yes.

17 Q: And was there -- when you were Jamie Brown
18 d/b/a Southeastern Services HHI you didn't have
19 your own separate Board of Directors for that
20 business, did you?

21 A: No.

22 Q: So you're the sole member of both of those
23 businesses?

24 A: Yes.

25 Q: Okay. I'll rephrase it. You're the sole



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1 proprietor of Southeastern Services HHI?

2 A: Yes.

3 Q: And you're the sole member of Southeastern
4 Services HHI, LLC?

5 A: Correct.

6 Q: And Jamie Brown Southeastern Services HHI, the
7 sole proprietorship that you had beforehand, it
8 does the same sort of business that the LLC
9 does, a general contracting business, right?

10 A: Yes, it was Jamie Brown d/b/a Southeastern
11 Services.

12 Q: Right. But same business and the old transact
13 business in the same location?

14 A: Yes.

15 Q: Okay. You operate the business out of your
16 home, correct?

17 A: Correct.

18 Q: And you did when you were sole proprietor,
19 right?

20 A: Correct. And there's been no change in
21 management from early 2017 to late 2017 or
22 early 2018 when you organized the business,
23 right?

24 A: That's correct.

25 Q: And as a matter of fact in December of 2017,



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1 from December 2017 to January 2018 same
2 employees, right?

3 A: Yes.

4 Q: Okay. And let me ask you, at any point when
5 you organize the LLC did you say hey, look
6 guys, you know, as of January 1 or December 31
7 or whatever it was you'll be working for this
8 business now, you're not working for me
9 anymore?

10 A: No.

11 Q: Okay. And did you inform them that they were
12 going to get checks from the LLC?

13 A: No.

14 Q: Okay. So as far as your employees in late
15 2017, early 2018, knew nothing changed?

16 **MR. KILLEN:** Objection, Commissioner. That's
17 speculation, you can't say what another person
18 knew.

19 **COMMISSIONER CAMPBELL:** Okay. You can rephrase it.

20 **MR. FESTER:** Yeah, I'll rephrase it.

21 Q: But as far as you know your employees didn't
22 know any difference?

23 A: That's correct.

24 Q: Okay. And did you maintain the same bank
25 account before the organization of the LLC



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1 versus after?

2 A: No.

3 Q: No? Did you set up a separate bank account for
4 the LLC?

5 A: Yes.

6 Q: Okay. For the payroll records, any other
7 accounting, you went through the same
8 accountant, correct?

9 A: That's correct.

10 Q: This is your van and I'll ask you this
11 question. I know it's a black and white photo.
12 This is your van so I figured you would know
13 and this is -- I'm referring to the picture at
14 page 413. Is this a van that you had before
15 you incorporated?

16 A: No.

17 Q: Okay. Tell me about that then. Is this ---

18 A: This isn't the van that Daniel, Taylor and
19 Zachary would have been in. This is the one I
20 drive.

21 Q: Okay.

22 A: And I know the difference because mine says
23 general contractor, theirs doesn't.

24 Q: All right. Now, that van, does it say LLC on
25 the side of it?



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- 1 A: It does not.
- 2 Q: Okay. It just says Southeastern Services,
- 3 right?
- 4 A: It says HHI under it, that's what it says under
- 5 the ---
- 6 Q: Okay.
- 7 A: --- Southeastern Services.
- 8 Q: Okay. And you were asked this in a different
- 9 way, but Jamie Brown d/b/a Southeastern
- 10 Services, does he still do work on the side,
- 11 outside of the LLC?
- 12 A: No.
- 13 Q: So you never do any side work as Jamie Brown
- 14 for cash or anything like that?
- 15 A: No.
- 16 Q: All of the money that you take in from work
- 17 that you do in remodeling and contracting that
- 18 goes straight into your LLC account?
- 19 A: Yes.
- 20 Q: Okay. Have you ever directed any of your
- 21 employees to work off the books?
- 22 A: No.
- 23 Q: So Taylor, Daniel, or this fellow, a Mr. Reed,
- 24 they've never, you've never asked them to do
- 25 jobs for which they were not paid by a check?



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- 1 A: Oh, no.
- 2 Q: Okay. On the date of Mr. Brown's or Zach's
3 accident on October 29th, 2018 he was working
4 for you, right?
- 5 A: Yes.
- 6 Q: And he was on the island doing -- replacing
7 windows, correct?
- 8 A: Yes.
- 9 Q: And I believe -- strike that. APA page 303,
10 this is the wages for Zach Brown for I'm
11 assuming 10/19 to 10/26, is that right?
- 12 A: Yes.
- 13 Q: Okay. And total HP, what does that mean?
- 14 A: I don't know.
- 15 Q: What does that say right under regular tax?
- 16 A: It says overtime.
- 17 Q: All right. And how much was he paid in
18 overtime that week?
- 19 A: \$202.50.
- 20 Q: Okay. So would it be fair to say that on that
21 week he did work over 40 hours?
- 22 A: Clearly, he was paid for over 40 hours. So
23 yeah, I guess so. I don't recall.
- 24 Q: Okay. And this is the, or the previous week
25 I'm assuming, 10/12 to 10/19, because this is



1 sent out weekly. Zach Brown, can you read that
2 for me how much regular pay was?

3 A: \$756.00.

4 Q: Okay.

5 A: I can tell you why.

6 Q: Okay.

7 A: Because he didn't get paid for the first half
8 a week he worked.

9 Q: All right. Perfect. But then he rolled over
10 and then the second week he was paid overtime?

11 A: It looks that way, yes.

12 Q: All right. During your deposition you stated
13 that there were another, there was another
14 company doing stucco work at the house where
15 Zach was injured, correct?

16 A: That's correct.

17 Q: You didn't subcontract them?

18 A: I did not.

19 Q: Okay. And that was the homeowner?

20 A: That's correct.

21 Q: Were there any other workers at that remodeling
22 job that you know of?

23 A: No.

24 Q: Okay. So you were, Southeastern Services HHI,
25 LLC was hired just for windows?



1 A: That's correct.

2 Q: Okay. I think that's all I have.

3 COMMISSIONER CAMPBELL: Mr. Bennett?

4 MR. BROWN - RE-DIRECT EXAMINATION BY MR. BENNETT:

5 Q: A couple of follow-ups for Jamie. There was
6 extensive discussion about your sole
7 proprietorship. When did your sole
8 proprietorship cease to exist?

9 A: December 2017.

10 Q: And Jamie Brown d/b/a Southeastern Services,
11 have they performed any work since that time?

12 A: No.

13 Q: As more extensive questions about
14 subcontractors, I think Mr. Fester said Low
15 Tide Plumbing, Dedicated Electric, maybe
16 Padgett Plumbing, there may have been another
17 one. Were those -- how are those
18 subcontractors paid by Southeastern Services if
19 they were on a job?

20 A: They were giving me a price to do the job, when
21 they finish the job they were paid by check.

22 Q: They weren't W-2 employees at any time, were
23 they?

24 A: No.

25 Q: As far as kind of managing a project, you would



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1 hire a subcontractor to perform plumbing work
2 and that would be like Low Tide Plumbing,
3 correct?

4 A: Correct.

5 Q: When they were performing the work did you have
6 any right to hire or fire their employees?

7 A: No.

8 Q: And they would, would they just tell you when
9 it was done and you would pay them or did you
10 control any aspect of their plumbing work if
11 you hired a plumber for?

12 A: I didn't oversee them day to day, no. I would
13 check and make sure they did what they were
14 paid to do correctly but that was it.

15 Q: I don't have any further questions.

16 **COMMISSIONER CAMPBELL:** Mr. Killen?

17 **MR. KILLEN:** Thank you.

18 **MR. BROWN - RE-CROSS EXAMINATION BY MR. KILLEN:**

19 Q: One question Mr. Fester asked you, he asked
20 you, was the Claimant working for you at the
21 time he was hurt and you said yes. Do you mean
22 he was working for you or the LLC?

23 A: Working for the LLC.

24 Q: And when your company got jobs, did you enter
25 into written contracts to get these jobs?



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1 A: Most of my work is by handshake.

2 Q: Do you ever do written contracts?

3 A: Extremely rare.

4 Q: When you do are those in the name of the LLC or
5 you personally?

6 A: In the name of the LLC?

7 Q: Okay. During the time that Mr. Zach Brown
8 worked for your company can you tell me the
9 number of times you hired a subcontractor who
10 had employees come and work on a site?

11 A: I would say zero during that time.

12 Q: All right. Thank you. That's all.

13 **COMMISSIONER CAMPBELL:** Mr. Fester?

14 **MR. FESTER:** Nothing further.

15 **COMMISSIONER CAMPBELL:** All right. Thank you for
16 your testimony and being here and there being
17 nothing further today then that concludes
18 today's proceedings.

19 **MR. FESTER:** Quickly again, I wanted to make sure
20 I'm move to admit, sorry, moved to admit -- and
21 we, again, we jumped right into Jamie's
22 testimony here, but his deposition and the
23 deposition of Daniel Smith, and my client?

24 **COMMISSIONER CAMPBELL:** Any objection?

25 **MR. BENNETT:** No objection. They're in my APAs



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1 (There being nothing further, the commission hearing
2 concluded at 3:36 p.m.)
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STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 1824344

Zachary Brown,)
)
Claimant,)
)
v.)
)
Southeastern Services,)
)
Employer,)
)
and)
)
South Carolina Unemployed Insurer's)
Fund,)
)
Carrier/Defendants.)
-----)

VIRTUAL FULL COMMISSION HEARING

Monday, May 16, 2022
2:22 p.m. - 2:43 p.m.

The virtual Full Commission Hearing was heard before Commissioner T. Scott Beck, Commissioner Aisha Taylor and Commissioner Avery Wilkerson, Chair, and was taken via Zoom in South Carolina on the 16th day of March, 2022 before M. Sean Cary, Court Reporter and Notary Public in and for the State of South Carolina.



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EXHIBITS

(There were no exhibits marked during the hearing.)



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STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the Administrative Procedures Act and the South Carolina Rules of Civil Procedure.



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CALL TO ORDER:

CHAIR: Madam court reporter, if you'll please call the case. I do apologize.

COURT REPORTER: Today is Monday, May 16th, 2022. This is South Carolina Workers' Compensation Case Number 184344. This is the case of Zachary Brown, Claimant, versus Southeastern Services, Employer, and South Carolina Uninsured Employer's Fund, Carrier. The appellant is the carrier, South Carolina Uninsured Employer's Fund, and is represented by Timothy B. Killen. The respondent, Southeastern Services, is represented by Michael Bennett, while the respondent, Zachary Brown is represented by Joshua R. Fester. The appellant is allowed ten minutes for oral argument, the respondents can split their ten minutes, and the appellant three minutes in reply. You are requested to argue the grounds of exception and stay within the record.

CHAIR: Mr. Killen.

MR. KILLEN: Yes, sir.

CHAIR: Please.

APPELLANT'S POSITION

MR. KILLEN: Thank you. May it please the



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1 Commission. I am Tim Killen, representing
2 South Carolina Workers' Compensation Uninsured
3 Employer's Fund in this matter. This claim
4 arises out of an incident which occurred on
5 October 29th, 2018. A hearing was held before
6 the single Commissioner on February 18th, 2021.
7 The claimant sought a determination of whether
8 the employer was subject to the Act, and if so,
9 his entitlement to benefits. A year after the
10 hearing on February 18th 2022, the single
11 Commissioner issued his Order. He determined
12 that the employer was subject to the Act for
13 two reasons. One, the LLC sole member was an
14 employee, and two, that Chance Jones, an
15 employee who worked regularly after the
16 claimant's tenure, also counted toward the
17 jurisdictional number along with the sole
18 member and the claimant. Notably, the single
19 Commissioner rejected Claimant's argument to
20 include purported subcontractors as statutory
21 employees counting towards the jurisdictional
22 number. Claimant did not appeal those
23 findings. Claimant worked for a few weeks
24 before his injury. There's no dispute that
25 during that time the employer regularly

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1 employed three employees, the claimant, Daniel
2 Smith and Taylor Smith. The point of
3 contention is whether there was a fourth
4 employee. The single Commissioner found that
5 on the date of the claimant's injury, Jamie
6 Brown, the sole member of the LLC -- excuse me,
7 Jamie Brown was the sole member of the LLC
8 employer. The single Commissioner found that
9 that LLC was taxed like a sole proprietorship
10 rather than a corporation. This creates a
11 unique scenario insofar as Workers'
12 Compensation coverage is concerned in South
13 Carolina. There's not a whole lot of law on
14 this in South Carolina at this time. The Court
15 of Appeals in Hartsville versus Palmetto
16 Collision excluded the sole member of the
17 employer LLC from the number because, quote,
18 the record does not indicate that he elected to
19 be included as an employee for Workers'
20 Compensation purposes. So this may not be
21 controlling because the case was reversed on
22 other grounds, the reasoning from the Court of
23 Appeals should be persuasive here where it's
24 undisputed that Jamie Brown did not elect to be
25 included as an employee for Workers'

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1 Compensation purposes. Regarding Mr. Jamie
2 Brown, the employer, the sole member in this
3 case, it's uncontroverted that the LLC was
4 taxed like a sole proprietorship. It's also
5 uncontroverted that he engaged in work for the
6 LLC and that he used the LLC's profits for his
7 personal funds. However, he did not receive a
8 paycheck, no taxes were taken out of a
9 paycheck, and he did not receive a W-2 or a
10 1099. This is a crucial point of
11 distinguishment between these facts, and the
12 facts in the Rish v. Berry's Tree Service Case,
13 which was cited by the claimant in his brief.
14 That's an Appellant Panel case from 2017. All
15 three of you were involved in that case at one
16 point or another. You may or may not remember.

17 **COMMISSIONER TAYLOR:** I remember.

18 **MR. KILLEN:** But the Panel, which included
19 Commissioners Beck and Wilkerson, and the
20 single Commissioner, which was Commissioner
21 Taylor noted, the importance of these factors,
22 the getting paid, paychecks, getting taxes
23 taken out, getting a W-2, in that case the
24 Panel and the single Commissioner both wrote,
25 Mr. Berry received regular paychecks from which



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1 federal and state taxes were withheld. We find
2 these paychecks were paid to Mr. Berry for the
3 work he performed as an employee of Berry's
4 Custom Tree Service, LLC, and not pursuant to
5 profit from the company as a member. The Panel
6 determined that, quote, the LLC had the
7 characteristics of a corporation rather than a
8 sole proprietorship. Here, the opposite is
9 true. The single Commissioner labeled Mr.
10 Brown's failure to follow corporate formalities
11 as just that, a failure to follow corporate
12 formalities, but there's no corporation
13 involved here. I would assert that him taking
14 -- excuse me, him using the profits from the
15 corporation is what a sole proprietor would do
16 is taking profits from the LLC, not getting a
17 paycheck. And also of course we look to North
18 Carolina as being instructive in the
19 application of Workers' Compensation laws here
20 since our law was based on theirs. The
21 Legislature up there has gone so far as to
22 codify the status of LLC members, making them
23 equivalent to sole proprietors and partners who
24 aren't covered unless they opt in. The same
25 reason the Court of Appeals used in the

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1 Hartsville case. This of course should inform
2 the Panel's decision here. We haven't codified
3 it yet because we haven't had a Court of
4 Appeals case or Supreme Court case that
5 contravenes the intent of the Legislature.
6 When and if that happens, you can bet that the
7 Legislature will act. Another complicating
8 fact here is that under the UEF section of the
9 code 42-7-200, the Fund has all the rights to
10 attachment and indemnification against
11 uninsured employers for the benefits, cost and
12 expenses it pays on their behalf. The Fund may
13 file a judgement against the employer and seek
14 recovery. And the Fund has all the rights of
15 attachment of the Department of Revenue, which
16 is critical. Because under Title 12, section
17 12-2-25(b)(1), this is what it says, quote,
18 that for South Carolina tax purposes a single
19 member limited liability company which is not
20 taxed for South Carolina income tax purposes as
21 a corporation is not regarded as entity
22 separate from its owner. Thus, single member
23 LLC's taxed like sole proprietorships provide
24 no shield for the personal assets of the
25 member, at least so far as the Fund is



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1 concerned and the DOR. Because the Fund has
2 all the rights of attachment of the DOR, the
3 Fund can attach the personal assets of single
4 member LLCs taxed like a sole proprietorship.
5 In this case, if the LLC is ultimately
6 determined to be subject to the Act and the
7 Fund must pay benefits, the Fund can and will
8 attach Jamie Brown's personal assets. Nowhere
9 in worker's case compensation act, nowhere else
10 could an employee, would an employee be forced
11 to pay for the benefits of another employee, a
12 co-employee. The end result would turn the
13 idea of Workers' Compensation on its head, and
14 it's certainly not one intended by the
15 Legislature. The second issue on appeal is
16 whether Chance Jones was a regular employee
17 when the record reveals that he essentially
18 replaced the claimant. The employer conceded
19 that he regularly employed two employees in
20 2018 prior to hiring the claimant in October.
21 This is clearly reflected in the payroll
22 records, and the Commissioner agreed with this.
23 However, the records also built -- excuse me,
24 records show that there were four employees
25 being paid at the same time for only two pay

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1 periods in 2018, and those were the pay periods
2 ending November 2nd, 2018 and November 9th,
3 2018. The claimant was injured in late October
4 2018. And we know from the claimant's
5 testimony and the single Commissioner's
6 findings that Chance Jones was not a regular
7 employee during the time of claimant's
8 employment, that's Order Page 12, Conclusion of
9 Law 7. The single Commissioner wrote Chance
10 Jones employment was perhaps irregular. The
11 single Commissioner determined that the
12 relevant time period to determine whether the
13 employer was subject to the Act was the entire
14 year of 2018. In finding that Chance Jones
15 brought the employer under the terms of the
16 Act, the single Commissioner cast aside 51
17 weeks of the year where the employer had at
18 most only three employees. Instead, the single
19 Commissioner imputed Chance Jones employment
20 after the accident, a time when the claimant
21 was no longer employed, to a time period when
22 the claimant was employed. Lastly, the
23 Commissioner's finding that Jamie Brown didn't
24 file a Form 5 is irrelevant to this analysis.
25 That is a corporation's -- corporate officer's

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1 notice to reject, and it's filed with an
2 insurance carrier where the corporation has
3 coverage. There is no corporation here.
4 There's no corporate officer here, and there
5 was no coverage here. A failure to file a Form
6 5 is irrelevant to the determination in whether
7 an employee regularly employed four or more
8 employees at the relevant time. For these
9 reasons and those that are set forth in more
10 detail in my brief, I respectfully request that
11 the support of the single Commissioner be
12 reversed, and the claimant's claim for benefits
13 be denied and dismissed.

14 **CHAIR:** Thank you, Mr. Killen.

15 **MR. KILLEN:** Thank you.

16 **CHAIR:** Who's gonna go second. Is Mr. Bennett or
17 Mr. Feaster going?

18 **MR. BENNETT:** I don't mind jumping in Commissioner
19 Wilkerson, very briefly.

20 **CHAIR:** Sure.

21 **DEFENDANT/RESPONDENT'S POSITION**

22 **MR. BENNETT:** I'm Michael Bennett, I represent the
23 employer, Southeastern Services. I just want
24 to put on the record that we fully concur with
25 Mr. Killen's position, and the UEF's position



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1 that the claim should have no bearing on the
2 personal assets of Mr. Brown and Southeaster
3 Services as he was not required to have
4 coverage at the time the claimant was injured.

5 **CHAIR:** Okay. Thank you. Mr. Feaster.

6 **CLAIMANT/RESPONDENT'S POSITION**

7 **MR. FESTER:** Yes, I'm Josh Fester. May it please
8 the Commission.

9 **CHAIR:** Fester, I'm sorry.

10 **MR. FESTER:** I represent the Claimant, Mr. Zachary
11 Brown, in this. And I believe it was earlier
12 stated that the defendants stipulated to both
13 the accident and employment of my client with
14 the employer at the time of his accident. The
15 main issue here is whether the employer's
16 subject to the jurisdiction of the -- this
17 Commission, whether the employer was subject to
18 the Act at the time of the accident. And our
19 first major issue there is, is whether the
20 Commissioner correctly found that the sole
21 member of the LLC, Mr. Jamie Brown, was a -- an
22 employee for purposes of finding jurisdiction
23 of the accident. And of course it's our
24 position that he did find correctly there. The
25 term employee under the Act is, is pretty broad



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1 and it's to be interpreted broadly. It only
2 excludes casual employment, sole proprietors
3 and general partners, who the latter of two can
4 opt in. Sole members of an LLC are not
5 specifically excluded, and, you know, as we
6 know, exclusions to our Act, exemptions to our
7 Act, are to be strictly construed. They, they
8 weren't -- LLC members aren't specifically
9 excluded as employees. So if they meet
10 otherwise the definition of employee, then they
11 should be included as employees. The plain
12 language of the statute provides this, but even
13 -- going beyond the plain language, or plain
14 reading of the -- of 42-11-30 defining
15 employee, you can look at legislative intent
16 here. You know, we, we adopted, in 1996 an LLC
17 Act. The -- well, I haven't been practicing --
18 candidly, I haven't been practicing long enough
19 to personally remember the 2007 Reform Act,
20 that's ten years later. Our, our General
21 Assembly had a full decade to, to really look
22 at the ramifications of what creation of an
23 LLC, that entity in our state would do. They
24 chose not to ten plus years later to exclude an
25 LLC member from the definition of employee.



1 They had every opportunity. And I think we
2 need to look at that as, as clearly signaling
3 the intention in keeping them included in that
4 definition of employee. And in support of
5 their argument, UEF and the Defendant argue
6 that, you know, the dicta, what's been called
7 by Commissioner Taylor and I believe also
8 Commissioner Beck and Wilkerson is
9 quintessentially dicta from that, that case.
10 You know, that, that, the dicta -- the analysis
11 that the Court used in that wasn't fully
12 briefed by either party there. And of course
13 that case has been vacated by the Supreme
14 Court, there's no precedential value, and I, I
15 would remind the Commission of the Rish Case as
16 well. No -- there's no daylight between the
17 facts of this case and that case. The only
18 difference that Mr. Killen would point out is
19 that in this case our sole member of the LLC
20 decided to dispense with formalities of, you
21 know, the corporate or LLC structure. Instead
22 of getting a W-2 that is accountant produced
23 like in the Rish case, he simply just was
24 compensated through the use of the LLC's funds
25 from the LLC's account. You know, and to argue

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1 that dispensing with formalities and not paying
2 more taxes somehow makes that a different
3 situation and for purposes of the Act, I think
4 is -- it goes beyond the pale and borders on
5 absurdity. But Defendant's also point to North
6 Carolina Law just for their position, which is
7 completely unpersuasive because just like here
8 in South Carolina, North Carolina enacted an
9 LLC Act probably around a decade before they
10 excluded LLC members from their definition of
11 employee. Because the North Carolina State
12 Legislature decided that has absolutely no
13 bearing on our Legislature, our General
14 Assembly's in town. The second point, even if
15 we were to exclude Jamie Brown as, as an
16 employee, the sole member of the LLC, the
17 Single Commissioner correctly found that the
18 employer LLC regularly employed four or more.
19 We have an additional employee in Chance Jones.
20 The record provides -- employer's own pay
21 records show that he was paid for about 30 to
22 40 hours the same week of my client's accident.
23 And my client testified that even before that,
24 Chance Jones had worked alongside him three to
25 four times in the very, very short tenure that

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1 he had with this employer. So, I think that
2 the greater weight of the evidence here does
3 support the Single Commissioner's findings.
4 Chance Jones was also a regular employee. And
5 while I don't think it's necessary to go there,
6 the -- this Commission could also find the
7 statutory number through statutory employees,
8 through subcontractors. The greater weight of
9 the evidence provides, I believe, that
10 flooring, electrical, plumbing, painters, all
11 of that work which the sole member of the LLC
12 testified was integral to general contractors,
13 general contracting business. Those, those
14 subcontractor employees could be used to get to
15 the jurisdictional number, and at the very
16 least here, I think provides evidence and
17 indicia of his mode of operations being more
18 than four in South -- or four or more in South
19 Carolina. Lastly, this Commission is not
20 inclined to find Jamie Brown as an employee of
21 the LLC. It is Claimant's position that
22 essentially the LLC is a alter ego of the sole
23 member, Jamie Brown, who never withdrew from
24 the Act. He was a sole proprietor working as
25 Southeastern Services, HHI prior to his



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1 organization of this LLC a mere months before
2 the beginning of my, my client's employment
3 with the LLC, never withdrew from the Act. If
4 this Commission were to hold that -- interpret
5 the definition of employee to exclude LLC
6 members in the way that the UEF is asking, not
7 only would it contravene the other canons of
8 statutory construction that I mentioned, it, it
9 also works in absurdity in that in a situation
10 like this, a sole proprietor could one day be
11 a sole proprietor, organize an LLC the next
12 day, open up a bank account, start paying those
13 very same employees from that bank account
14 without the knowledge of those employees, never
15 withdraw from the Act, but somehow also skirt
16 42-1-390 all of the requirements in withdrawing
17 from the Act that protect those employees.
18 Part of that is a 30 day waiting period, and
19 informing by date certain set by the Commission
20 that that employer's withdrawing from the Act.
21 So again, there are -- there would be at least
22 three different canons of statutory
23 construction overridden by this interpretation
24 of, of, you know, the definition of employee.
25 And also as an aside, I'm sure that if Jamie



1 Brown were sued tomorrow for, say, construction
2 defects, he'd point to the LLC as the liable
3 party and move to dismiss himself as a party,
4 I'm positive. So, he wants to be the LLC for
5 purposes of the Workers' Comp Act. He's the
6 same person, but for liability purposes, as
7 evidenced by his application for organizing an
8 LLC in the state, he's a, he's a separate
9 person. He can't have his cake and eat it too.
10 And ---

11 **COMMISSIONER TAYLOR:** Doesn't the law say you can
12 choose between one or the other? Like that's
13 the purpose of the LLC, you can choose whether
14 you are the sole proprietor or, or corporation.

15 **MR. FESTER:** For purposes of how, how he's being
16 taxed, sure, but that's, I, I, I don't think
17 that the taxing -- how he's being taxed,
18 whether he wants to pay himself or pay the
19 government payroll taxes or not has any bearing
20 on whether he's an employee or not. He is --
21 he otherwise meets this definition of employee.
22 He's working for this, this employer. He is
23 being compensated for work performed for the
24 employer.

25 **CHAIR:** I think your time has expired.



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1 **MR. FESTER:** And I would just in concluding ask this
2 -- respectfully ask this Commission affirm the
3 findings of Single Commissioner and comport
4 with and essentially holding the same findings,
5 holdings, as what this Commission did in the
6 Rish Case. Thank you.

7 **CHAIR:** Mr. Killen, three minutes in reply.

8 **APPELLANT'S REPLY**

9 **MR. KILLEN:** Thank you, Commissioner, very briefly.
10 With all due respect to Mr. Fester, the
11 statutory employment argument was rejected by
12 the Single Commissioner and it was not
13 appealed. The alter ego argument and the
14 failure to withdraw from the Act theories were
15 rejected by the Single Commissioner and not
16 appealed. And I would ask you to reject the
17 speculation as to what motions Mr. Brown may or
18 may not file in a theoretical personal injury
19 case. And regarding Chance Jones, the claimant
20 was hurt on a Monday, the fact that Chance
21 Jones worked 34 hours after that does not mean
22 that they worked at the same time. In fact,
23 the opposite is true. The claimant testified
24 that Chance Jones was not there when he was
25 injured on that Monday. And I would also ask



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1 you to look to your Rish Case, your Rish versus
2 Barry's Custom Tree Service case, where I think
3 each of you look to whether or not the LLC
4 operates more like a corporation or like a sole
5 proprietorship and determine whether the
6 members of the LLC are also employees. In this
7 case, Jamie Brown acted like a sole proprietor.
8 That's, that's how he operated. That's how the
9 business was run. Thanks, that's all I have.
10 I appreciate your time.

11 **CHAIR:** Thank y'all, appreciate your time. Thanks.

12 This concludes the hearing.

13 **(There being nothing further, the hearing concluded**
14 **at 2:43 p.m.)**



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1 STATE OF SOUTH CAROLINA
2 BEFORE THE
3 SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
4 WCC FILE NO.: 1824344

4 Zachary Brown,)
5 Employee-Claimant,)
6 vs.) Deposition of
7 Southeastern Services,) DANIEL SMITH
8 H.H.I., LLC,) July 1, 2020
9 Employer,)
10 and)
Uninsured Employers' Fund)
Carrier,)
Defendants.)
_____)

11
12
13 Deposition on oral examination of
14 DANIEL SMITH, reported by Jeannette M. King, Court
15 Reporter and Notary Public in and for the State of
16 South Carolina; said deposition taken pursuant to
17 Notice of Deposition and in accordance with the
18 South Carolina Rules of Civil Procedure at the law
19 offices of Darrell Thomas Johnson, Jr., LLC, 300
20 Main Street, Hardeeville, South Carolina, commencing
21 on Wednesday, July 1, 2020, at the hour of
22 12:02 p.m.

DANIEL SMITH 7/1/2020

APPEARANCES

Representing the Employee/Claimant:

JOSHUA R. FESTER, ESQUIRE
Law Offices of Darrell Thomas Johnson, Jr., LLC
300 Main Street
Post Office Box 1125 (29927)
Hardeeville, South Carolina 29927

Representing the South Carolina Uninsured Employers'
Fund:

TIMOTHY B. KILLEN, ESQUIRE
Holder Padgett Littlejohn + Prickett
349 West Coleman Boulevard, Suite 300
Mt. Pleasant, South Carolina 29464

DANIEL SMITH 7/1/2020

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EXHIBIT INDEX

REPORTER'S NOTE: No exhibits were marked for
identification.

DANIEL SMITH 7/1/2020

1 This deposition is taken in accordance
2 with the South Carolina Rules of Civil Procedure.

3 It is agreed and stipulated by the
4 deponent and respective counsel that the reading and
5 signing of the deposition transcript by the deponent
6 is expressly waived.

7 WHEREUPON:

8 DANIEL SMITH, after being duly sworn and
9 cautioned to speak the truth, the whole truth and
10 nothing but the truth, testified as follows:

11 EXAMINATION

12 BY MR. FESTER:

13 Q Good morning, Mr. Brown -- or Smith.
14 Excuse me. There are two Browns and two Smiths
15 involved in this case and I keep mixing them up.

16 Again, my name is Josh Fester. I
17 represent Mr. Brown in his comp case against
18 Southeastern Services that occurred on
19 October 29th of 2018.

20 Today we're taking your deposition. Are
21 you familiar with what a deposition is?

22 A No.

23 Q So there are a few differences between a
24 deposition and a normal conversation.

25 A All right.

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DANIEL SMITH 7/1/2020

1 Q So everything -- you see the court
2 reporter there, she's there taking down everything
3 you say. You are under oath. She just swore you in
4 just as if you were in a normal courtroom setting,
5 only we're in a more informal setting here in my law
6 office.

7 There are other differences. So in normal
8 conversation, you might say un-huh, um-huh, that
9 kind of thing. If you would, please, you know, for
10 an affirmative and negative responses, say yes or no
11 as clearly as you can because she's trying to take
12 down a clean transcript.

13 Another thing, if you would, please wait
14 until I'm finish asking my question -- same thing
15 with Mr. Killen here -- to answer so we're not
16 talking over each other. That makes her job a
17 little bit more difficult.

18 And there is nothing wrong with you asking
19 me to rephrase my question or tell me you don't
20 understand the question, but if you answer my
21 question, I'm going to assume that you understood
22 it. Is that fair?

23 A Yes.

24 Q If you need any clarification to my
25 question, please refer just to me and not to anybody

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DANIEL SMITH 7/1/2020

1 else, the court reporter or Mr. Killen, while I'm
2 asking the questions.

3 Is there a -- and please do not be
4 offended by this question. Is there any reason,
5 such as being under the influence of alcohol or
6 other substances, to keep you from giving complete
7 and truthful answers to my questions today?

8 A No, sir.

9 Q What were you -- well, could you state
10 your full name for the record?

11 A Daniel Joseph Smith.

12 Q And what's your address?

13 A 184 Long Hall Road.

14 Q Is that in Ridgeland?

15 A Yes, sir.

16 Q What do you do for a living?

17 A Remodeling, construction.

18 Q And you work for Southeastern Services?

19 A Yes, sir.

20 Q And where did you graduate high school?

21 A Technically, it would be Ridgeland High.

22 Q Ridgeland High. Okay.

23 Any education beyond that?

24 A I took welding at Ace.

25 Q Ace. Okay.

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1 Do you have any certificates, any other
2 vocational training?

3 A No, sir.

4 Q What's your job title with Southeastern
5 Services, LLC?

6 A Supervisor.

7 Q And what does that entail?

8 A Running the crew of me and another guy.

9 Q And who is responsible for -- well, let me
10 rephrase.

11 Who gives you the jobs to do? Who tells
12 you to go and work at this house or another job
13 site?

14 A Jamie Brown.

15 Q Okay. So he is responsible for
16 contracting the jobs, correct?

17 A Yes, sir.

18 Q How long have you been there with
19 Southeastern Services H.H.I.?

20 A This time, I think four years.

21 Q When did you start?

22 A It was -- had to be '12 or '13, I started
23 working with him. Started working in the summer and
24 I worked past the summer. I went back to school and
25 then I've worked for him off and on.

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DANIEL SMITH 7/1/2020

1 Q Since 2013?

2 A Yes. Since I graduated, I've worked with
3 him off and on.

4 Q When did you graduate high school?

5 A 2013.

6 Q Okay. And so his LLC was formed in 2017,
7 so you're saying you worked for Jamie Brown, doing
8 business as Southeastern Services, prior to that?

9 A Yes.

10 Q Have you been with Jamie Brown since
11 November of 2017?

12 A Yes, sir.

13 Q And you worked there since 2017 to the
14 present?

15 A Yes, sir.

16 Q What kind of work do you typically do as
17 supervisor?

18 A Well, I just make sure that the jobs is
19 going the way they should, and I'm there working
20 just like everybody else.

21 Q What kinds of jobs?

22 A Do windows and doors, additions,
23 remodeling.

24 Q How does Jamie Brown of Southeastern
25 Services pay you?

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1 A Check.

2 Q Check.

3 And has that been since you worked for
4 Southeastern?

5 A Yes, sir.

6 Q And how often do you get paid?

7 A Weekly.

8 Q How do you know Zachary Brown?

9 A Old friend.

10 Q Can you tell me what happened -- well, let
11 me back up.

12 He also worked for Southeastern Services,
13 correct?

14 A For a short period, yeah.

15 Q And that was when?

16 A Right -- it was right before he got hurt.
17 It was -- he was only there -- I think it was two
18 weeks. It wasn't long. It was very short.

19 Q And that was in October of 2018, correct?

20 A Yes, sir.

21 Q And can you tell me what happened in your
22 own words on the date of Mr. Brown's accident, which
23 is what we're here about today?

24 A Well, I wasn't -- I wasn't right there
25 when he fell, but I was on the other side of the

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1 house and heard him. He had set up the ladder in
2 some loose mulch. It was either -- he was pulling
3 nails out of a flange of a window, because we were
4 replacing windows on a big house. I guess he lost
5 his balance or something and fell off the ladder.

6 And me and Taylor Smith -- well, I ran
7 around the house because I heard him, and then I
8 called Taylor to help me get him to the van to get
9 him to a hospital.

10 Q Where were you that day?

11 A It was Ribaut Island in Hilton Head
12 Plantation.

13 Q Do you recall the address?

14 A No, sir.

15 Q Do you have any way of getting that
16 information?

17 A The only person that I know that would
18 have it would be Jamie Brown.

19 Q Okay. Was Southeastern Services the main
20 contractor on that job site?

21 A Honestly, I don't know.

22 Q Let me ask you about the accident. You
23 say he set up a ladder and some of the legs were in
24 some loose mulch. Was anything wrong with the
25 ladder?

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1 A No. The ladder was brand new. Yeah, he
2 bent our brand-new ladder when he fell.

3 Q What happened to him when he fell?

4 A What I'm guessing is his leg got stuck in
5 between two of the rungs on an A-frame ladder, and
6 when he fell, his leg got caught like this. That's
7 what I think happened.

8 Q All right. And you and Taylor took him to
9 the hospital that day?

10 A Yes, sir.

11 Q And you took him to Hilton Head Hospital?

12 A Yes, sir.

13 Q On the date of Mr. Brown's accident, how
14 many employees did Southeastern have?

15 A Three. Me, Taylor and Zach.

16 Q No other employees?

17 A No, sir.

18 Q No one working the phones or working in an
19 office, that will be a home office?

20 A No, sir.

21 Q It's your understanding that Southeastern
22 Services -- well, let me rephrase.

23 It's your understanding that Mr. Brown
24 also gets paid through Southeastern Services,
25 correct?

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DANIEL SMITH 7/1/2020

1 MR. KILLEN: Object to the form of the
2 question.

3 THE WITNESS: I don't -- I don't know how
4 he gets paid. All I know is, he works for himself.

5 BY MR. FESTER:

6 Q Okay. Now, on the day of the accident,
7 you, Taylor Smith and Zachary Brown, you were all
8 regular employees, getting paid weekly on the date
9 of his accident?

10 A Yes, sir.

11 Q How many hours a week did you all work?

12 A 40.

13 Q And that was everybody?

14 A Yes, sir.

15 Q Was that a Monday through Friday?

16 A Yes, sir.

17 Q How did you get to the job site that day?

18 A My work van.

19 Q Your work van?

20 A Yes.

21 Q Is that work van owned -- or is that
22 Southeastern Services' or Jamie's work van?

23 A It's Southeastern Services'.

24 Q And does that work van have the name of
25 the business on the side of it?

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1 A Yes, sir.

2 Q Did you pick Zach up or Taylor up that
3 morning? How did you all arrange to get to the site
4 together?

5 A They would meet me at my house.

6 Q And from there to the island?

7 A Yes, sir.

8 Q Do you know of any other contractors that
9 Southeastern Services was working with around that
10 time, so October, November, September of 2018?

11 A No, sir. We sub from other contractors
12 from time to time, but I don't know when we're
13 subbing and when we're not.

14 Q When you went to the job sites, who
15 supplied the building materials?

16 A I buy them with a credit card through the
17 company.

18 Q Okay. So the company buys them?

19 A Yes, sir.

20 Q You all don't bring your own tools? It's
21 the company's tools?

22 A It's half and half. Bigger tools are
23 company tools and I have all my hand tools and
24 everything.

25 Q And if you all need supplies for a job

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1 site, the company pays for that?

2 A Yes, sir.

3 Q Was there anybody else on the job site
4 that day -- besides you and Taylor -- the day he was
5 injured, or at the time he was injured?

6 A You're asking if there was anybody else?

7 Q Right.

8 A No. Just the homeowner, I think, was
9 there. They were in and out a lot, but it was only
10 the three of us there working.

11 Q Okay. Prior to that day and shortly
12 after -- so Mr. Brown just testified that there was
13 another employee named Chase.

14 A Chance Jones.

15 Q Chance. Excuse me.

16 When did Chance work for Southeastern?

17 A He's worked off and on with us, but he
18 wasn't working with us when it happened. He come
19 after it happened because we needed the extra hand.

20 Q And that sounds right. Did he work for
21 Southeastern prior to the accident?

22 A Yes.

23 Q When?

24 A He's worked off and on with us for roughly
25 eight years. It's just been he's worked for a while

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1 and then he'll quit and go do something else.

2 Q Okay. I guess, how long before the
3 accident did Mr. Chase -- or Mr. Chance --

4 A Yes. Chance Jones.

5 Q -- Jones work for Southeastern?

6 A Honestly, I have no idea because it was me
7 and Taylor for a while, and the reason I brought
8 Zach on was because Taylor was leaving and I needed
9 the extra -- I needed another person.

10 Q Bear with me a moment.

11 As a supervisor on these jobs, have you
12 ever been asked by another -- the general contractor
13 or the homeowner to supply proof of general
14 liability or workers' comp insurance?

15 A No, sir.

16 Q I don't know if I asked this question or
17 not, but did Southeastern sub any work to anyone
18 else for that job site where Mr. Brown was injured?

19 A No, sir. We sub out for plumbing,
20 electrical. We do all our window jobs in-house.

21 MR. FESTER: That's all I have. Please
22 answer any questions that Mr. Killen might have of
23 you.

24 EXAMINATION

25 BY MR. KILLEN:

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DANIEL SMITH 7/1/2020

1 Q Mr. Smith, we just met previously.

2 A Yes, sir.

3 Q I represent South Carolina Workers'
4 Compensation Uninsured Employers' Fund. My name is
5 Tim Killen. I'm a lawyer out of Mt. Pleasant.

6 What's your date of birth?

7 A 10-15-93.

8 Q How old does that make you?

9 A 27 in October.

10 Q Have you ever been injured on the job?

11 A No, sir. Well, I cut my arm one time.

12 Q While you were working for Southeastern?

13 A Yes, sir.

14 Q Did you go to the hospital or see a
15 doctor?

16 A Urgent care.

17 Q Urgent care.

18 Did you pay for that yourself?

19 A Yes, sir.

20 Q You said you brought Zach Brown on to work
21 with Southeastern because Taylor was leaving; is
22 that correct?

23 A Yes, sir. He was leaving the first week
24 in November.

25 Q So Zach was on for a couple of weeks just

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1 to get acclimated before Taylor left; is that right?

2 A Yes, sir.

3 Q During the time that you worked for
4 Jamie Brown -- well, no.

5 During the time you worked for
6 Southeastern, have you ever had four people working
7 besides Jamie Brown?

8 A No, sir.

9 Q So it's always been three or two?

10 A Three on big jobs, but it's mainly two.

11 Q Have you ever been the only employee of
12 Southeastern at any time?

13 A Not that I can recall. If it was, it
14 wasn't but for maybe for a day or two.

15 Q So the normal mode of operation for
16 Southeastern was to have two guys working on smaller
17 jobs and three guys working on larger jobs; is that
18 right?

19 A Yes, sir.

20 Q Has all the testimony you've given here
21 today been truthful?

22 A Yes, sir.

23 Q Is there anything that you would like to
24 change, correct or modify?

25 A No, sir.

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1 MR. KILLEN: That's all I have. Thank
2 you.

3 REEXAMINATION

4 BY MR. FESTER:

5 Q Just real quickly in follow-up. When you
6 say three guys on bigger jobs, who would that be?

7 A Well, it's random like. It would be just
8 like somebody looking for work, somebody that Jamie
9 knows, they'll call and say, Hey, if you get any
10 work, let me know. And it would just be like
11 somebody that comes to help us out for a week and
12 then they go on and do their own thing. There is
13 nobody in particular.

14 Q Was there anybody like that while
15 Zachary Brown was working for Southeastern?

16 A No, sir. Because there was only me and
17 Taylor and Taylor was leaving, so that's why I'm
18 thinking it was two weeks that we brought Zach in to
19 train to take Taylor's job.

20 MR. FESTER: That's all I have.

21 MR. KILLEN: Thank you.

22 (WHEREUPON, the taking of this sworn
23 deposition was adjourned at approximately
24 12:21 p.m.)

25

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DANIEL SMITH 7/1/2020

1 CERTIFICATE OF REPORTER

2

3

4 I, Jeannette M. King, Court Reporter and
5 Notary Public in and for the State of South
6 Carolina, do hereby certify:

6

7 That the foregoing deposition was taken
8 before me on the date and at the time and location
9 stated on Page 1 of this transcript; that the
10 deponent was duly sworn to testify to the truth, the
11 whole truth and nothing but the truth; that the
12 testimony of the deponent and examination were
13 thereafter transcribed; that the foregoing
14 deposition as typed is a true, accurate and complete
15 record of the testimony of the deponent and of all
16 objections made at the time of the examination to
17 the best of my ability.

13

14 I further certify that I am neither
15 related to nor counsel for any party to the cause
16 pending or interested in the events thereof.

16

17 Witness my hand, I have hereunto affixed
18 my official seal this 22nd day of July, 2020, at
19 Berkeley County, South Carolina.

19

20

21

22 Jeannette M. King
23 Court Reporter and Notary Public
24 State of South Carolina at Large.
25 My commission expires: 2/28/27

24

25

ABC REPORTING SERVICE (803) 730-3015

1 STATE OF SOUTH CAROLINA
2 BEFORE THE
3 SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
4 WCC FILE NO.: 1824344

4 Zachary Brown,)
5 Employee-Claimant,)
6 vs.) Deposition of
7 Southeastern Services,) JAMIE BROWN
8 H.H.I., LLC,) July 1, 2020
9 Employer,)
10 and)
Uninsured Employers' Fund,)
Carrier,)
Defendants.)

11
12
13 Deposition on oral examination of
14 JAMIE BROWN, reported by Jeannette M. King, Court
15 Reporter and Notary Public in and for the State of
16 South Carolina; said deposition taken pursuant to
17 Notice of Deposition and in accordance with the
18 South Carolina Rules of Civil Procedure at the law
19 offices of Darrell Thomas Johnson, Jr., LLC, 300
20 Main Street, Hardeeville, South Carolina, commencing
21 on Wednesday, July 1, 2020, at the hour of
22 10:54 a.m.

JAMIE BROWN 7/1/2020

1 APPEARANCES

2

3 Representing the Employee/Claimant:

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6 300 Main Street
Post Office Box 1125 (29927)
Hardeeville, South Carolina 29927

7

8 Representing the South Carolina Workers'
Compensation Uninsured Employers' Fund:

9

TIMOTHY B. KILLEN, ESQUIRE
10 Holder Padgett Littlejohn + Prickett
349 West Coleman Boulevard, Suite 300
11 Mt. Pleasant, South Carolina 29464

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ABC REPORTING SERVICE (803) 730-3015

JAMIE BROWN 7/1/2020

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* * * * *

EXHIBIT INDEX

REPORTER'S NOTE: No exhibits were marked for identification.

JAMIE BROWN 7/1/2020

1 This deposition is taken in accordance
2 with the South Carolina Rules of Civil Procedure.

3 It is agreed and stipulated by the
4 deponent and respective counsel that the reading and
5 signing of the deposition transcript by the deponent
6 is expressly waived.

7 WHEREUPON:

8 JAMIE BROWN, after being duly sworn and
9 cautioned to speak the truth, the whole truth and
10 nothing but the truth, testified as follows:

11 EXAMINATION

12 BY MR. KILLEN:

13 Q Mr. Brown, my name is Tim Killen. We just
14 met. I represent the South Carolina Workers'
15 Compensation Uninsured Employers' Fund in a case
16 brought against your company by Zachary Brown.

17 Have you ever given your deposition
18 before?

19 A I have.

20 Q Do you understand that you're under oath?

21 A I do.

22 Q If I ask you a question that doesn't make
23 any sense to you or you don't understand for any
24 reason, just ask me to ask it in a better way. Is
25 that fair?

ABC REPORTING SERVICE (803) 730-3015

JAMIE BROWN 7/1/2020

1 A That's fair.

2 Q If you go ahead and answer a question I
3 ask you, I'll assume you understood it. Is that
4 fair?

5 A Yes.

6 Q And are you under the influence of any
7 drugs or alcohol or anything that would affect your
8 ability to answer truthfully here today?

9 A No.

10 Q Now, your company -- I just want to let
11 you know that -- your company is an LLC, correct?

12 A Correct.

13 Q Okay. You have the opportunity to have a
14 lawyer represent you in this workers' compensation
15 matter. Do you understand that?

16 A I do.

17 Q Do you so choose to have a lawyer to
18 represent you? If so, we can -- I'll stop the
19 deposition now and we'll regroup with your attorney
20 at a later date.

21 A I don't feel it necessary at this time.

22 Q Okay. Can you state your full name for
23 the record, please?

24 A Full name is James Verner Brown, III.

25 Q And where do you live?

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JAMIE BROWN 7/1/2020

1 A Ridgeland, South Carolina.

2 Q What's your home address?

3 A 300 Washboard Lane.

4 Q Is that one word?

5 A Yes.

6 Q And what's the name of your business?

7 A Southeastern Services H.H.I., LLC.

8 Q And what kind of business is that?

9 A Contracting business.

10 Q Is it residential construction, commercial
11 construction?

12 A A little bit of commercial, not much.
13 Mostly home remodeling, home repair.

14 Q Are you a licensed contractor?

15 A Yes.

16 Q Are there any other licensed contractors
17 employed by Southeastern Services H.H.I., LLC?

18 A No.

19 Q And for ease of reference, I'll just call
20 it Southeastern --

21 A Sure.

22 Q -- or the LLC from here on out.

23 A Okay.

24 MR. KILLEN: Can we go off the record real
25 quick?

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JAMIE BROWN 7/1/2020

1 (An off-the-record discussion transpired.)

2 BY MR. KILLEN:

3 Q We're here about a workers' compensation
4 claim that's been brought against your company and
5 the state agency I represent by a man named
6 Zachary Brown. He's claiming a date of accident of
7 October 29, 2018. Are you aware of that claim?

8 A Yes.

9 Q Can you tell me where the -- what's the
10 address for Southeastern?

11 A It's a home business. The office is the
12 300 Washbboard Lane.

13 Q And who are the members of Southeastern?

14 A I'm the sole member.

15 Q Are you taxed like a sole proprietor?

16 A Yes.

17 Q And by "you," I mean the company, the LLC.

18 A Correct.

19 Q When did you start the LLC?

20 A I think it was January 2018. Possibly
21 December 2017. Right in that area.

22 Q Have there ever been any other members
23 other than yourself?

24 A No.

25 Q Do you file tax returns on behalf of the

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1 company?

2 A Yes.

3 Q Have you filed your 2018 tax returns --

4 A Yes.

5 Q -- on behalf of the company already?

6 A Yes.

7 Q Did your company ever work with

8 Mr. Zachary Brown?

9 A Yes.

10 Q And, for the record, is Zachary Brown
11 related to you personally?

12 A He is not.

13 Q How many employees does the LLC have
14 currently?

15 A Currently?

16 Q Yes.

17 A Two.

18 Q Who are the two employees of the company
19 now?

20 A Daniel Smith and David Reed.

21 Q And what does Mr. Smith do for your
22 company?

23 A He's basically my lead man.

24 Q And what does Mr. Reed do for your
25 company?

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1 A Carpenter.

2 Q Where does Mr. Smith live?

3 A He also lives in Ridgeland. I'm not sure
4 of his address.

5 Q What about Mr. Reed?

6 A Early Branch, South Carolina.

7 Q When you started the company in
8 December 2017 or January 2018, how many employees
9 did your company have?

10 A Two.

11 Q Who were those two employees at that time?

12 A Daniel Smith and Taylor Smith. Not
13 related.

14 Q When did Taylor Smith stop being an
15 employee of the LLC?

16 A The exact date, I don't know, but it was
17 very close to the accident date, because I think
18 that was maybe his last -- next to last day there,
19 so somewhere -- November 1st, November 2nd of 2018.

20 Q How did Mr. Taylor Smith separate from the
21 company?

22 A He just quit. Went to another job.

23 Q And in what capacity has Zachary Brown
24 worked with the company?

25 A Zach was a -- basically a helper.

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1 Q When did you first have Zach come on board
2 as a helper?

3 A If the accident date was the 29th of
4 October, had to have been somewhere around the first
5 of October. He was only there for a short, short
6 time. Perhaps not even that long. Might have been
7 second week in October.

8 Q And the company paid Zachary Brown; is
9 that correct?

10 A Correct.

11 Q How did the company pay Mr. Brown?

12 A Weekly.

13 Q What was the weekly rate?

14 A I don't exactly know, but I think it was
15 \$15 an hour.

16 Q Did he work 40 hours a week?

17 A Yes.

18 Q Did he work more than 40?

19 A No.

20 Q Was he paid in cash or check?

21 A Check.

22 Q What day of the week was he paid on?

23 A Fridays.

24 Q How would -- did you actually hand him the
25 check?

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1 A No. Actually, I have a payroll service,
2 and they leave the checks for them in an envelope on
3 the front door because they're typically closed when
4 they get to Ridgeland.

5 Q What's the payroll service?

6 A Rawl & Lowther accounting.

7 Q Where are they located out of?

8 A In Ridgeland.

9 Q Has Mr. Brown been back to your -- been
10 back working in any capacity with the company since
11 he's had his accident?

12 A No. He was offered his job, but never
13 responded.

14 Q When did you offer him a job?

15 A Again, if the accident was the 29th, it
16 was well known to him that, you know, his job was
17 there whenever he wants to come back.

18 Q What do you mean "it was well known to
19 him"?

20 A I told him directly, face-to-face. We
21 spoke on the phone. We spoke by text.

22 Q And when you told him that, what did he
23 say to you?

24 A Thank you. I really appreciate it.

25 Q But he never followed up to say, Hey, I'm

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1 ready to go back to work?

2 A No. Basically, fell off the face of the
3 earth. Didn't speak to him for over a year and a
4 half.

5 Q Do you know whether or not he's currently
6 working?

7 A I have no idea.

8 Q Do you know where he lives?

9 A I do not.

10 Q And in October of 2018, who were the
11 employees of the company?

12 A Daniel Smith, Taylor Smith and Zachary.

13 Q Okay. At any time in 2018, did the
14 company ever employ four or more people?

15 A Never.

16 Q Has the company ever had workers'
17 compensation insurance?

18 A Yes -- well, no, not under the LLC.

19 Q Did you have it individually at some point
20 in time?

21 A Years ago.

22 Q But it was under your name?

23 A That's correct.

24 Q And the LLC has never had insurance?

25 A No.

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1 Q Do you perform any work? By "you," I mean
2 the company. Does the company perform any work for
3 any general contractors?

4 A Yes.

5 Q Are you ever asked to provide proof of
6 insurance or certificate of insurance for those
7 jobs?

8 A Occasionally, but usually -- well, in all
9 cases when I give them the general liability and
10 tell them we only have two employees, that's the end
11 of that. No one ever asks for any more. It's not
12 often. We only work for one or two other builders.

13 Q Who do you work for?

14 A Element Construction sometimes and
15 Renaissance builders sometimes.

16 Q Did you pay Daniel Smith -- excuse me.
17 How did you pay Daniel Smith? Was it by
18 the hour, by the job, by the --

19 A Daniel is paid by the hour.

20 Q What about Taylor?

21 A Also by the hour.

22 Q Has the company -- in 2018, did the
23 company pay anyone other than Zach, Taylor and
24 Daniel by the hour?

25 A Probably Chance Jones at some point.

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1 Chance comes and goes.

2 Q Did Chance ever work at the same time that
3 Zachary Brown did?

4 A No.

5 Q And we had scheduled Mr. Zach Brown's
6 deposition at 10:00, but he was not able to be here
7 yet, so some of these questions -- I might have more
8 questions after talking to him.

9 So Daniel Smith, he's currently employed
10 by the company; is that correct?

11 A That's correct.

12 Q So his deposition is scheduled after
13 yours.

14 Does the LLC own any real estate?

15 A No.

16 Q Does the LLC own any vehicles?

17 A No.

18 Q Do you use your personal vehicles for the
19 business?

20 A Yes.

21 Q What kind of personal vehicle do you use
22 in the business?

23 A 2017 Chevrolet van.

24 Q What color is that?

25 A White. I have two of them.

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1 Q Okay. Are they both 2017?

2 A I'm sorry. 2014.

3 Q Are they both 2014?

4 A They are.

5 Q Does the LLC pay you rent to use your home
6 as an office?

7 A No.

8 Q Where does the LLC bank?

9 A Bank of America.

10 Q How many accounts does the LLC have?

11 A One.

12 Q It's an operating account?

13 A Yes.

14 Q And is it in your name or the LLC's name?

15 A The LLC's name.

16 Q Does the LLC ever hire any subcontractors?

17 A Yes.

18 Q In 2018, did the LLC hire subcontractors?

19 A Certainly.

20 Q Did the LLC pay the subcontractors on
21 1099s?

22 A Yes.

23 Q Who are some of the subcontractors the LLC
24 hired in 2018?

25 A I feel certain -- my tile guy's name is

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1 Milton Hernandez. I'm certain he worked for us.
 2 Dedicated Electric, Padgett Plumbing, Low Tide
 3 Plumbing. That's probably about it.

4 Q Okay. Does the LLC have any credit cards?

5 A No.

6 Q How do you get paid?

7 A I don't draw a paycheck. I just pay my
 8 bills out of the LLC.

9 Q Do you have a personal checking account?

10 A No.

11 Q Are you married?

12 A Yes.

13 Q Do you have children?

14 A Yes.

15 Q What's your wife's name?

16 A Samantha Brown.

17 Q And what does Ms. Brown do for a living?

18 A She owns rental properties.

19 Q If you need to buy groceries for your
 20 family, does the LLC pay for that?

21 A Yes.

22 Q If you need to put gas for -- in your car
 23 for a vacation, does the LLC pay for that?

24 A Yes.

25 Q Then in what -- you said you've given

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1 prior depositions. In what context?

2 A I'm not sure I understand.

3 Q Okay. Were they construction defect cases
4 or workers' comp cases?

5 A It wasn't construction defect. It was
6 just a disagreement.

7 Q Someone sued your company; is that right?

8 A No, not mine. It was just a part of
9 another company being sued.

10 Q So your company -- was it you individually
11 or your company?

12 A No. It was me individually.

13 Q And you were sued?

14 A No.

15 Q You were a named defendant in a lawsuit?

16 A Yes.

17 Q And they took your deposition in that
18 lawsuit?

19 A Yes.

20 Q Is it just one time?

21 A Yes.

22 Q And what county was that lawsuit in?

23 A Beaufort.

24 Q Did you have a lawyer for that case?

25 A Not in the beginning, no.

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1 Q Did you ultimately get a lawyer for that
2 case?

3 A I did.

4 Q Who was your lawyer?

5 A Patrick Carr.

6 MR. KILLEN: Off the record.

7 (An off-the-record discussion transpired.)

8 BY MR. KILLEN:

9 Q And that case resolved eventually?

10 A Yes, it resolved.

11 Q Okay. Does the company have any judgments
12 filed against it?

13 A No.

14 Q Do you individually have judgments filed
15 against you?

16 A No.

17 Q Has the company ever filed bankruptcy?

18 A No.

19 Q Have you?

20 A No.

21 Q Do you own any other properties other than
22 the --

23 A No.

24 Q Do you own the 300 Washboard Lane
25 property?

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1 A No.

2 Q Do you rent that?

3 A No. My wife owns it.

4 Q Do you own any real estate individually in
5 South Carolina?

6 A I do not.

7 Q And Josh handed me something earlier
8 today. I'm just going to show it to you. It's a
9 2018 W-2 from Zach Brown. Was that issued by your
10 company or your accountant?

11 A Yes.

12 Q And it shows wages, tips and other
13 compensation in the amount of \$2,284.86. Is that
14 accurate? Is that what it shows?

15 A Yes.

16 Q Is that the amount that your company paid
17 Mr. Brown for his work?

18 A I would say certainly, yes.

19 Q And that was somewhere between two weeks
20 and a month?

21 A That's correct. And actually, I gave him
22 just a check even when he wasn't working. I think I
23 gave him three checks.

24 Q After he was injured?

25 A Yes. I'm not sure what the amounts were.

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1 Q Would that be included on this?

2 A It would have been included in that, yes.

3 Q In the 2018 W-2.

4 Did you pay him anything in 2019?

5 A No.

6 Q So the total compensation shown on this
7 W-2 shows three checks after the accident and
8 however many checks he got before the accident; is
9 that correct?

10 A I'm not positive of the checks I gave him
11 after the accident would reflect on there because
12 he -- no, they would not because I just wrote them
13 out of -- you know, I didn't go through the payroll
14 service. I remember that. And they weren't
15 full-amount checks. One was for 500, one was for
16 300, one was 300 and that's it.

17 Q So you paid him \$1,100 after the accident?

18 A Somewhere in that range, yes. And I can
19 give you an exact on that if I had to.

20 Q Okay. Why did you pay him that?

21 A He wasn't making any money, felt kind of
22 bad and figured I would help him out.

23 Q And he says his accident was October 29th,
24 2018. Were you working with him on that day?

25 A I was not.

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1 Q Do you have any knowledge of that
2 accident?

3 A Only what I was told by Zachary and --
4 well, Daniel didn't actually see it, but what Daniel
5 saw when he did get around the corner.

6 Q What Zach tell you happened?

7 A Zach said he set this 6-foot ladder up in
8 a flower bed and climbed up two rungs of a ladder
9 and the ladder tilted and he fell off of it.

10 Q Do you know whether or not EMS was called
11 to the scene?

12 A They were not. He was taken by Daniel.

13 Q He went to the hospital?

14 A Yes.

15 Q Do you know which hospital he went to?

16 A Hilton Head Hospital.

17 Q Did Daniel call you to discuss this?

18 A He did.

19 Q When did he call you to tell you he had
20 been hurt?

21 A If you're asking me a time, I don't
22 remember, but I know it was immediately.

23 Q It was on the same day?

24 A Oh, yeah.

25 Q And was he able to communicate with you?

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1 A Zachary or Daniel?

2 Q Which one called you?

3 A Daniel called me.

4 Q And he called you on the day of the
5 accident; is that right?

6 A Yes.

7 Q So you were aware of it at that time?

8 A Yes.

9 Q Do you know -- well, did Zach ever bring
10 you documentations saying -- from a doctor saying he
11 was unable to work?

12 A No.

13 Q Did Zach ever represent to you or tell you
14 that any doctor has told him he can't work now?

15 A No.

16 Q Or any time since the accident?

17 A Told me exactly the opposite.

18 Q What did he tell you?

19 A He told me that he would be able to come
20 back to work in six weeks.

21 Q And you told him, Okay. You have a job.

22 A Absolutely.

23 Q Aside from going to Hilton Head Hospital,
24 are you aware of any other doctors that Zach went
25 to?

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1 A Not personally aware of, no.

2 Q Have you been told that he went to other
3 doctors?

4 A Yes.

5 Q Okay. Who told you that he was going to
6 other doctors?

7 A Daniel said -- told me he was -- he
8 thought he was in therapy. That's all I was told.
9 He was in some sort of therapy.

10 Q Physical therapy?

11 A Yes.

12 Q When you hired Zach Brown, did you have
13 him fill out any paperwork?

14 A No.

15 Q No W-9s?

16 A He texted me the information and I filled
17 it out.

18 Q And you gave it to your accountant?

19 A Yes.

20 MR. KILLEN: That's all the questions I
21 have for you. Thank you for your time.

22 EXAMINATION

23 BY MR. FESTER:

24 Q Mr. Brown, again, my name is Josh Fester.

25 I represent Zachary Brown in his workers' comp claim

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1 again Southeastern Services H.H.I., LLC, in
2 reference to a workplace accident on
3 October 29, 2018.

4 Have you had any conversations with anyone
5 besides your attorney in reference to this morning's
6 deposition?

7 A No.

8 Q What about Mr. Killen?

9 A No.

10 Q What's your relationship to Southeastern
11 Services?

12 A I'm the sole proprietor, sole owner.

13 Q You're the sole member of the LLC?

14 A Yes.

15 Q And I believe you stated that it was
16 incorporated in November or December of 2017. Does
17 that sound right?

18 A That sounds right. It is December 2017 or
19 January 2018.

20 Q And were you the person that incorporated,
21 founded Southeastern Services?

22 A Yes.

23 Q Are there any other owners, partners,
24 shareholders, anything like that, or are you the
25 sole member?

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1 A I'm the sole member.

2 Q Okay. And you work for Southeastern
3 Services as the sole member, correct?

4 A Yes.

5 Q And what is -- so you're an employee of
6 the LLC?

7 MR. KILLEN: Objection to the form of the
8 question.

9 BY MR. FESTER:

10 Q You can go ahead and answer.

11 A No. I don't work for the company.

12 Q You get paid by the company, correct?

13 A I don't know -- I don't know technically
14 what paid means.

15 Q You receive compensation, what you take
16 home every day.

17 A I don't take home anything.

18 Q So how do you make a living then?

19 A I pay bills out of it.

20 Q Okay. So you're compensated through the
21 LLC?

22 A Yes.

23 Q And that's for work you perform for the
24 LLC?

25 A Yes.

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1 Q Do you file any personal -- file taxes for
2 you personally?

3 A Yes.

4 Q And I'm going to ask you to provide those
5 to me. I can send you a subpoena if you'd like.

6 Let me ask you, what's the extent of your
7 education? Where did you go to high school?

8 A I went to high school in Ridgeland.

9 Q Thomas Heyward?

10 A No. Not Thomas Heyward. Ridgeland High.

11 Q Ridgeland High. Okay.

12 And after that?

13 A That was it.

14 Q Any licenses, certifications, anything
15 like that?

16 A Residential builder's license and general
17 contractor's license.

18 Q And those go through South Carolina LLR?

19 A Correct.

20 Q And besides that, do you have any other
21 education, courses, community college, anything like
22 that?

23 A No.

24 Q What kind of work does Southeastern
25 Services H.H.I. do?

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1 A Mostly remodeling and home repairs.

2 Q And where do you do this work primarily?

3 A All over. Primarily, Hilton Head.

4 Q I believe you stated earlier you do

5 regularly work with other contractors. You had

6 mentioned Renaissance and -- what was it?

7 A Element.

8 Q Element Construction?

9 A Yes.

10 Q So they subbed to you sometimes?

11 A Yeah. But it's pretty rare.

12 Q And do you sub work out to other people?

13 A Yes. You mean hire subs?

14 Q Yes.

15 A Yes.

16 Q And how often do you do that?

17 A Pretty regular.

18 Q Pretty regular.

19 And that -- I believe you named

20 Milton Hernandez, your floor guy?

21 A Yes.

22 Q Padgett Plumbing here in town and who

23 else?

24 A Low Tide Plumbing, Dedicated Electric.

25 Q Okay. I believe you stated earlier you

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1 currently have two employees, and that's
2 Daniel Smith, and who else?

3 A David Reed. David Reed is not actually on
4 payroll yet. He's still as a sub.

5 Q He gets paid a 1099?

6 A He does.

7 Q Do you currently have workers' comp
8 insurance?

9 A I do not.

10 Q Why is that?

11 A I just -- I'm exempt, so I just don't
12 carry it.

13 Q Have you ever applied through Southeastern
14 Services for workers' comp insurance?

15 A Not LLC, no.

16 Q When asked this question earlier by
17 Mr. Killen, I believe you stated that before you
18 did. Was that in your name as an employer?

19 A I don't know. It was probably under
20 Southeastern Services.

21 Q Just not the LLC?

22 A Correct.

23 Q So you worked as Jamie Brown, sole
24 proprietor?

25 A Yes. D/B/A.

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1 Q D/B/A --

2 A Yes.

3 Q -- Southeastern Services. And

4 Southeastern Services, or Jamie Brown D/B/A

5 Southeastern Services, had workers' comp insurance?

6 A At one point, yes.

7 Q Did you ever file what's called a Form 38,

8 waiving your exemption under the Workers' Comp act

9 after you had insurance?

10 A Not that I know of.

11 Q Okay. Why didn't you have insurance on

12 the day of the accident?

13 A Why didn't I?

14 Q Right.

15 A Again, you were exempt and just didn't

16 carry it.

17 Q And so it's your position that you were

18 exempt on that day?

19 A Yes.

20 Q You stated earlier that on the day of the

21 accident, October 29, 2018, there's Daniel Smith.

22 He's a W-2 employee?

23 A Yes.

24 Q Zach Brown?

25 A Yes.

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1 Q He's a W-2 employee, obviously, correct?

2 A Yes.

3 Q And there's a third?

4 A Taylor Smith.

5 Q Taylor Smith. Was he a W-2 employee?

6 A Yes.

7 Q And you were also working for the LLC at
8 that time?

9 MR. KILLEN: Object to the form of the
10 question.

11 THE WITNESS: I don't know. I mean, I
12 don't know. I don't work for the LLC.

13 BY MR. FESTER:

14 Q Are you -- it's not a sole proprietorship,
15 is it?

16 A It is a sole proprietorship.

17 Q It's an LLC. It's its own entity,
18 correct?

19 MR. KILLEN: Object to the form of the
20 question.

21 THE WITNESS: Yes.

22 BY MR. FESTER:

23 Q So we're not talking about -- in 2018, it
24 wasn't Southeastern -- it wasn't Jamie Brown, D/B/A
25 Southeastern Services. It was Southeastern

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1 Services, LLC, correct?

2 A That's correct.

3 Q So it's just those three employees?

4 A That's correct.

5 Q I'm going to refer to these documents that
6 Mr. Killen presented earlier that, I believe, you
7 provided my office. We have a Payroll Earnings
8 Report here as of November 30, 2018. It's dated
9 December 10, 2018. There's a line with employee ID
10 number 104, Zachary Brown. He's the fourth one in
11 that list. There are three other spaces on this
12 form. And on December 10, 2018, do you know who
13 those three other spaces would be?

14 A I do not. I mean, I assume it is Daniel
15 and Taylor. I don't even know if that's the -- I
16 have no idea.

17 Q Well, it looks like you redacted it. Could
18 you provide me with unredacted copies of this?

19 A I feel like I can, but you asked me for
20 Zachary's stuff.

21 Q Okay. So you don't know who this fourth
22 person might have been that you were paying at the
23 time of --

24 MR. KILLEN: Object to the form of the
25 question.

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1 THE WITNESS: I don't know what that top
2 line is.

3 BY MR. FESTER:

4 Q Okay. So we have for the month of --

5 A If Zachary was paid in December, that
6 would have been one of the checks I gave him.

7 Q Here is one for the month of 10-18. It's
8 dated 11-9. It appears that there are six spaces
9 here.

10 A If you're implying there is six employees,
11 absolutely not.

12 Q Well, I'm just asking. Do you know what
13 those other six spaces --

14 A No. No.

15 Q But you can provide me with that
16 unredacted copy, correct?

17 A Yeah, I guess. If need be.

18 Q All right. Was anybody working sort of as
19 an office assistant at that time?

20 A No. I do my own office work.

21 Q No one taking calls for the business?

22 A No.

23 Q Was there anybody, besides people on the
24 ground on the site working, that worked for you as
25 well?

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1 A No.

2 Q So just to clarify, at the time -- it's
3 your position, it's your testimony, that at the time
4 of the accident, there's three employees and you
5 that are getting paid by the LLC?

6 A Again, me getting paid, I don't
7 actually -- I don't get a paycheck.

8 Q You agree that you're compensated, how you
9 pay bills is through the LLC?

10 A Yes, that's correct.

11 Q And so Daniel, Taylor and Zachary were all
12 regular employees at that time? They were working
13 40-hour weeks?

14 A Yes.

15 Q And you paid them regularly by check?

16 A Yes.

17 Q Where was your crew working? Where were
18 your employees working on the day of the accident?

19 A Hilton Head Plantation.

20 Q Do you know where?

21 A I don't know the exact address. I know it
22 was Ribaut Island, and I know the house.

23 Q Ribaut Island, you said?

24 A Yes. R-I-B-A-U-T.

25 Q Who were you working for on that day; do

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1 you recall?

2 A The homeowner, Fred Jauss.

3 Q Fred --

4 A J-A-U-S-S.

5 Q Were any other contractors on that job?

6 A On that day?

7 Q Yes.

8 A Well --

9 Q Or on that job at all?

10 A Yes.

11 Q Can you tell me who those were?

12 A I don't know them. He hired -- the
13 homeowner, Mr. Jauss, hired them to do the stucco
14 work.

15 Q Did ou -- were you contracted by anyone
16 except the homeowner to do the work out there?

17 A No.

18 Q Did you subcontract anyone else to do any
19 work?

20 A No.

21 Q Okay. Around October 2018, for the months
22 of September, October, November, did you sub out any
23 work?

24 A I can't say for sure.

25 Q Were you required to submit proof of

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1 workers' comp insurance to Mr. Jauss?

2 A No.

3 Q Did he ask for proof of insurance?

4 A He did not.

5 Q What kind of work were you doing, or your
6 crew doing, at that address?

7 A Replacing windows.

8 Q Is that what Zach was doing at the time of
9 the accident?

10 A Yes. Again, not exactly at that moment,
11 but as far as caulking the window.

12 Q So you agree that he was, at the time of
13 his accident, doing something within the course and
14 scope of his employment?

15 A Yes.

16 Q And that his injury arose out of his
17 employment with Southeastern Services?

18 A Yes.

19 Q You don't dispute that at all?

20 A I do not.

21 Q Have you ever paid any of Mr. Brown's
22 medical expenses?

23 A I have not seen a bill from him, even
24 though I've asked him for them.

25 Q But you paid him something after he was

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JAMIE BROWN 7/1/2020

1 injured?

2 A Yes.

3 Q And that was, you said, around \$1,100?

4 Does that sound right?

5 A That sounds right. And, again, I forget
6 exactly what it was.

7 Q And why did you pay him?

8 A Like I said, he wasn't working and I knew
9 he needed the money.

10 Q And I believe you said Mr. Brown did not
11 return to work with Southeastern after his accident?

12 A He did not.

13 Q Did you terminate Mr. Brown?

14 A I did not.

15 Q Going back to -- bear with me a moment.

16 All the work that was being done at that
17 address, it was being done at your behest? You told
18 them to go out there and do that work, correct?

19 A Yes.

20 Q And who provided the tools?

21 A I did.

22 Q You did.

23 And how did they get to the job site?

24 A In one of the vans.

25 Q That reminds me. You were briefly asked

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1 if the company owned any real property. I believe
2 you stated -- you said no to real estate.

3 A No.

4 Q Does it -- well, do you own any other
5 property?

6 A No.

7 Q What about tools?

8 A Yes.

9 Q Can you tell me what those are?

10 A Just basic hand tools, saws and drills.
11 Nothing crazy.

12 Q What about vehicles?

13 A Not in the LLC's name, no.

14 Q So the vehicles are in your name?

15 A That's correct.

16 Q What -- I believe you said there were two
17 vans that were model -- or model year 2014?

18 A Correct.

19 Q And they have a company name on them?

20 A They do.

21 Q And they're used for company work?

22 A Yes.

23 Q So there is no other property that the LLC
24 has that's in its name?

25 A Absolutely not.

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1 Q Okay. We briefly -- you and Mr. Killen
2 were discussing a lawsuit. I believe that was a
3 little over ten years ago. Does that sound right?

4 A Yes.

5 Q And that was Jamie Brown among others?

6 A Yes.

7 Q I believe there was also a judgment in
8 that case, 1.25 million dollars and change. Is that
9 judgment still lingering?

10 A No. It's resolved, or dissolved.

11 Q When you say "dissolved," was there a --
12 did they settle the case? How did it come to an
13 end?

14 A It just did after ten years.

15 How is that relevant here?

16 Q I'm asking the questions here.

17 A I can't ask you one back?

18 Q No, you can't. That's not what we're here
19 about.

20 Do you have any other lawsuits pending?

21 A I do not.

22 Q With Dianne Bright?

23 A No.

24 Q What happened there?

25 A It's been resolved.

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JAMIE BROWN 7/1/2020

1 Q According to the court website, it's still
2 pending. What was that about?

3 A Just discrepancy in a punch list.

4 Q Okay. Tell me about that.

5 A We did some work for her, and at the end
6 of the job, we didn't go and do the punch list when
7 she wanted it while she was on vacation and she
8 decided she wanted to sue instead for \$7,000.

9 Q And that's been resolved?

10 A I paid her \$5,000 to go away. Again, how
11 is that relevant?

12 Q Again, I'm asking the questions. This is
13 your deposition, not your deposition of me.

14 And Chance Jones was another employee that
15 you brought up. What does he do for you?

16 A Laborer.

17 Q Is he a W-2 employee?

18 A He was.

19 Q Was.

20 When did he work for you as a W-2
21 employee?

22 A Chance has worked for me for years on and
23 off. Sometimes he's paid, you know, W-2. Sometimes
24 he's just a 1099 employee.

25 Q Was he getting paid as a W-2 employee on

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1 or around the time of Mr. Brown's accident?

2 A He wasn't employed then.

3 Q Can you tell me roughly when he was
4 employed, periods, time periods?

5 A Right after the accident, he came back to
6 work, and he worked from then -- likely from
7 December or January of that year -- of 2018 until
8 just recently.

9 Q What about prior to his accident?

10 A I couldn't tell you exactly.

11 Q Ballpark?

12 MR. KILLEN: Object to the form of the
13 question.

14 THE WITNESS: No. Not really, no.

15 MR. FESTER: I believe that's all I have.

16 MR. KILLEN: I don't have anything
17 further.

18 (WHEREUPON, the taking of this sworn
19 deposition was adjourned at approximately
20 11:43 a.m.)

21

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JAMIE BROWN 7/1/2020

1 CERTIFICATE OF REPORTER

2
3
4 I, Jeannette M. King, Court Reporter and
5 Notary Public in and for the State of South
6 Carolina, do hereby certify:

7 That the foregoing deposition was taken
8 before me on the date and at the time and location
9 stated on Page 1 of this transcript; that the
10 deponent was duly sworn to testify to the truth, the
11 whole truth and nothing but the truth; that the
12 testimony of the deponent and examination were
thereafter transcribed; that the foregoing
deposition as typed is a true, accurate and complete
record of the testimony of the deponent and of all
objections made at the time of the examination to
the best of my ability.

13
14 I further certify that I am neither
15 related to nor counsel for any party to the cause
16 pending or interested in the events thereof.

17 Witness my hand, I have hereunto affixed
18 my official seal this 22nd day of July, 2020, at
19 Berkeley County, South Carolina.
20

21
22 _____
23 Jeannette M. King
24 Court Reporter and Notary Public
25 State of South Carolina at Large.
My commission expires: 2/28/27

ABC REPORTING SERVICE (803) 730-3015

1 State of South Carolina
2 Before the
3 South Carolina Workers' Compensation Commission
4 WCC File No.: 1824344

5 Zachary Brown,)
6 Employee,)
7 Claimant,)
8 vs.)
9 Southeastern Services H.H.I.,)
10 LLC,) Deposition of
11 Employer,) ZACHARY LLOYD
12 and) BROWN
13 Uninsured Employers' Fund,) January 19, 2021
14 Carrier,)
15 Defendants.)
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Deposition on oral examination of ZACHARY LLOYD BROWN, reported by Lana Edmonds, Certified Shorthand Reporter and Notary Public in and for the State of South Carolina; said deposition taken pursuant to notice of deposition and in accordance with the South Carolina Rules of Civil Procedure, with all parties to the litigation participating Via Videoconference, commencing on Tuesday, January 19, 2021, at the hour of 10:01 AM.

ZACHARY L. BROWN 1/19/2021

1 A P P E A R A N C E S

2

3 Representing the Employee/Claimant:

4 Law Offices of Darrell Thomas Johnson, Jr., LLC
 5 By: JOSHUA R. FESTER, ESQUIRE
 6 300 Main Street #5931
 Hardeeville, SC 29927
 (843) 784-2142

7 Representing the Employer:

8 Berry & Carr
 9 By: MICHAEL BENNETT, ESQUIRE
 2 Spanish Wells Road
 Hilton Head Island, SC 29926
 10 (843) 686-5432

11 Representing the Uninsured Employers' Fund:

12 Holder Padgett Littlejohn + Prickett, LLC
 13 By: TIMOTHY B. KILLEN, ESQUIRE
 945 Houston Northcutt Boulevard
 Mt. Pleasant, SC 29464
 14 (843) 278-0100

15

16 REPORTER'S NOTE:

17 Due to special circumstances, the court reporter
 18 and all parties to this litigation participated in
 this deposition Via Videoconference from various
 19 locations. When encountered, audio issues and
 breaks in testimony have been duly recorded in the
 transcript to the best of the reporter's ability.

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I N D E X

WITNESS	PAGE
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E X H I B I T S

(No exhibits proffered)

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1 P R O C E E D I N G S

2 Thereupon, ZACHARY LLOYD BROWN, the
3 deponent, called for examination by counsel for
4 the Defendant and, after having been duly sworn
5 by the notary, was examined and testified as
6 follows:

7 EXAMINATION BY COUNSEL FOR THE DEFENDANT
8 BY MR. KILLEN:

9 Q Mr. Brown, my name is Tim Killen. I'm a
10 lawyer that's been hired by the South Carolina
11 Workers' Compensation Uninsured Employers' Fund to
12 represent them in the workers' compensation claim
13 that you filed against them and Southeastern
14 Services H.H.I., LLC. Now, have you ever given a
15 deposition before?

16 A No, sir, I haven't.

17 Q Okay. We're here just to get some
18 information. Okay? We might all three lawyers
19 ask you questions, or it might just be me and
20 Michael, but we'll see how it works out. We're
21 not here to trick you. I'm just here to get
22 information about your claim. Okay?

23 A Yes, sir.

24 Q You can take a break at any time if you
25 need to get up, go to the restroom, smoke a

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ZACHARY L. BROWN 1/19/2021

1 cigarette, whatever. That's fine. Just let me
2 know. Okay?

3 A Thank you.

4 Q Are you under the influence of any drugs
5 or alcohol or anything that would affect your
6 ability to answer truthfully?

7 A No, sir, I'm not.

8 Q Okay. Are you on any prescription
9 medications?

10 A No, sir, I'm not.

11 Q All right. Okay. If I ask a question or
12 any of us ask you a question that you don't
13 understand, ask us to ask it in a different or
14 better way. Is that fair?

15 A Yes, sir.

16 Q Okay. And you understand you can't get
17 any help with your answers from your attorney?

18 A Yes, sir.

19 Q All right. And if you go ahead and
20 answer a question I ask you, I'll assume that you
21 understood it. Is that fair?

22 A Yes, sir.

23 Q All right. I think those are the basic
24 ground rules. And can you state your full name
25 for the record?

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1 A Yes, sir. It's Zachary Lloyd Brown.
 2 Q And Lloyd is with two Ls, correct?
 3 A Yes, sir.
 4 Q All right. What's your birthday?
 5 A It's October 13th of 1995.
 6 Q How old does that make you?
 7 A 25.
 8 Q All right. And do you still live at 145
 9 Auburn Hills Drive in Ridgeland?
 10 A Yes, sir. That's correct.
 11 Q How long have you been there?
 12 A I've been there for about four to five
 13 years now.
 14 Q Do you rent or own that property?
 15 A I rent.
 16 Q Does anyone live there with you?
 17 A No, sir.
 18 Q What's your phone number?
 19 A It's area code 702-609-5560.
 20 Q That's -- what's the area code 702?
 21 A It's Las Vegas.
 22 Q Las Vegas, Nevada?
 23 A Yes, sir.
 24 Q Okay. What's your e-mail address?
 25 A It's legacyusmc@gmail.com.

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1 Q Do you use any other e-mail addresses?

2 A No, sir, I don't.

3 Q Is that for the Marine Corps?

4 A Yes, sir. It was.

5 Q Were you in the Marines?

6 A No, sir. I was originally trying to get
7 into it whenever I was coming out of high school.

8 Q Why didn't you join the Marines?

9 A I wasn't able to graduate on time, and it
10 kind of set me back a little bit, and at the time
11 my family out here needed some help with the
12 family business. So I moved out here to come and
13 help them.

14 Q All right. So did you grow up in Las
15 Vegas?

16 A Originally I'm from here, but I spent my
17 middle school and high school years out there.

18 Q Okay. Were you born in South Carolina?

19 A Yes, sir.

20 Q What's your Social Security number?

21 A I'm sorry?

22 Q What's your Social Security number?

23 MR. KILLEN: And, Madam Court
24 Reporter, please redact all but the last
25 four digits.

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1 THE WITNESS: It's ***-**-8477.

2 BY MR. KILLEN:

3 Q Thank you. Do you have a South Carolina
4 driver's license?

5 A Yes, sir, I do.

6 Q What's your driver's license number?

7 A I'm sorry. I couldn't hear you.

8 Q I'm sorry. What's your driver's license
9 number?

10 A Just a second. I got to pull it out of
11 my wallet.

12 Q Sure.

13 A It's 105017403.

14 Q And don't put it up yet. When does it
15 expire?

16 A It expires 10-13-26.

17 Q Have you ever been married?

18 A No, sir, I haven't.

19 Q Do you have any kids?

20 A No, sir, I don't.

21 Q Do you own a car?

22 A I'm sorry?

23 Q Do you own a car?

24 A Yes, sir.

25 Q What kind of car do you drive?

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1 A It's a Ford F-350 flatbed dually.

2 Q What year is that?

3 A It's a '95.

4 Q And what color?

5 A It's white, like an off white.

6 Q Did you drive to your attorney's office
7 today for this deposition?

8 A Yes, sir, I did.

9 Q Do you have any problems driving?

10 A No, sir.

11 Q Okay. All right. So you went to high
12 school out in Las Vegas. Did you graduate from
13 high school?

14 MR. FESTER: You faded out there,
15 Tim.

16 MR. KILLEN: Okay.

17 BY MR. KILLEN:

18 Q Did you graduate from high school?

19 A No, sir, I did not.

20 Q What was the last year of school that you
21 attended?

22 A It was 2015.

23 Q What grade were you in?

24 A It was twelfth grade.

25 Q Why did you leave school during the

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1 twelfth grade?

2 A I actually finished out the school year.
3 I found out the day before I was supposed to
4 graduate that I was half a credit short.

5 Q I'm sorry. Have you gotten your GED?

6 A No, sir. I come out here and started
7 helping my family and just never really gave it a
8 chance.

9 Q Have you attended any school at all since
10 the -- you left school in the twelfth grade?

11 A No, sir.

12 Q So you came back to South Carolina to
13 help your family. What does your family do?

14 A They own a small step decking mobile home
15 skirting business.

16 Q What's the name of that?

17 A It's Southern Mobile Home Supplies.

18 Q Is that in Ridgeland?

19 A Yes, sir.

20 Q Okay. Do you still work for your family?

21 A Off and on, but that's really about it.

22 Q This is kind of a weird question, but are
23 your parents still alive?

24 A Yes, sir.

25 Q Okay.

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1 A Well, my mom is. I'm not sure about my
2 father. I've never met him. So...

3 Q And what's your mother's name?

4 A It's Jessica Brown.

5 Q And where does she live?

6 A I'm sorry?

7 Q Where does she live?

8 A She lives in Oklahoma.

9 Q What's her phone number?

10 A Her phone number is area code
11 918-706-7911.

12 Q All right. Thank you. I promise we
13 won't call her unless absolutely necessary, if
14 something happens to you, for instance. Where are
15 you working now?

16 A Right now I work for Chris Malphrus. I
17 do pressure washing for him. He owns a company
18 called Pro Wash Plus Pressure Washing. It's out
19 of Ridgeland, South Carolina.

20 Q How long have you been working for Pro
21 Wash Plus?

22 A I have been working for them since March
23 of this year.

24 Q March of 2020?

25 A Yes, sir.

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1 Q How many hours a week do you work?

2 A Anywhere from 20 to 40 hours.

3 Q Do you have any difficulty performing
4 your job physically?

5 A No, sir.

6 Q Okay. Is there -- do they make any
7 accommodations for you for --

8 MR. FESTER: You faded out again,
9 Tim.

10 BY MR. KILLEN:

11 Q Are they making any accommodations for
12 you for any physical impairments that you have?

13 A They try to give me a helper whenever
14 they can to get up on the roof, clean gutters,
15 climb the ladders, and stuff like that.

16 Q Okay. But you're climbing the ladders,
17 you're getting on the roofs; is that correct?

18 A No, sir. I'm -- I stay on the ground.
19 They give me somebody to help me to do that.

20 Q Okay.

21 A They'll give me a younger person to come
22 up. They'll go up and clean the gutters, get on
23 the roofs, stuff like that.

24 Q How much do you get paid working for Pro
25 Wash Plus?

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1 A I get paid \$17 an hour.

2 Q Before you worked for Pro Wash Plus,
3 where did you work?

4 A I was working at Jasper Pellet.

5 Q Is that in Ridgeland?

6 A Yes, sir, that is in Ridgeland.

7 Q What was your job there?

8 A I ran the inside of the pellet mill. I
9 ran the computer, fixed the machines when they
10 went down, shut the machines down, and filled
11 trucks.

12 Q So you're pretty good on a computer?

13 A As long as I know what I'm doing, yes.

14 Q Do you have any problems reading and
15 writing?

16 A No, sir, I don't.

17 Q Okay. How long did you work for Jasper
18 Pellet?

19 A I was working for them from -- it would
20 be December of '19 till March of 2020.

21 Q Why did you stop working for Jasper
22 Pellet?

23 A You broke up.

24 MR. FESTER: You faded out again.

25 MR. KILLEN: Fair enough.

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1 BY MR. KILLEN:

2 Q Why did you stop working for Jasper
3 Pellet?

4 A Things were getting rough out there. It
5 was actually in between three to four different
6 people who owned the business at the time, and
7 they were at each other's necks, and there wasn't
8 any time.

9 There was a lot of downtime. Things were
10 just starting to fall apart there, and I thought
11 it was in my best interest to get out before it
12 got too bad.

13 Q So you left voluntarily?

14 A Yes, sir.

15 Q All right. Where did you work before you
16 worked for Jasper Pellet?

17 A Before I worked for them, I worked at
18 Green Goods Wholesale Nursery. That's in
19 Hardeeville.

20 Q Can you say the name of that business
21 again?

22 A Green Goods Wholesale Nursery.

23 Q What was your job at Green Goods?

24 A I'm sorry?

25 Q What was your job there?

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1 A I cleaned up the mats, organized all the
2 plants, pulled trucks on -- or pulled plants off
3 the trucks, and helped customers.

4 Q How long did you work there?

5 A I worked there from November till
6 December.

7 Q November 2019 through December 2019?

8 A Yes, sir.

9 Q Why did you leave?

10 A It -- it was just a short-term job. I
11 found the pellet mill, and I had a better offer at
12 the pellet mill. So I took that.

13 Q And before you worked at the nursery,
14 where did you work?

15 A I worked for Crossroads Construction.
16 That's out of Beaufort, South Carolina.

17 Q Who owns that business?

18 A The owner's name is Dallas Reeves.

19 Q How long did you work for Crossroads?

20 A I worked for them from -- it was April
21 till right at the end of October.

22 Q Why did you leave Crossroads?

23 A We were coming to the end of the
24 construction season. We worked out of town a lot,
25 mainly up in North Carolina.

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1 And when the winter starts coming in, it
2 gets too cold, too icy on the roads, and they
3 don't allow us to do road work. So we were coming
4 into our slow period.

5 Q Okay. What was your job with Crossroads?

6 A I ran equipment there.

7 Q How much did you get paid?

8 A Sorry?

9 Q How much did you get paid?

10 A I was making 15 an hour with them.

11 Q Before you worked for Crossroads, where
12 did you work?

13 A Before I worked for Crossroads, I worked
14 for Southern Services. Excuse me. Southeastern
15 Services.

16 Q Southeastern Services H.H.I., LLC; is
17 that right?

18 A Yes, sir. That's correct.

19 Q Okay. And whose business is that?

20 A The owner's name is Jamie Brown.

21 Q How long did you work for Southeastern
22 Services?

23 A I'm sorry?

24 Q How long did you work for Southeastern?

25 A I started with them in -- I actually just

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1 worked with them in that period of time from the
2 beginning of October till the end of just --
3 actually, just before. So right at the end of
4 August.

5 Q How many weeks did you work for them?

6 A Four or five weeks.

7 Q And what was your job at Southeastern?

8 A I was a laborer. I did everything from
9 replace windows to flooring, demolition,
10 everything. I mean, anything and everything that
11 came to houses, we did it.

12 Q Okay. And how much did you get paid
13 working for Southeastern?

14 A I'm sorry. I couldn't hear you.

15 Q How much did you get paid working for
16 Southeastern?

17 A I was making 13 an hour.

18 Q How many hours a week were you working?

19 A Forty hours a week.

20 Q Did you ever work more than 40 hours a
21 week?

22 A No, sir. He was strict about no
23 overtime.

24 Q Did you ever work fewer than 40 hours a
25 week?

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1 A No, sir, we didn't.

2 Q Okay. And how were you paid? By check,

3 cash, gift cards? How?

4 A I'm sorry?

5 Q How were you paid?

6 A By check.

7 Q Were you paid weekly or monthly or what?

8 A It was weekly.

9 Q Were taxes taken out of the check?

10 A Yes, sir, they were.

11 Q What day of the week were you paid?

12 A I'm sorry?

13 Q On what day of the week were you paid?

14 A On Fridays.

15 Q And I'm going to have a lot more

16 questions about them later, but before you went to

17 work for Southeastern, where did you work?

18 A Before I worked for Southeastern, I

19 worked for Strong Tile (phonetic).

20 Q Out of where?

21 A I'm sorry?

22 Q Out of what town?

23 A Oh, I'm sorry. Out of Ridgeland.

24 Q How long did you work for Strong Tile?

25 A I worked for Strong Tile from -- I

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1 started with them in -- I can't recall the exact
2 date exactly.

3 I know I worked for them several months,
4 though, beforehand. I did a lot of work with them
5 part-time whenever I was working with my previous
6 tile boss, as well.

7 Q And did you lay tile? Is that what you
8 call it?

9 A Yes, sir. I laid tile for them. I did
10 countertops, bathroom floors, bathroom walls,
11 backsplashes in kitchens.

12 Q Why did you leave that job?

13 A I had a chance to go work for
14 Southeastern, and it was a little bit better
15 opportunity, better hours, and it seemed like a
16 better opportunity all the way around; a little
17 more my forte and skills. So I wanted to do that
18 instead.

19 Q And before you went to work for Strong
20 Tile, where did you work?

21 A I was working for Tim Hardt Tile out of
22 Bluffton, South Carolina.

23 Q Could you say that business name again?
24 I'm sorry. I couldn't understand it.

25 A Tim Hardt Tile.

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1 Q Okay. How long did you work for Tim
2 Hardt Tile?

3 A I worked for him for about six months.

4 Q Okay. Why did you leave?

5 A I'm sorry?

6 Q Why did you leave that job?

7 A We were having issues at the time with
8 hours and work. So I went full-time with Strong
9 Tile.

10 Q Did you quit, or did you resign, or were
11 you fired?

12 A It was kind of mutual between us. He was
13 needing to kind of let me go so he could save a
14 little bit of money, and I was kind of looking
15 towards leaving, anyways. So it was kind of a
16 mutual thing.

17 Q Okay. Have you ever worked in an office
18 setting?

19 A In an office setting? No, sir, I
20 haven't.

21 Q How did you get the job with
22 Southeastern?

23 A A buddy of mine actually works for Jamie,
24 and he gave me an offer to work -- come work for
25 them. So I took it.

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1 Q Who's your friend who works for him?

2 A His name is Daniel Smith.

3 Q I believe I met Mr. Smith last July. He
4 testified in this matter. Are you aware of that?

5 A Yes, sir.

6 Q Okay. Did you discuss your testimony
7 with Mr. Smith?

8 A No, sir.

9 Q Did you discuss Mr. Smith's testimony
10 with Mr. Smith?

11 A No, sir.

12 Q Okay. I know you weren't in the Marines,
13 but did you ever serve in any branch of the
14 military?

15 A No, sir.

16 Q Okay. Have you ever been arrested?

17 A Yes, sir.

18 Q When was the last time you were arrested?

19 A Back in April.

20 Q What were you charged with?

21 A I was charged with simple possession, but
22 it was dropped.

23 Q Marijuana?

24 A Yes, sir.

25 Q Okay.

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1 A I'm sorry?

2 Q I haven't asked a question yet. That
3 charge was dropped, you said?

4 A Yes, sir. It was.

5 Q All right. Before that, had -- have you
6 ever been arrested other than that one time?

7 A No, sir, I haven't.

8 Q Have you ever been convicted of any
9 crime?

10 A No, sir, I haven't.

11 Q Do you smoke?

12 A I'm sorry?

13 Q Do you smoke cigarettes?

14 A No, sir.

15 Q Do you drink alcohol?

16 A I'm sorry?

17 Q Do you drink alcohol?

18 A Yes, sir, on occasion.

19 Q How much do you drink?

20 A Not a whole lot. Maybe a few beers here
21 and there.

22 Q Have you ever been treated in the past
23 for drugs or alcohol?

24 A No, sir, I haven't.

25 Q Okay. Have you ever been treated in the

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1 past for depression?

2 A No, sir, I haven't.

3 Q Who was your supervisor at Southeastern?

4 A It was Daniel Smith.

5 Q Did you have any problems performing your
6 job before you got hurt?

7 A No, sir, I didn't.

8 Q Did you miss any time from work when you
9 got hurt?

10 A No, sir. Before I got hurt?

11 Q After you got hurt, did you miss time
12 from work?

13 A After I got hurt?

14 Q Yes.

15 A Yes, sir, I was out of work the whole
16 time whenever I got hurt.

17 Q How long were you out of work?

18 A I was out of work from then until I
19 started working for Crossroads in April.

20 Q And what day did you get hurt on?

21 A I can't recall the date exactly. It was
22 the end of October on a Friday. I know it was the
23 week right before Halloween or the week of
24 Halloween.

25 Q Just for the record, your documents show

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1 or say it was October 29th, 2018; is that right?

2 A I'm sorry?

3 Q The documentation your attorney has filed
4 on your behalf shows that the date of injury was
5 October 29th, 2018; is that correct?

6 A Yes, sir.

7 Q Okay. And what happened to you on that
8 date?

9 A I was standing up on a six-foot ladder up
10 against the side of a house. I was pulling stucco
11 out from around the frame of a window.

12 We were removing the window and the
13 flashing around it to replace the windows on the
14 house.

15 I was pulling the stucco out with a pry
16 bar, and my ladder kicked in the mulch it was set
17 up in.

18 My ladder fell to the right, and I fell
19 backwards, and when I did, my leg slipped in
20 between the rungs of the ladder, and it snapped.

21 Q Which leg?

22 A I'm sorry?

23 Q Which leg did you injure?

24 A It was my left leg.

25 Q Okay. And who was at the job site with

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1 you?

2 A It was Daniel Smith and Taylor Smith.

3 Q Are they related?

4 A No, sir. They're not.

5 Q And were they both working for
6 Southeastern on that day?

7 A Yes, sir, they were.

8 Q Where was Mr. Brown?

9 A He was running errands. I believe he was
10 going to Grayco at the time.

11 Q Did you have pain in any other body part
12 other than your left leg?

13 A No, sir.

14 Q Since this has happened, have you
15 developed pain in any other body part other than
16 your left leg that you attribute to this accident
17 or your injury?

18 A No, sir.

19 Q Okay. Did you talk to Mr. Brown on the
20 day you got hurt?

21 A I'm sorry?

22 Q Did you talk to Mr. Brown on the day you
23 got hurt?

24 A Yes, sir. I talked to him in the ER
25 after I got hurt, actually.

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1 Q Okay. What hospital did you go to?

2 A I'm sorry?

3 Q What hospital did you go to?

4 A It was Hilton Head Hospital.

5 Q Okay. Did Daniel Smith take you to the
6 hospital?

7 A Yes, sir. Him and Taylor Smith did.

8 Q Did you ever go back to work for
9 Southeastern?

10 A That was originally the plan, but I
11 was -- I was unable to get ahold of Jamie to be
12 able to try to go back to work with them. So I
13 wound up picking up the job with Crossroads.

14 Q Okay. When were you able to go back to
15 work?

16 A It was right after I got the okay from
17 the doctor from physical therapy. When exactly, I
18 can't remember exactly the date.

19 Q When did you go to physical therapy --
20 sorry. Where did you go to physical therapy?

21 A It was -- it was a partner of the
22 hospitals. Their main office is out of Bluffton,
23 South Carolina. I want to say it was Coastal.

24 Q You think it was Coastal Physical
25 Therapy; is that right?

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1 A Yes, sir. Coastal Carolina Physical
2 Therapy, I believe.

3 Q Okay.

4 MR. KILLEN: Can we go off the
5 record?

6 THE COURT REPORTER: Off the record.
7 (Off-the-record conference.)

8 MR. KILLEN: We'll just go back on
9 the record.

10 THE COURT REPORTER: Back on the
11 record.

12 MR. KILLEN: All right. We had a
13 brief discussion off the record about the
14 physical therapy provider.

15 BY MR. KILLEN:

16 Q Anyway, okay, did you follow up with a
17 doctor other than at the hospital?

18 A No, sir. Just the physical therapy.

19 Q Okay. The hospital records I have for
20 you show you were at Hilton Head Hospital from
21 October 29th through October 31st, 2018; is that
22 right?

23 A Yes, sir. That's correct.

24 Q Okay. Have you seen any other doctors
25 other than those at the Hilton Head Hospital for

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1 those couple of days?

2 A No, sir, I didn't.

3 Q Okay. And what was the issue with your
4 leg?

5 A It was broken through both bones.

6 Q The tibia and fibula?

7 A Yes, sir. That's correct.

8 Q What did they do for you?

9 A They went in, and they put a rod in my
10 leg, and then they put screws into my knee and
11 into my ankle, as well.

12 Q Do you still have the hardware in your
13 leg?

14 A Yes, sir, I do.

15 Q Do you have any doctors' appointments
16 scheduled for your left leg?

17 A No, sir, I don't.

18 Q Were you released from physical therapy
19 in April or before April?

20 A It was before April.

21 Q Was it in March?

22 A I want to say it was probably closer to
23 January or February.

24 Q Okay. Did you use crutches as a result
25 of this accident?

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1 A Yes, sir. I used crutches, and then they
2 had me in a soft cast for about a month, month and
3 a half, and they had me keep my leg up and rested
4 for that time until they put me into a hard boot.

5 And then once I got into the boot, they
6 started letting me get a little more mobile on the
7 crutches and eventually start walking on it again.

8 Q When were you able to walk without a boot
9 or crutches?

10 A I'm sorry?

11 Q When were you able to walk without a boot
12 or crutches?

13 A It wasn't until they even okayed me out
14 of physical therapy before I could get out of the
15 boot.

16 Q Okay. And that was in January?

17 A Sometime between January and February.

18 Q Gotcha. Has your lawyer sent you to see
19 any doctors?

20 A Yes, sir.

21 Q Okay. Who did your lawyer send you to
22 see?

23 A I believe it was the same doctor that did
24 the surgery.

25 Q When did you go see that doctor?

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1 A It was about a month to a month and a
2 half ago, I believe, now.

3 Q And do you know what that doctor may have
4 recommended?

5 A The doctor told me in the office that he
6 would recommend getting my leg looked at again.
7 He said that there was a clicking and a popping in
8 my knee that he didn't think was normal.

9 Q Dr. Douglas Scott?

10 A Yes, sir.

11 Q Okay.

12 MR. FESTER: Off the record, Tim.

13 (Off-the-record conference.)

14 MR. KILLEN: All right. We're back
15 on the record.

16 THE COURT REPORTER: Back on the
17 record.

18 BY MR. KILLEN:

19 Q Your lawyer just clarified something for
20 me off the record. You didn't see Dr. Scott
21 recently. You saw Dr. Tobin. That's Dr. Joseph
22 Tobin; is that right?

23 A Yes, sir.

24 Q Okay. And did you see him in Hilton Head
25 or Beaufort?

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1 A I went and saw him in Hilton Head.

2 Q Okay. How does your leg feel now?

3 A Right now it feels all right. When it
4 gets a little cold out or if I get down on my knee
5 too much or anything like that, it starts to hurt
6 a little bit.

7 Q On a scale of zero to 10, with zero being
8 no pain, and 10 being the worst pain you could
9 possibly imagine, when you say it starts to hurt a
10 little bit, where would it fall on that scale?

11 A It honestly depends. It can go anywhere
12 from a 1 to a 4 or a 5 sometimes. It really just
13 all depends how long I'm down on my knee or
14 exactly what I'm doing.

15 Q Do you have a family doctor?

16 A No, sir, I don't.

17 Q Have you ever treated with any doctors in
18 South Carolina before this accident?

19 A No, sir.

20 Q Have you ever been to any hospitals in
21 South Carolina before this accident?

22 A No, sir.

23 Q What about anywhere else?

24 A In Vegas when I was in high school.

25 Q What were you -- why did you go to the

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1 hospital in Vegas?

2 A I went out there. I was having a little
3 bit of chest pain one day, and my mom freaked out
4 and took me to the hospital.

5 Q That's a good mom.

6 A Yes, sir.

7 Q Have you ever seen a doctor for your left
8 leg, your ankle, shin, tibia (audio distortion) or
9 knee before this accident?

10 A No, sir. Not at all.

11 Q Okay. Have you ever collected
12 unemployment?

13 A No, sir.

14 Q Have you applied for any kind of
15 disability?

16 A No, sir, I haven't.

17 Q During the time you worked for
18 Southeastern did you work for anyone else?

19 A No, sir, I didn't.

20 Q Did you get a 1099 or a W-2 from
21 Southeastern?

22 A It was a W-2.

23 Q Okay. Did you file your tax returns for
24 the work you did in 2018 or the income you earned
25 in 2018?

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1 A I'm sorry?

2 Q Did you file tax returns for the income
3 you earned in 2018?

4 A Yes, sir.

5 Q Okay. Were you paid anything by
6 Southeastern after your accident?

7 A I got one check for like 150 bucks at one
8 time, and that was it.

9 Q Okay. And when you got paid by
10 Southeastern, what did you do with the checks?

11 A I took them directly to the bank and
12 cashed them or direct -- or put them into my
13 deposit.

14 Q At that time, where did you bank?

15 A I was banking at Regions Bank in
16 Ridgeland.

17 Q Did you ever cash the check at anywhere
18 other than Regions Bank?

19 A Yes, sir. If we happened to get back
20 into town after 5:00, we cashed our checks at the
21 gas station here in town.

22 Q Okay. Do you have any copies of the
23 checks that Southeastern paid you?

24 A No, sir, I don't, other than the pictures
25 on the receipts at the bank.

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1 Q During the time you worked for
2 Southeastern, who else worked for Southeastern?

3 A It was myself, Daniel Smith. It was
4 Taylor Smith. Chance Jones did some part-time
5 work off and on with them. And then Mr. Jamie
6 Brown himself, he worked with us.

7 Q So you said it was you, Daniel, Taylor,
8 and Chance worked off and on and Jamie, right?

9 A Yes.

10 MR. BENNETT: Hey, Tim, can I
11 interject? Can I get Taylor's last name?
12 I missed that.

13 BY MR. KILLEN:

14 Q Is that Taylor Smith?

15 A Yes, sir. It was Taylor Smith.

16 Q What's Chance's last name?

17 A Jones.

18 Q During the few weeks you worked for
19 Southeastern, was Daniel Smith there most of the
20 time?

21 A Every day that I worked he was there.

22 Q Okay. How often was Taylor Smith there?

23 A He worked every day, as well.

24 Q How often was Chance Jones there?

25 A He'd fill in whenever he could. He lived

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1 out of town, or he'd work with one of the guys who
2 run one of the sod trucks for Nimmer.

3 So whenever we needed a hand on like
4 bigger jobs or moving bigger windows, for
5 instance, the job I was on right after I got hurt,
6 they needed an extra hand. He came in and helped.

7 Q Okay. But how often -- when you were
8 working how often was Chance there?

9 A He was coming in once every week or so if
10 he could to help out.

11 Q Sometimes he wouldn't come in at all
12 during the week?

13 A Yeah. Sometimes he wouldn't come in.
14 Sometimes he would just when he could fill in.

15 Q He had another job; is that right?

16 A Yes, sir.

17 Q A full-time job?

18 A I'm not sure if it was a full-time or
19 what it was exactly.

20 Q Okay. Did you work Monday through
21 Friday?

22 A I worked Monday through Friday, yes, sir.

23 Q Did you work any weekends for
24 Southeastern?

25 A No, sir, no weekends.

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1 Q Do you know who hired Southeastern on the
2 job where you were hurt?

3 A I believe it was the homeowner himself.

4 Q And it was a personal residence that you
5 were working on; is that right?

6 A Yes, sir, it was.

7 Q And it was in Hilton Head?

8 A Yes, sir.

9 Q During the four or five weeks you worked
10 for Southeastern, how many days was Chance also
11 there?

12 A Maybe three or four.

13 Q And what would Jamie Brown do?

14 A He'd be over the project mainly. If he
15 didn't, then me and Daniel would have to do a
16 separate project. If he was on the job with us,
17 he was in charge of the project. He was hands-on
18 with us.

19 Q How often would he be on the job with
20 you? How many days a week?

21 A Anywhere from three to five depending on
22 what kind of projects we had going on that week.

23 Q Do you know anything about his company,
24 how it was set up?

25 A I'm sorry?

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1 Q Do you know how -- anything about his
2 company, I mean, how it's set up?

3 A Set up as in which way?

4 Q As in who owns it and how he gets paid.
5 Do you know anything about that?

6 A I believe he is the owner himself, and I
7 know he has a secretary at another office that
8 does all of his checkbook and stuff like that, but
9 other than that, I'm not really aware of anything
10 else.

11 Q Now, is it a secretary, or is it an
12 accountant who does payroll?

13 A Both.

14 Q Who was that?

15 A She does the payroll and everything, but
16 she also, if new jobs come in and everything, she
17 kind of keeps the books on everything, keeps it
18 organized.

19 Q Who is that? Who does that?

20 A Her name I can't remember off the top of
21 my name or off the top of my head. I didn't
22 really meet her. We only went to her office to
23 pick up the checks.

24 Q Okay. Is she an accountant? Do you
25 know?

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1 A I'm sorry?

2 Q Do you know whether or not that lady is
3 an accountant?

4 A I believe she is.

5 Q And is it your testimony that you want to
6 go back and see a doctor, an orthopedic
7 specialist?

8 A I'm sorry?

9 Q Do you want to go see a doctor?

10 A I mean, if it's necessary, yes.

11 Q Have you ever been in any motor vehicle
12 accidents?

13 A No, sir, I haven't.

14 Q Have you ever filed any personal injury
15 claims?

16 A No, sir, I haven't.

17 Q Have you had any prior workers'
18 compensation claims?

19 A No, sir, I haven't.

20 Q Okay. Have you understood all my
21 questions?

22 A Yes, sir.

23 Q Okay. Is there any answer you'd like to
24 change, correct, or modify?

25 A Yes, sir. When you asked if I would like

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1 to go see a doctor, yes, sir. There's no ifs.

2 It's when.

3 Q Okay. All right. Bear with me.

4 A Yes, sir.

5 Q Do you have any social media that you
6 use?

7 A I'm sorry?

8 Q Do you have a presence on social media?

9 A Yes, sir.

10 Q Okay. What -- do you have Facebook?

11 A Yes, sir. I have Facebook.

12 Q What else?

13 A I have an Instagram, but I rarely use it
14 anymore. And I have a Snapchat.

15 Q Okay. And your Facebook, is it under
16 your name?

17 A Yes, sir, it is.

18 Q All right. That's all the questions I
19 have. Please answer any questions Mr. Bennett may
20 have for you.

21 A Yes, sir.

22 EXAMINATION BY COUNSEL FOR THE DEFENDANT
23 BY MR. BENNETT:

24 Q Mr. Brown, thanks for being here. I'm
25 Michael Bennett. I represent Southeastern

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1 Services. I have a few brief questions for you.
2 Five minutes total.

3 A Okay.

4 Q You mentioned a worker by the name of
5 Chance Jones; is that correct?

6 A Yes, sir.

7 Q And he worked with Nimmer Sod. Is that
8 what you testified to?

9 A No, sir. He worked for a fellow who
10 worked for Nimmer Sod. He did some work for him
11 helping him with his truck, helping him unload and
12 stuff like that. The gentleman's name is Lamar
13 Long (phonetic) --

14 Q Okay.

15 A -- is who he worked for.

16 Q And Mr. Jones would fill in when
17 Southeastern would need additional help, correct?

18 A Yes, sir. That is correct.

19 Q So he wasn't permanently employed by
20 Southeastern Services?

21 MR. FESTER: Object to the form. You
22 can go ahead and answer.

23 THE WITNESS: He wasn't full-time
24 with us, no, but whenever Jamie would
25 call and ask him to help, he would come

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1 and help. He -- prior to it, he was
2 full-time employed with Southeastern
3 Services.

4 BY MR. BENNETT:

5 Q So when you were working with
6 Southeastern Services, would you say that
7 Mr. Jones' employment was irregular with that
8 schedule?

9 MR. FESTER: Object to the form. You
10 can go ahead and answer.

11 THE WITNESS: I'd say it was
12 irregular, yes. Like I said, he'd fill
13 in whenever Jamie would give him a call
14 and say, hey, you know, could you come
15 give us a hand with this, or, hey, you
16 know, can you come ride with me today, or
17 can you come help me pick up material,
18 you know, stuff like that. He'd call him
19 and have him do it instead of pulling us
20 off of the job.

21 BY MR. BENNETT:

22 Q So the employment wasn't continuous for
23 Mr. Jones --

24 MR. FESTER: Object to the form.

25 BY MR. BENNETT:

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1 Q -- with Southeastern Services?

2 A Like I said, from what I know, it was
3 just -- whether he was part-time or whether he
4 wasn't really working for them, I don't know. But
5 whenever he came to work with us, he was helping
6 on the jobs.

7 Q During the four or five weeks you were
8 working with Southeastern Services, I believe you
9 said that Mr. Jones worked approximately three
10 times with you?

11 A Yeah. He would come and --

12 Q How many --

13 A I'm sorry?

14 Q Go ahead.

15 A Yes, sir, he would come and help us.

16 Q How many hours total did (audio
17 distortion) Mr. Jones when you were employed with
18 Southeastern Services?

19 A Maybe four to five. Maybe a couple more.

20 Q And that was over a four to five-week
21 period, correct?

22 A Yes, sir. That's correct.

23 Q And you mentioned a secretary where you
24 would go and pick up your paychecks. And I
25 believe you stated that you drove to her office to

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1 get the paychecks; is that correct?

2 A Yes, sir. Me and Daniel would ride back
3 from Hilton Head back to Ridgeland from work,
4 anyways. So on our way back through we'd stop by
5 the office, and we'd go by and pick up our checks
6 and then go cash them and head home.

7 Q Where was this office located?

8 A It's right next door to the courthouse in
9 Ridgeland.

10 Q The main courthouse?

11 A Yes, sir. The big courthouse.

12 Q Where was Southeastern Services' office
13 located?

14 A Honestly, I don't know if he had an
15 office or if he had it set up out of a home office
16 or not.

17 Q Was there a sign on the building where
18 you collected your paycheck?

19 A There was a small sign hanging out front,
20 but I can't really recall what was on it.

21 Q Do you recall if the sign had the name of
22 a CPA or anything like that on it?

23 A No, sir.

24 Q Was this located -- where you picked up
25 the check, was it located on Main Street in

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1 Ridgeland?

2 A No, sir. It was right off of -- I can't
3 remember the name of the courthouse. But if
4 you're looking directly at the courthouse standing
5 in front of it, the building is off to the left
6 side of it just beside where the -- excuse me,
7 the -- one of the courthouse's side offices are.
8 I can't remember which side office it is right
9 now.

10 Q Okay.

11 A I want to say it's right beside the
12 parole office, though.

13 Q All right. I don't have any further
14 questions.

15 MR. FESTER: Nothing from me.

16 MR. KILLEN: And nothing from me
17 further. That's it. Thank you very much
18 for your time, Mr. Brown. I appreciate
19 it. And thank you other guys, Michael
20 and Josh.

21 (The deposition concluded at 10:56 AM,
22 and the deponent waived signature.)
23
24
25

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF DORCHESTER

C-E-R-T-I-F-I-C-A-T-E

3
4 I, Lana Edmonds, CSR and Notary Public,
5 certify that I did have ZACHARY LLOYD BROWN to
6 appear before me at 10:01 AM on January 19, 2021,
7 Via Videoconference; that the witness was duly
8 sworn and cautioned to tell the truth, the whole
9 truth and nothing but the truth; that the
10 foregoing pages constitute a true and accurate
11 transcript of his testimony given at that time and
12 place.

13 I further certify that I am not of
14 counsel or kin to any of the parties to this cause
15 of action, nor am I interested in any manner in
16 its outcome.

17 IN WITNESS WHEREOF I have hereunto set
18 my hand and seal this the 30th day of January,
19 2021.

20

21

22

23 Lana Edmonds
24 Certified Shorthand Reporter and
25 Notary Public for South Carolina
My Commission Expires August 1, 2022

ABC REPORTING SERVICE (803) 730-3015

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* Certified Mediator
** Also Licensed in Georgia

January 20, 2021

Via E Case

Commissioner Mike Campbell
South Carolina Workers' Compensation Commission
P.O. Box 1715
Columbia, SC 29202

RE: Zachary Brown v. Southeastern Services HHI, LLC and South Carolina
Uninsured Employers Fund
DOA: October 29, 2018
WCC File No: 1824344
Our File No: 02-2549-01-700-19

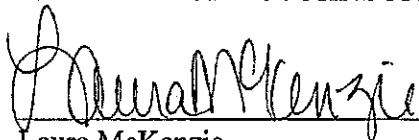
Dear Commissioner Campbell:

Enclosed please find the Claimant's Pre-Hearing Brief as well as the Notice of Witnesses and Written Medical Reports which lists the documents that I intend to submit for the Hearing along with Certificate of Service, in the above referenced matter, pursuant to the South Carolina Administrative Procedures Act.

By Copy of this letter, I am providing a copy of these forms and reports to the Attorney of record for the Employer and Carrier, as evidenced by my Certificate of Service.

With kind regards,

LAW OFFICE OF
DARREL THOMAS JOHNSON, JR., L.L.C.



Laura McKenzie

:lmc/encs



Claimant's Name: Zachary Brown Employer's Name: Southeastern Services HHI, LLC
Address: 145 Auburn Hills Dr. Address: 90 McGill Lane
City: Ridgeland State: SC Zip: 29936 City: Ridgeland State: SC Zip: 29936
Home Phone: (702) 609-5560 Work Phone: () - Carrier: South Carolina Uninsured Employers Fund
Preparer's Name: Joshua Fester Preparer's Phone #: (843) 784-2142

A claim for workers' compensation benefits is made based on the following grounds:

☒ Injury ☐ Illness ☐ Repetitive Trauma

1. Compensation Rate: TBD 2. AWW: TBD Date of Injury: October 29, 2018
3. Type of injury and body part(s): Fracture of both bones in left leg, left leg and knee injury
4. Facts in controversy: Whether Claimant sustained a compensable injury; whether employer is subject to the Act at all times relevant to this claim; whether Claimant is entitled to past temporary benefits; whether Claimant is entitled to past and future medical benefits; AWW, Compensation Rate; Whether disability is presumed to continue from the date of accident pursuant to 42-9-260 and 67-502(B)(2) and accordingly; Whether temporary benefits are presumed to continue until the employee returns to work. Whether employers' alter ego properly withdrew his Waiver of Exemption from the Act.
5. Legal issues involved: See response to facts in controversy above.
6. Unusual aspects: _____
7. Witnesses (designate if expert):* Claimant, Daniel Smith, Jamie Brown and all doctors as referenced on the Notice of Witnesses, and any and all witnesses listed by the Defendant or referenced by the Defendant.
8. Exhibits: _____
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance):
See attached Notice of Witnesses and Written Medical Reports to be Introduced as Direct Evidence on Behalf of the Claimant.
10. Name, address, and specialty, if any, of the treating physician:
Dr. Douglas Scott, 22 Bethea Drive, Hilton Head Island, SC 29926
Dr. Joseph Tobin, 12 Lafayette Place, Hilton Head Island, SC 29926
11. Impairment rating(s); body part(s); physician and date of opinion: _____
12. I am amending my Form 50/51 in the following manner: _____

☐ **Mediation**

- ☐ a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
☐ b. Mediation is required pursuant to Reg. 67-1802.
☐ c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
☐ d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to PLEASE SEE ATTACHED CERTIFICATE OF SERVICE

Address _____ on the _____ day of _____ 20____, by: ☐ first class postage ☐ certified mail ☐ personal service ☐ electronic service

I verify the contents of this form are accurate and true to the best of my knowledge.

Signature: *Joshua Fester*
Date of hearing: February 4, 2021

Email: jfester@johnsonslawoffice.com
Time needed for hearing: 1 hour

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615; as well as Regulation 67-1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. * Commissioners reserve the right to admit expert witnesses at hearings.

ZACHARY BROWN,
Employee/Claimant,
vs.
SOUTHEASTERN SERVICES HHI, LLC,
Employer,
and
SOUTH CAROLINA UNINSURED
EMPLOYERS FUND
Carrier,
Defendants.

TO: South Carolina Workers' Compensation Commission, Lisa C. Glover, Uninsured Employers' Fund, Timothy Killen, Esquire, Holder, Padgett, Littlejohn & Prickett and Patrick W. Carr, Berry & Carr:

APA#	DOCTOR	PRACTICE	DATES	PAGES
1.		Hilton Head Hospital	10/29/2018 to 10/31/2018	1-109
2.	Dr. Douglas Scott	Orthopedic Associates of the Lowcountry	10/30/2018 to TBS	110-118
3.	Dr. Joseph Tobin	Tobin Bone & Joint Surgery	07/28/2020	119-120
4.	Personnel Records	Crossroads Construction	04/15/2019 to 10/18/2019	121-128
5.	Personnel/Pay Records	Southeastern Services HHI, LLC	2017-2019	129-341
6.	2017, 2018, 2019 Tax Records	Jamie Brown	07/17/2020	342-409
7.	Email from SCWCC	SCWCC	07/17/2020	410-412
8.		Photo of Southeastern Services van		413

The Claimant reserves the right to submit any additional medical records upon receipt.

Exhibits: See above.

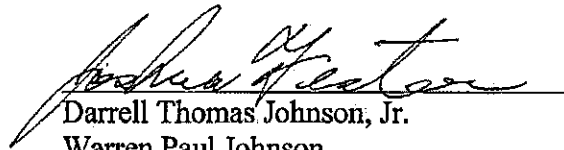
YOU ARE FURTHER HEREBY NOTIFIED that you have the right of cross-examination ; and, should you desire to exercise said right, you are to forthwith schedule the deposition(s) of any of the physician(s) or other person(s) whose reports are submitted, for the purpose of cross-examination.

YOU ARE FURTHER HEREBY NOTIFIED that the originals of the documents referred to herein, or photocopies received from said physicians/others, will be submitted at the Hearing before the South Carolina Workers' Compensation Commission, for insertion in the file of the South Carolina Workers' Compensation Commission and inclusion into evidence on behalf of the Claimant.

YOU ARE FURTHER HEREBY NOTIFIED that the following witnesses may be called on behalf of the Claimants.

Zachary Brown, Daniel Smith, Jamie Brown and any other witnesses identified by the Employer.

LAW OFFICES OF
DARRELL THOMAS JOHNSON, JR., LLC



Darrell Thomas Johnson, Jr.
Warren Paul Johnson
Joshua Reece Fester
300 Main Street
Post Office Box 1125
Hardeeville, South Carolina 29927
Phone: (843)784-2142
Facsimile: (843)-784-5770

Wednesday, January 20, 2021

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO: 1824344

ZACHARY BROWN,
Employee/Claimant,
vs.
SOUTHEASTERN SERVICES HHI, LLC,
Employer,
And
SOUTH CAROLINA UNINSURED
EMPLOYERS FUND,
Carrier,
Defendants.

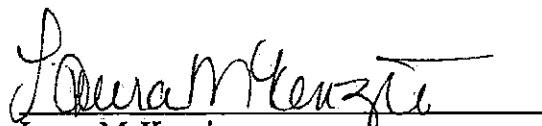
CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of January, 2021, I served true and accurate copies of the foregoing SCWCC Form 58, Pre-Hearing Brief, and Notice of Witnesses and Written Report(s)/Physician or Other Evidence to be Introduced on Behalf of Claimant on the party listed below via email and/or by placing the same in the United States mail, first class and/or Certified postage attached, addressed to the following:

lglover@saf.sc.gov
Lisa C. Glover
PO Box 210039
Columbia, SC 29221

tkillen@hplplaw.com
Timothy Killen
Holder, Padgett, Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464

patrick@hiltonheadlawyers.com
Patrick W. Carr
Berry & Carr
2 Spanish Wells Road
Hilton Head Island, SC 29926


Laura McKenzie

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995/ 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

History and Physical/Admission Notes

Document Type:	Admission H&P EMR No Cosign
Document Subject:	
Document Date/Time:	10/29/2018 19:43 EDT
Document Status:	Auth (Verified)
Performed By:	SISTER MD,IGOR (10/29/2018 19:47 EDT)
Authenticated By:	SISTER MD,IGOR (10/29/2018 20:03 EDT); SISTER MD, IGOR (10/29/2018 20:03 EDT)

History and Physical

Date/Time Note Created: 10/29/2018 19:43

CC:

Left leg constant, dull throbbing, nonradiating, moderate to severe pain, responding to narcotic analgesics

HPI:

this is a 23 years old usually healthy white male who fell from the 6 foot ladder when working in the house remodeling at Hilton at plantation. Patient stating that he did not lost conscious, and did not hit his head. Patient stating that his leg probably cut in a ladder, and he felt pain immediately. X-ray in the emergency room demonstrated left tibial and fibular fractures.

PMH:

No qualifying data available

Review of Systems:

CONSTITUTIONAL: No fever, no chills.
HEAD: No headache. No trauma.
EYES: No recent change in his vision. No blurry vision.
NOSE: No epistaxis, no rhinorrhea.
MOUTH: No sore throat, no bleeding gums.
NECK: No pain. No stiffness.
CARDIOVASCULAR: No chest pain, no palpitation, no orthopnea, no diaphoresis, no peripheral edema.
RESPIRATORY: no shortness of breath, no cough, no wheezing.
GASTROINTESTINAL: no abdominal pain, no nausea, no vomiting.
GENITOURINARY: no hematuria, no dysuria.
NEUROLOGIC: no numbness, no tingling, no seizure, no syncope, no paralysis
MUSCULOSKELETAL: See above
DERMATOLOGICAL: no lesions or rashes
ENDOCRINOLOGICAL: no heat or cold intolerance
HEMATOLOGICAL: no bleeding tendency
PSYCHIATRIC: no suicidal thoughts

FH: No qualifying data available.

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

History and Physical/Admission Notes

SH: He drinks 3-4 beers every evening

Allergies (1) Active

NKA

Reaction

None Documented

Home Medications (0)

No Known Home Medications

Medications (14) Active

Scheduled: (5)

acetaminophen (Tylenol) 650 mg = 2 tab, Oral, Q6hr
 chlorhexidine topical (Hibiclen 4% topical soap) 1 application, Topical, Once Scheduled
 enoxaparin (Lovenox) 40 mg = 0.4 mL, Subcut, Daily
 polyethylene glycol 3350 (MiraLax) 17 g = 1 packet(s), Oral, Daily
 tuberculin purified protein derivative (PPD (tuberculin)) 5 Unit(s) = 0.1 mL, IntraDermal, Weekly

Continuous: (2)

Lactated Ringers 1,000 mL 1,000 mL, IV, 125 mL/hr
 Sodium Chloride 0.9% 1,000 mL 1,000 mL, IV, 100 mL/hr

PRN: (7)

acetaminophen (Tylenol) 650 mg = 2 tab, Oral, TID
 acetaminophen (Tylenol) 650 mg = 2 tab, Oral, Q6H-int
 acetaminophen-oxyCODONE (Percocet 5/325 oral tablet) 2 tab, Oral, Q6H-int
 docusate (Colace) 100 mg = 1 cap, Oral, BID
 HYDROMORPHONE (Dilaudid) 1 mg = 1 mL, IV Push, Q4H-int
 ondansetron (Zofran) 4 mg = 2 mL, IV Push, Q4H-int
 promethazine (Phenergan) 12.5 mg = 0.5 mL, IV Piggyback, Q6hr

<u>Vital Signs:</u>	<u>Last Charted:</u>	<u>24 Hr Minimum:</u>	<u>24 Hr Maximum:</u>
Temp C Converted	36.4 (10/29 18:01)	36.4 (10/29 18:01)	36.4 (10/29 18:01)
Temp F	97.6 (L) (10/29 18:01)	97.6 (L) (10/29 18:01)	97.6 (L) (10/29 18:01)
Heart Rate	75 (10/29 18:01)	75 (10/29 18:01)	75 (10/29 18:01)
Resp Rate	20 (10/29 18:01)	20 (10/29 18:01)	20 (10/29 18:01)
SBP	130 (10/29 18:01)	130 (10/29 18:01)	130 (10/29 18:01)
DBP	72 (10/29 18:01)	72 (10/29 18:01)	72 (10/29 18:01)
SpO2	99 (10/29 18:01)	99 (10/29 18:01)	99 (10/29 18:01)
Height	178 (10/29 18:01)		

Physical Examination:

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L. MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD,RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

History and Physical/Admission Notes

GENERAL: Not in distress, pleasant, lucid, cooperative.
 HEAD: symmetrical, PERRLA, sclerae not injected; EOMI, MMM,
 NECK: is supple, thyroid is not enlarged, LN are not palpated.
 PULMONARY: no dullness on percussion, CTA B/I on auscultation
 CVS: RRR, no additional murmurs or gallops, no carotid bruits, peripheral pulses intact
 GI: abdomen soft, NT, ND + BSs, no organomegaly
 NEUROLOGICAL: CN II-XII are grossly intact, no cerebellar signs, muscle strength 5/5 X 4; no sensory deficits
 EXTREMITIES: no clabbing, cyanosis or edema
 DERMATOLOGICAL: Skin: warm, dry, no rashes
 MUSCULOSKELETAL: joints, no effusions, ROM limited left lower extremity secondary to pain, left leg cast
 PSYCHIATRIC: normal affect, AOA X 3

<u>Chemistry Comprehensive - Last 36 hours (17) Result</u>	<u>Date/Time</u>
Sodium Lvl	136 10/29 19:20
Potassium Lvl	3.7 10/29 19:20
Chloride Lvl	102 10/29 19:20
CO2	24 10/29 19:20
Glucose Level	93 10/29 19:20
BUN	17.0 10/29 19:20
Creatinine Lvl	0.8 10/29 19:20
Total Protein	6.7 10/29 19:20
Albumin Lvl	4.4 10/29 19:20
Calcium Lvl	9.2 10/29 19:20
Bili Total	0.40 10/29 19:20
Alk Phos	57 10/29 19:20
AST	22 10/29 19:20
ALT	21 10/29 19:20
Osmolality Calc	273 (L) 10/29 19:20
GFR African Am	>60 10/29 19:20
GFR Non African Am	>60 10/29 19:20

<u>Hematology Basic - Last 36 hours (22) Result</u>	<u>Date/Time</u>
WBC	13.7 (H) 10/29 19:20
RBC	4.80 10/29 19:20
Hgb	13.7 10/29 19:20
Hct	42.4 10/29 19:20
MCV	88 10/29 19:20
MCH	28.6 10/29 19:20
MCHC	32.4 10/29 19:20
RDW	13.9 10/29 19:20

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Atlan Bennett, MD

History and Physical/Admission Notes

Platelet Count	206	10/29 19:20
MPV	9.3	10/29 19:20
NRBC Auto Abs	0	10/29 19:20
NRBC Auto Rel	0	10/29 19:20
Neutrophil Rel	80 (H)	10/29 19:20
Lymphocyte Rel	11 (L)	10/29 19:20
Monocyte Rel	8	10/29 19:20
Eosinophil Rel	1	10/29 19:20
Basophil Rel	0	10/29 19:20
Neutrophil Abs	10.9 (H)	10/29 19:20
Lymphocyte Abs	1.6	10/29 19:20
Monocyte Abs	1.0	10/29 19:20
Eosinophil Abs	0.2	10/29 19:20
Basophil Abs	0.0	10/29 19:20

EKG: No EKG available for interpretation

Radiology - Last 36 hours (1)

XR Tibia/Fibula 2 Views Left (10/29 18:20)

FINDINGS:

Bones/joints: Mildly comminuted oblique fracture of the mid left tibia with mild anterior displacement of the distal fracture fragment and apex anterior angulation. Mildly comminuted oblique fracture of the mid left fibula with medial displacement of the distal fracture fragment.

Soft tissues: Normal.

IMPRESSION:

Mildly comminuted oblique fractures of the mid left tibia and fibula as described above.

Signed: Kelron Kennedy MD On 10/29/2018 19:55:56

Assessment and Plan:

1. Lt tibia and fibula fracture fracture - admit to GMF
 - bed rest for now
 - pain control
 - F/u with Orthopedic specialist in regards to ORIF
 - PT/OT
2. Tertiary prevention: IS to avoid atelectasis
 - monitor urine output; use bladder scan for monitoring of PVRV; Foley if needed
 - DVT prophylaxis

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

History and Physical/Admission Notes

- BM regimen with scheduled Miralax and Colase in addition to PRN medications
3. Preoperative clearance - patient is free of CVS complaints on admission.
based on her PMH, physical examination, reviewed results of the laboratory and ancillary data - she is at regular risk for her age group for
upcoming surgery
4. DVT/GI prophylaxis

Disposition: Patient's condition is guarded and requires inpatient level of care.
I anticipate that this patient will stay in the hospital for at least 48 hours

The failure to initiate these interventions on an urgent basis would likely result in sudden, clinically significant, and life threatening deterioration in this patient's condition.

Total time spent 72 minutes

More than 50% of my time devoted to reviewing previous medical records, reviewing and analyzing available imaging studies and EKG tracings, coordination of this patient's care including discussions with ER physician, consulting specialists, conveying plan of care to nurses. I also explained current findings, plans of care, potential outcomes and prognosis to the patient and family.

All questions were answered satisfactory.

Electronically Signed On 10/29/18 20:03 EDT

SISTER MD, IGOR

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Consultation Notes

Document Type:	Consult Note EMR No Cosign
Document Subject:	
Document Date/Time:	10/30/2018 19:46 EDT
Document Status:	Auth (Verified)
Performed By:	SCOTT MD,DOUGLAS A (10/30/2018 19:49 EDT)
Authenticated By:	SCOTT MD,DOUGLAS A (10/30/2018 19:49 EDT)

Consultation Report

ORTHOPEDIC ATTENDING CONSULTATION DOCUMENTATION

DATE OF VISIT: October 30, 2018

TIME OF VISIT: 6 AM

CHIEF COMPLAINT: Left leg injury.

HISTORY: I personally saw and evaluated the patient this morning.

This patient is an 23-year-old male who noted no previous symptoms on the left lower extremity until an injury last night. As I understand, he notes falling approximately 6 feet and experiencing a violent twisting injury to the left leg. Because of immediate pain and swelling and deformity and inability to weightbear, he presented to the Hilton Head Hospital Emergency Room where he was diagnosed with an tibia fracture. He denies losing consciousness or any neurologic symptoms and at this point tells me his pain is well controlled. denies any other symptoms and is otherwise without complaints.

The patient's past medical and surgical history, medication list and drug allergies, review of systems are reviewed today and included in the electronic medical record.

PHYSICAL EXAMINATION: Shows the patient is alert and oriented and comfortable, in no acute distress. The other extremities move appropriately.

Examination of the left lower extremity shows understandable swelling and global tenderness about the midshaft of the tibia. Formal range of motion and strength testing is deferred, but the compartments are clearly soft and no signs of impending threat is seen. No tenderness was seen at the knee or ankle and no signs of compartment syndrome are seen whatsoever. The Left lower extremity is objectively neurovascularly intact with normal sensation to light touch in all dermatomal distributions, 5/5 muscle strength in all motor groups distally and a 2+ dorsalis pulse is felt.

IMAGING: Please see the electronic medical record for details, but briefly,

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Consultation Notes

radiographs of the left tibia today show a displaced tibia fracture just distal to the mid shaft of the diaphyseal bone.

DISCUSSION: I reviewed the relative anatomy and pathophysiology of this serious injury and recommended surgical intervention. I explained the technical aspect of the procedure and the rehabilitation program. I explained risks and benefits of the injury and surgery including infection, malrotation, and limb length inequality, neurovascular injury, neurapraxia, loss of sensation about the knee and lower leg as well as compartment syndrome. I explained the risks of nonunion and malunion and anterior knee pain and the possibility of hardware removal. I explained the concept of posttraumatic arthritis and other soft tissue injuries to the knee and/or ankle as well as the bony injury. I explained the long-term ramifications of chronic pain and stiffness and weakness and difficulty returning to full activity. I explained medical and cardiac complications of anesthesia and DVT.

All these concepts were reviewed and all questions were answered. Informed consent was obtained and we will plan to proceed with the surgery on an urgent basis.

Electronically Signed On 10/30/18 19:49 EDT

SCOTT MD, DOUGLAS A

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Discharge Summary

Document Type:

Discharge Summary EMR

Document Subject:

Document Date/Time:

10/31/2018 13:16 EDT

Document Status:

Auth (Verified)

Performed By:

ELLIOTT NP HHH, LAUREL (10/31/2018 13:23 EDT)

Authenticated By:

SANCHEZ-YRIARTE MD, RAFAEL (10/31/2018 14:05 EDT);

SANCHEZ-YRIARTE MD, RAFAEL (10/31/2018 14:05 EDT)

Discharge Summary

Date/Time Note Created: 10/31/2018 13:16

Date of Admission: 10/29/2018_

Date of Discharge: 10/31/2018_

Admitting Physician: Dr. Sister_

Discharge Diagnosis (2)

Closed bicondylar fracture of tibial plateau (S82.143A): _

Closed displaced comminuted fracture of shaft of left tibia (S82.252A): _

Consulting Services: Orthopedic surgery: Dr. Scott_

History of Present Illness from H&P: "this is a 23 years old usually healthy white male who fell from the 6 foot ladder when working in the house remodeling at Hilton at plantation. Patient stating that he did not lost conscious, and did not hit his head.

Patient stating that his leg probably cut in a ladder, and he felt pain immediately. X-ray in the emergency room demonstrated left tibial and fibular fractures."

Hospital Course:

Mr. Brown was admitted to the hospital and orthopedic surgery was consulted. Dr. Scott took the patient for an ORIF secondary to a left midshaft tibia fracture on October 30. He tolerated the procedure well and had no intra-or postoperative complications. He was discharged once cleared by orthopedics and once he was able to relate with PT. He has been instructed to be nonweightbearing on the left lower extremity and will be discharged on Lovenox twice daily for 2 weeks, per orthopedic recommendations, for DVT prophylaxis. There is plans to transition him to aspirin after 2 weeks of Lovenox. Postoperatively, he was noted to have mild hypokalemia which was treated with oral potassium supplementation._

Procedures:

As outlined above_

Physical Examination at Discharge:

[Vital Signs:

Last Charted:

24 Hr Minimum:

24 Hr Maximum:

Temp F

98.4

(10/31 09:04)

97.9 (L)

(10/30 20:38)

99

(10/30 17:05)

Report Request ID: 187346552

Page 195 of 373

Printed: 4/22/2020 15:50 CDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Discharge Summary

Heart Rate	61	(10/31 09:04)	61	(10/31 09:04)	91	(10/30 17:08)
Resp Rate	16	(10/31 09:04)	16	(10/30 17:50)	21 (H)	(10/30 17:15)
SBP	126	(10/31 09:04)	122	(10/30 17:30)	154 (H)	(10/30 17:10)
DBP	58 (L)	(10/31 09:04)	58 (L)	(10/31 09:04)	84	(10/30 17:36)
SpO2	98	(10/31 09:04)	84 (L)	(10/30 17:08)	99	(10/30 17:36)

GENERAL: This is a well-developed, well-nourished male who is alert and not currently in any acute distress.

HEENT: PERRL. EOM are intact. Sclerae are anicteric. Conjunctivae are clear. Oral mucosa in pink, moist, and intact.

NECK: Supple. Trachea midline. No masses palpated.

NEUROLOGICAL: Patient is alert and oriented x 3. No focal motor or sensory deficits noted. CN II-XII are grossly intact.

CARDIOVASCULAR: Audible heart tones. Normal S1S2 with no murmurs, gallops, clicks, or rubs appreciated.

LUNGS/CHEST: Patent airway with nonlabored respirations. Equal chest expansion. No intercostal space retractions. No pain on palpation. No subcutaneous emphysema. Lungs are clear to auscultation bilaterally.

ABDOMEN: Active bowel sounds in all 4 quadrants. Soft, nontender, nondistended. No rebound or guarding.

EXTREMITIES: Left lower extremity is in a soft cast. Knee immobilizer in place. He is able to move his toes and sensation is intact. No other edema. No erythema. No clubbing or cyanosis. Pulses palpable in bilateral upper and lower extremities. Capillary refill is less than 3 seconds.

INTEGUMENTARY: Warm. Intact. No petechiae or rashes noted.

PSYCHIATRIC: Alert and oriented. Appropriate affect.

Disposition:
Home_

<u>Discharge Medications (2)</u>	<u>Order Details</u>	<u>Status</u>
New / Continued Meds: (2)		
acetaminophen-HYDROcodone 325 mg-7.5 mg oral tablet	1 tab, Oral, Q4hr	New
enoxaparin 30 mg/0.3 mL subcutaneous solution	30 mg = 0.3 mL, Subcut, Q12hr	New

Durable Medical Equipment:
Crutches and knee immobilizer

Instructions:

Dietary: Resume home diet_

Activity: Nonweightbearing on the left lower extremity_

Follow-Up: With Dr. Scott and with primary care provider_

Other: _

Condition at Discharge:
Stable_

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Summary

Attending Note:

Pt was personally seen and examined by me

PE
vitals reviewed
rrr, lung clear, PERRL, abdomen soft

Agree with note above

Dr. Sanchez

total time 40 min with greater than 50% of time was spent counseling pt coordinating care

Electronically Signed On 10/31/18 13:23 EDT

ELLIOTT NP HHH, LAUREL

Electronically Signed On 10/31/2018 14:05 EDT

SANCHEZ-YRIARTE MD, RAFAEL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

Document Type:	IP Depart Summary
Document Subject:	IP Depart Summary
Document Date/Time:	10/31/2018 12:40 EDT
Document Status:	Modified
Performed By:	Ryan RN, Pia (10/31/2018 12:40 EDT)
Authenticated By:	Ryan RN, Pia (10/31/2018 12:40 EDT)

IP Depart Summary

Hilton Head Hospital

Clinical Summary

Current Date: 10/31/2018 12:40:21

Name: BROWN, ZACHARY L

Address: 145 AUBURN HILLS DR RIDGELAND SC 29936-5741

Phone: 9999999999

Date of Birth: 10/13/1995 **MRN:** 453227 **FIN:**

Encounter Type: 1 - Inpatient

PHYSICIANS INFORMATION

Primary Care Physician: PCP, UNKNOWN **Phone Number:**

Consulting Physician: SCOTT MD, DOUGLAS A

Attending Physician: SISTER MD, IGOR

Admitting Physician: SISTER MD, IGOR

Hilton Head Hospital would like to thank you for allowing us to assist you with your healthcare needs. The following includes patient education materials and information regarding your injury/illness.

CLINICAL INFORMATION

Allergies: NKA

Discharge Diagnosis: Closed bicondylar fracture of tibial plateau; Closed displaced comminuted fracture of shaft of left tibia

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

Discharge Orders:

Order Name	Order Details
Discharge	Braces & Support, Knee Braces
Durable Medical Equipment	Special Instructions: Knee brace/Immobilizer to operative extremity at all times except hygiene Discharge To: Home
Discharge Patient	Discharge Diet: Resume Home Diet Discharge Activity: Other - Specify in Freetext, NON weight bearing left LE Comment: IF CLEARED BY ORTHOPEDICS

FOLLOW UP INSTRUCTIONS/APPOINTMENTS:

With:	Address:	When:
NWB L LE		Within 5 to 7 days

With:	Address:	When:
Remove Aquacel dressing POD 7 and leave uncovered. If drainage reaches border of Aquacel then remove dressing and reapply 4x4's and tegaderm then call Office at 843-682-7480.		Within 5 to 7 days

With:	Address:	When:
Please have patient call 3 days before pain meds run out for refill.		Within 5 to 7 days

Hilton Head Hospital
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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

With:	Address:	When:
DOUGLAS SCOTT	22 BETHEA DRIVE HILTON HEAD, SC 29926 8436827480 Business (1)	In 1 week 11/07/2018

Immunizations:

Immunization Name	Date	Dose	Route	Vaccine Info Sheet & Comments
influenza virus vaccine, inactivated	10/31/2018 12:09:00	0.5 mL	IntraMuscular Arm Upper Left	Ad Hoc 08/07/2015

Discharge Assessment: Discharge Summary

10/31/18 12:37 EDT Performed by Ryan RN, Pla

Entered on 10/31/18 12:37 EDT

Nursing Discharge Summary CPOE

Discharged to: Home with family care

Accompanied By, Discharge: Friend

Mode of Discharge: Wheelchair

Mode of Transportation-ClinDoc: Private vehicle

Medications DC: Final medication list provided to patient/caregiver, Medications explained to patient/caregiver, Prescriptions given, Consult physician for medication questions

Discharge Assessment

Reviewed/Agree with Last Pt Assessment: Yes

Pain Assessment

Patient Indicates Pain: Pain

Nurse Observations Pain: Calm

Pain Score Method: Patient stated

Pain Score: 5

Hilton Head Hospital
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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

MEDICATION LIST:

Additional Medications

MAIN STREET PHARMACY, 7752 MAIN ST RIDGELAND, SC 29936, (843) 726 - 5444

enoxaparin (Lovenox 30 mg/0.3 mL subcutaneous solution) 30 Milligram Subcutaneous Every 12 hours
scheduled for 14 day(s). Refills: 0.

Last Dose Given _____ Take next dose _____

Other (Non-Electronically Routed and Non-Printed Medications)

acetaminophen-HYDROcodone (Norco 325 mg-7.5 mg oral tablet) 1 tablet(s) Oral Every 4 hours
scheduled. Refills: 0.

Last Dose Given _____ Take next dose _____

Final Active Medication List:

We have provided this final list of active medications as a courtesy so that you can easily update your home records and provide to your physicians. These are the only medications that you should be taking. Please review carefully and let us know if you have any questions or concerns.

acetaminophen-HYDROcodone (Norco 325 mg-7.5 mg oral tablet) 1 tablet(s) Oral Every 4 hours
scheduled. Refills: 0.

enoxaparin (Lovenox 30 mg/0.3 mL subcutaneous solution) 30 Milligram Subcutaneous Every 12 hours
scheduled for 14 day(s). Refills: 0.

Take only the medications listed above. Contact your doctor prior to taking any medications NOT on this list.

Patient Addendums:

Document Type:	IP Patient Depart Summary
Document Subject:	IP Patient Depart Summary
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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

IP Patient Depart Summary

Hilton Head Hospital
Patient Discharge Instructions

Name: BROWN, ZACHARY L

Current Date: 10/31/2018 12:40:22

DOB: 10/13/1995 **MRN:** 453227 **FIN:** 100700735

Weight kg: 100 kg

Patient Address: 145 AUBURN HILLS DR RIDGELAND SC 29936-5741

Patient Phone: 9999999999

Primary Care Provider:

Name: PCP, UNKNOWN

Phone:

Hilton Head Hospital would like to thank you for allowing us to assist you with your healthcare needs. The following includes patient education materials and information regarding your injury/illness.

Your important health information, including your test results, is available online through My Patient Portal. If you did not sign up for My Patient Portal during your hospital stay, please call the hospital to enroll. If you have signed up and need assistance logging in to My Patient Portal, please call 1-888-252-8149. For questions regarding medications or other health concerns after discharge, please contact your physician's office.

Allergies & Adverse Reactions: NKA

Discharge Diagnosis: Closed bicondylar fracture of tibial plateau; Closed displaced comminuted fracture of shaft of left tibia

Discharge Orders:

Order Name Order Details

Report Request ID: 187346552

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Printed: 4/22/2020 15:50 CDT

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Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

Discharge Braces & Support, Knee Braces
Durable Medical Special Instructions: Knee brace/Immobilizer to operative
Equipment extremity at all times except hygiene
Discharge To: Home

Discharge Diet: Resume Home Diet

Discharge Patient Discharge Activity: Other - Specify in Freetext, NON weight
bearing left LE

Comment: IF CLEARED BY ORTHOPEDICS

Follow-up Instructions

With:	Address:	When:
NWB L LE		Within 5 to 7 days

With:	Address:	When:
Remove Aquacel dressing POD 7 and leave uncovered. If drainage reaches border of Aquacel then remove dressing and reapply 4x4's and tegaderm then call Office at 843-682-7480.		Within 5 to 7 days

With:	Address:	When:
Please have patient call 3 days before pain meds run out for refill.		Within 5 to 7 days

With:	Address:	When:

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25 Hospital Center Boulevard
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Discharge Documentation/Instructions

DOUGLAS SCOTT	22 BETHEA DRIVE HILTON HEAD, SC 29926 8436827480 Business (1)	In 1 week 11/07/2018

If you have a problem and are not able to contact your primary care provider, please return to the hospital's Emergency Department at any time.

Immunizations:

Immunization Name	Date	Dose	Route	Vaccine Info Sheet & Comments
influenza virus vaccine, inactivated	10/31/2018 12:09:00	0.5 mL	IntraMuscular Arm Upper Left	Ad Hoc 08/07/2015

Comment:

Medication Notes:

Additional Medications

MAIN STREET PHARMACY, 7752 MAIN ST RIDGELAND, SC 29936, (843) 726 - 5444

enoxaparin (Lovenox 30 mg/0.3 mL subcutaneous solution) 30 Milligram Subcutaneous Every 12 hours scheduled for 14 day(s). Refills: 0.

Last Dose Given _____ Take next dose _____

Other (Non-Electronically Routed and Non-Printed Medications)

acetaminophen-HYDROcodone (Norco 325 mg-7.5 mg oral tablet) 1 tablet(s) Oral Every 4 hours scheduled. Refills: 0.

Last Dose Given _____ Take next dose _____

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Discharge Documentation/Instructions

Your discharge prescriptions may be printed, called in, or transmitted electronically to the pharmacy. If there are any issues with your prescriptions, please call the physician.

Final Active Medication List:

We have provided this final list of active medications as a courtesy so that you can easily update your home records and provide to your physician(s). These are the only medications that you should be taking. Please review carefully and contact your doctor prior to taking any medications NOT on this list.

acetaminophen-HYDROcodone (Norco 325 mg-7.5 mg oral tablet) 1 tablet(s) Oral Every 4 hours scheduled. Refills: 0.

enoxaparin (Lovenox 30 mg/0.3 mL subcutaneous solution) 30 Milligram Subcutaneous Every 12 hours scheduled for 14 day(s). Refills: 0.

Medication Leaflets

acetaminophen and hydrocodone

(a SEET a MIN oh fen and hye droe KOE done)

Hycet, Lorcet, Lortab, Norco, Verdrocet, Vicodin, Xodol, Zamicet

What is the most important information I should know about acetaminophen and hydrocodone?

This medicine can slow or stop your breathing, and may be habit-forming. **MISUSE OF THIS MEDICINE CAN CAUSE ADDICTION, OVERDOSE, OR DEATH**, especially in a child or other person using the medicine without a prescription.

An overdose of acetaminophen can damage your liver or cause death. Call your doctor at once if you have pain in your upper stomach, loss of appetite, dark urine, or jaundice (yellowing of your skin or eyes).

Stop taking this medicine and call your doctor right away if you have skin redness or a rash that spreads and causes blistering and peeling.

What is acetaminophen and hydrocodone?

Hydrocodone is an opioid pain medication, sometimes called a narcotic.

Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone.

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Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

Acetaminophen and hydrocodone is a combination medicine used to relieve moderate to severe pain.

Acetaminophen and hydrocodone may also be used for purposes not listed in this medication guide.

What should I discuss with my healthcare provider before taking acetaminophen and hydrocodone?

You should not use this medicine if you are allergic to acetaminophen (Tylenol) or hydrocodone.

To make sure this medicine is safe for you, tell your doctor if you have ever had:

- liver disease, cirrhosis, or if you drink more than 3 alcoholic beverages per day;
- a drug or alcohol addiction;
- diarrhea, inflammatory bowel disease, bowel obstruction, severe constipation;
- kidney disease;
- a head injury, brain tumor, or stroke;
- asthma or other breathing disorder; or
- low blood pressure, or if you are dehydrated.

Some medicines can interact with acetaminophen and hydrocodone and cause a serious condition called serotonin syndrome. Be sure your doctor knows if you also take stimulant medicine, herbal products, or medicine for depression, mental illness, Parkinson's disease, migraine headaches, serious infections, or prevention of nausea and vomiting. Ask your doctor before making any changes in how or when you take your medications.

If you use narcotic medicine while you are pregnant, your baby could become dependent on the drug. This can cause life-threatening withdrawal symptoms in the baby after it is born. Babies born dependent on habit-forming medicine may need medical treatment for several weeks. Tell your doctor if you are pregnant or plan to become pregnant.

Acetaminophen and hydrocodone can pass into breast milk and may harm a nursing baby. You should not breast-feed while using this medicine.

How should I take acetaminophen and hydrocodone?

Follow all directions on your prescription label. Never take this medicine in larger amounts, or for longer than prescribed. An overdose can damage your liver or cause death. Tell your doctor if the medicine seems to stop working as well in relieving your pain.

Always check your bottle to make sure you have received the correct pills (same brand and type) of medicine prescribed by your doctor.

Hydrocodone may be habit-forming, even at regular doses. Never share this medicine with another person, especially someone with a history of drug abuse or addiction. **MISUSE OF NARCOTIC MEDICINE CAN CAUSE ADDICTION, OVERDOSE, OR**

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

DEATH, especially in a child or other person using the medicine without a prescription. Selling or giving away acetaminophen and hydrocodone is against the law.

Measure **liquid medicine** with the dosing syringe provided, or with a special dose-measuring spoon or medicine cup. If you do not have a dose-measuring device, ask your pharmacist for one.

If you need surgery or medical tests, tell the doctor ahead of time that you are using this medicine.

Do not stop using this medicine suddenly after long-term use, or you could have unpleasant withdrawal symptoms. Ask your doctor how to safely stop using acetaminophen and hydrocodone.

Store at room temperature away from moisture and heat. Keep track of your medicine. Hydrocodone is a drug of abuse and you should be aware if anyone is using your medicine improperly or without a prescription.

Do not keep leftover opioid medication. **Just one dose can cause death in someone using this medicine accidentally or improperly.** Ask your pharmacist where to locate a drug take-back disposal program. If there is no take-back program, flush the unused medicine down the toilet.

What happens if I miss a dose?

Since this medicine is used for pain, you are not likely to miss a dose. Skip any missed dose if it is almost time for your next scheduled dose. **Do not use extra medicine to make up the missed dose.**

What happens if I overdose?

Seek emergency medical attention or call the Poison Help line at 1-800-222-1222. **An overdose of acetaminophen and hydrocodone can be fatal.**

The first signs of an acetaminophen overdose include loss of appetite, nausea, vomiting, stomach pain, sweating, and confusion or weakness. Later symptoms may include pain in your upper stomach, dark urine, and yellowing of your skin or the whites of your eyes.

Overdose can also cause severe muscle weakness, pinpoint pupils, very slow breathing, extreme drowsiness, or coma.

What should I avoid while taking acetaminophen and hydrocodone?

This medication may impair your thinking or reactions. Avoid driving or operating machinery until you know how acetaminophen and hydrocodone will affect you. Dizziness or severe drowsiness can cause falls or other accidents.

Ask a doctor or pharmacist before using any other cold, allergy, pain, or sleep medication. Acetaminophen (sometimes abbreviated as APAP) is contained in many combination medicines. **Taking certain products together can cause you to get too much acetaminophen which can lead to a fatal overdose.** Check the label to see if a medicine contains acetaminophen or APAP.

Avoid drinking alcohol. It may increase your risk of liver damage while taking acetaminophen.

What are the possible side effects of acetaminophen and hydrocodone?

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Patient: BROWN, ZACHARY L
MRN #: 453227
Account #: 100700735
DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
Admission Date: 10/29/2018
Discharge Date: 10/31/2018
Lab Medical Director(s): Allan Bennett, MD

Discharge Documentation/Instructions

Get emergency medical help if you have signs of an allergic reaction: hives; difficulty breathing; swelling of your face, lips, tongue, or throat.

In rare cases, acetaminophen may cause a severe skin reaction that can be fatal. This could occur even if you have taken acetaminophen in the past and had no reaction. **Stop taking this medicine and call your doctor right away if you have skin redness or a rash that spreads and causes blistering and peeling.** If you have this type of reaction, you should never again take any medicine that contains acetaminophen.

Call your doctor at once if you have:

- noisy breathing, sighing, shallow breathing;
- slow heartbeat or weak pulse;
- a light-headed feeling, like you might pass out;
- sudden weakness or ill feeling, fever, chills, sore throat, unusual bruising or bleeding;
- confusion, unusual thoughts or behavior;
- painful or difficult urination;
- liver problems--nausea, upper stomach pain, tiredness, loss of appetite, dark urine, clay-colored stools, jaundice (yellowing of the skin or eyes).

Seek medical attention right away if you have symptoms of serotonin syndrome, such as: agitation, hallucinations, fever, sweating, shivering, fast heart rate, muscle stiffness, twitching, loss of coordination, nausea, vomiting, or diarrhea.

Serious side effects may be more likely in older adults and those who are overweight, malnourished, or debilitated.

Long-term use of opioid medication may affect fertility (ability to have children) in men or women. It is not known whether opioid effects on fertility are permanent.

Common side effects include:

- dizziness, drowsiness;
- nausea; or
- constipation.

This is not a complete list of side effects and others may occur. Call your doctor for medical advice about side effects. You may report side effects to FDA at 1-800-FDA-1088.

What other drugs will affect acetaminophen and hydrocodone?

Narcotic (opioid) medication can interact with many other drugs and cause dangerous side effects or death. Be sure your doctor knows if you also use:

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MRN #:	453227	Admission Date:	10/29/2018
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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Discharge Documentation/Instructions

- other narcotic medications--opioid pain medicine or prescription cough medicine;
- a sedative like Vallium--diazepam, alprazolam, lorazepam, Ativan, Klonopin, Restoril, Tranxene, Versed, Xanax, and others; or
- drugs that make you sleepy or slow your breathing--a sleeping pill, muscle relaxer, tranquilizer, antidepressant, or antipsychotic medicine.

This list is not complete. Other drugs may interact with acetaminophen and hydrocodone, including prescription and over-the-counter medicines, vitamins, and herbal products. Not all possible interactions are listed in this medication guide.

Where can I get more information?

Your pharmacist can provide more information about acetaminophen and hydrocodone.

Remember, keep this and all other medicines out of the reach of children, never share your medicines with others, and use this medication only for the indication prescribed.

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enoxaparin

(ee NOX a PAR in)

Lovenox

What is the most important information I should know about enoxaparin?

Enoxaparin can cause a very serious blood clot around your spinal cord if you undergo a spinal tap or receive spinal anesthesia (epidural), especially if you have a genetic spinal defect, a history of spinal surgery or repeated spinal taps, or if you are using other drugs that can affect blood clotting, including blood thinners or NSAIDs (ibuprofen, Advil, Aleve, and others). This type of blood clot can lead to long-term or permanent paralysis.

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Patient: **BROWN, ZACHARY L**

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Discharge Documentation/Instructions

Get emergency medical help if you have symptoms of a spinal cord blood clot such as back pain, numbness or muscle weakness in your lower body, or loss of bladder or bowel control.

What is enoxaparin?

Enoxaparin is an anticoagulant that helps prevent the formation of blood clots.

Enoxaparin is used to treat or prevent a type of blood clot called deep vein thrombosis (DVT), which can lead to blood clots in the lungs (pulmonary embolism). A DVT can occur after certain types of surgery, or in people who are bed-ridden due to a prolonged illness.

Enoxaparin is also used to prevent blood vessel complications in people with certain types of angina (chest pain) or heart attack.

Enoxaparin may also be used for purposes not listed in this medication guide.

What should I discuss with my healthcare provider before using enoxaparin?

You should not use this medicine if you are allergic to enoxaparin, heparin, benzyl alcohol, or pork products, or if you have:

- active or uncontrolled bleeding; or
- if you had decreased platelets in your blood after testing positive for a certain antibody while using enoxaparin within the past 100 days.

Enoxaparin may cause you to bleed more easily, especially if you have:

- a bleeding disorder that is inherited or caused by disease;
- hemorrhagic stroke;
- an infection of the lining of your heart (also called bacterial endocarditis);
- stomach or intestinal bleeding or ulcer; or
- recent brain, spine, or eye surgery.

Enoxaparin can cause a very serious blood clot around your spinal cord if you undergo a spinal tap or receive spinal anesthesia (epidural). This type of blood clot could cause long-term or permanent paralysis, and may be more likely to occur if:

- you have a spinal cord injury;
- you have a spinal catheter in place or if a catheter has been recently removed;
- you have a history of spinal surgery or repeated spinal taps;
- you have recently had a spinal tap or epidural anesthesia;
- you take aspirin or an NSAID (nonsteroidal anti-inflammatory drug)—ibuprofen (Advil, Motrin), naproxen (Aleve), diclofenac, indomethacin, meloxicam, and others; or

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Discharge Documentation/Instructions

- you are using a blood thinner (warfarin, Coumadin) or other medicines to treat or prevent blood clots.

Tell your doctor if you have ever had:

- a bleeding disorder such as hemophilia;
- kidney or liver disease;
- uncontrolled high blood pressure;
- eye problems caused by diabetes;
- a stomach ulcer; or
- low blood platelets after receiving heparin.

Tell your doctor if you are pregnant. If you use enoxaparin during pregnancy, make sure your doctor knows if you have a mechanical heart valve.

You should not breast-feed while using this medicine.

How should I use enoxaparin?

Follow all directions on your prescription label and read all medication guides or instruction sheets. Use the medicine exactly as directed.

Enoxaparin is injected under the skin, or as an infusion into a vein. A healthcare provider may teach you how to properly use the medication by yourself.

Read and carefully follow any Instructions for Use provided with your medicine. Do not use enoxaparin if you don't understand all instructions for proper use. Ask your doctor or pharmacist if you have questions.

Prepare your injection only when you are ready to give it. **Do not use if the medicine has changed colors, or has particles in it.** Call your pharmacist for new medicine.

You should be sitting or lying down during the injection. Do not inject enoxaparin into a muscle.

Your care provider will show you where to on your body to inject enoxaparin. Use a different place each time you give an injection. Do not inject into the same place two times in a row.

You will need frequent medical tests to help your doctor determine how long to treat you with enoxaparin.

If you need surgery or dental work, tell your surgeon or dentist you currently use this medicine. You may need to stop for a short time.

Store at room temperature away from moisture and heat.

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Discharge Documentation/Instructions

Each single-use prefilled syringe is for one use only. Throw it away after one use, even if there is still medicine left inside.

After your first use of an enoxaparin vial (bottle), you must use the medicine within 28 days. Throw away the vial after 28 days.

Use a needle and syringe only once and then place them in a puncture-proof 'sharps' container. Follow state or local laws about how to dispose of this container. Keep it out of the reach of children and pets.

What happens if I miss a dose?

Use the medicine as soon as you can, but skip the missed dose if it is almost time for your next dose. **Do not** use two doses at one time.

What happens if I overdose?

Seek emergency medical attention or call the Poison Help line at 1-800-222-1222. Overdose may cause excessive bleeding.

What should I avoid while using enoxaparin?

Avoid activities that may increase your risk of bleeding or injury. Use extra care to prevent bleeding while shaving or brushing your teeth.

What are the possible side effects of enoxaparin?

Get emergency medical help if you have signs of an allergic reaction: hives; itching or burning skin; difficult breathing; swelling of your face, lips, tongue, or throat.

Also seek emergency medical attention if you have symptoms of a spinal blood clot: back pain, numbness or muscle weakness in your lower body, or loss of bladder or bowel control.

Call your doctor at once if you have:

- unusual bleeding, or any bleeding that will not stop;
- easy bruising, purple or red spots under your skin;
- nosebleeds, bleeding gums;
- abnormal vaginal bleeding, blood in your urine or stools;
- coughing up blood or vomit that looks like coffee grounds;
- signs of bleeding in the brain--sudden weakness (especially on one side of the body), sudden severe headache, problems with speech or vision; or
- low red blood cells (anemia)--pale skin, unusual tiredness, feeling light-headed or short of breath, cold hands and feet.

Common side effects may include:

- nausea, diarrhea;
- anemia;

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Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

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- confusion; or
- pain, bruising, redness, or irritation where the medicine was injected.

This is not a complete list of side effects and others may occur. Call your doctor for medical advice about side effects. You may report side effects to FDA at 1-800-FDA-1088.

What other drugs will affect enoxaparin?

Tell your doctor about all your other medicines, especially other medicines to treat or prevent blood clots, such as:

- abciximab, anagrelide, cilostazol, clopidogrel, dipyridamole, eptifibatide, ticlopidine, tirofiban;
- alteplase, reteplase, tenecteplase, urokinase;
- apixaban, argatroban, bivalirudin, dabigatran, desirudin, fondaparinux, lepirudin, rivaroxaban, tinzaparin; or
- heparin.

This list is not complete. Other drugs may affect enoxaparin, including prescription and over-the-counter medicines, vitamins, and herbal products. Not all possible drug interactions are listed here.

Where can I get more information?

Your doctor or pharmacist can provide more information about enoxaparin.

Remember, keep this and all other medicines out of the reach of children, never share your medicines with others, and use this medication only for the indication prescribed.

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Patient Education

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Patient: **BROWN, ZACHARY L**

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

Admission Date:

Discharge Date:

Lab Medical Director(s):

SANCHEZ-YRIARTE MD, RAFAEL

10/29/2018

10/31/2018

Allan Bennett, MD

Discharge Documentation/Instructions

Incentive Spirometer

An incentive spirometer is a tool that measures how well you are filling your lungs with each breath. This tool can help keep your lungs clear and active. Taking long, deep breaths may help reverse or decrease the chance of developing breathing (*pulmonary*) problems, especially infection, following:

- Surgery of the chest or abdomen.
- Surgery if you have a history of smoking or a lung problem.
- A long period of time when you are unable to move or be active.

If the spirometer includes an indicator to show your best effort, your health care provider or respiratory therapist will help you set a goal. Keep a log of your progress if directed by your health care provider.

What are the risks?

- Breathing too quickly may cause dizziness or cause you to pass out. Take your time so you do not get dizzy or lightheaded.
- If you are in pain, you may need to take or ask for pain medicine before doing incentive spirometry. It is harder to take a deep breath if you are having pain.

How to use your incentive spirometer

1. Sit on the edge of your bed if possible, or sit up as far as you can in bed or on a chair.
2. Hold the incentive spirometer in an upright position.
3. Breathe out normally.
4. Place the mouthpiece in your mouth and seal your lips tightly around it.
5. Breathe in slowly and as deeply as possible, raising the piston or the ball toward the top of the column.
6. Hold your breath for 3–5 seconds or for as long as possible. Allow the piston or ball to fall to the bottom of the column.
7. Remove the mouthpiece from your mouth and breathe out normally.
8. The spirometer may include an indicator to show your best effort. Use the indicator as a goal to work toward during each repetition.

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Lab Medical Director(s):

Allan Bennett, MD

Discharge Documentation/Instructions

9. Rest for a few seconds and repeat this at least 10 times, every 1–2 hours when you are awake. Take your time and take a few normal breaths between deep breaths. Breathing too quickly may cause dizziness or cause you to pass out. Take your time so you do not get dizzy or lightheaded.
10. After each set of 10 deep breaths, practice coughing to be sure your lungs are clear. If you had a surgical cut (*incision*) made during surgery, support your incision when coughing by placing a pillow or rolled-up towel firmly against it.

Once you are able to get out of bed, walk around indoors and cough well. You may stop using the incentive spirometer when instructed by your health care provider.

Contact a health care provider if:

- You are having difficulty using the spirometer.
- You have trouble using the spirometer as often as instructed.
- Your pain medicine is not giving enough relief while using the spirometer.
- You have a fever.
- You develop shortness of breath.

Get help right away if:

- You develop a cough with bloody sputum.
- You develop worsening pain, redness, or discharge at or near the incision site.

This information is not intended to replace advice given to you by your health care provider. Make sure you discuss any questions you have with your health care provider.

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How and Where to Give Subcutaneous Enoxaparin Injections

Enoxaparin is an injectable medicine. It is used to help prevent blood clots from developing in your veins. Health care providers often use anticoagulants like enoxaparin to prevent clots following surgery. Enoxaparin is also used in combination with other medicines to treat blood clots and heart attacks. If blood clots are left untreated, they can be life threatening.

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Attending Provider:

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Admission Date:

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Discharge Date:

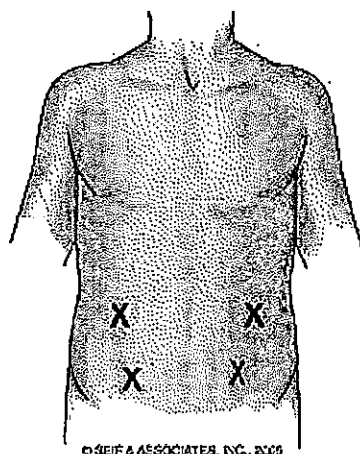
10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Discharge Documentation/Instructions

Injection sites



Enoxaparin comes in single-use syringes. You inject enoxaparin through a syringe into your belly (*abdomen*). You should change the injection site each time you give yourself a shot. Continue the enoxaparin injections as directed by your health care provider. Your health care provider will use blood clotting test results to decide when you can safely stop using enoxaparin injections. If your health care provider prescribes any additional medicines, use the medicines exactly as directed.

How do I inject enoxaparin?

1. Wash your hands with soap and water.
2. Clean the selected injection site as directed by your health care provider.
3. Remove the needle cap by pulling it straight off the syringe.
4. When using a prefilled syringe, **do not** push the air bubble out of the syringe before the injection. The air bubble will help you get all of the medicine out of the syringe.
5. Hold the syringe like a pencil using your writing hand.
6. Use your other hand to pinch and hold an inch of the cleansed skin.
7. Insert the entire needle straight down into the fold of skin.
8. Push the plunger with your thumb until the syringe is empty.
9. Pull the needle straight out of your skin.

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Discharge Documentation/Instructions

10. Enoxaparin injection prefilled syringes and graduated prefilled syringes are available with a system that shields the needle after injection. After you have completed your injection and removed the needle from your skin, firmly push down on the plunger. The protective sleeve will automatically cover the needle and you will hear a click. The click means the needle is safely covered.
11. Place the syringe in the nearest needle box, also called a sharps container. If you do not have a sharps container, you can use a hard-sided plastic container with a secure lid, such as an empty laundry detergent bottle.

What else do I need to know?

- **Do not use enoxaparin if:**
 - 46 You have allergies to heparin or pork products.
 - 46 You have been diagnosed with a condition called thrombocytopenia.
- **Do not use the syringe or needle more than one time.**
- Use medicines only as directed by your health care provider.
- Changes in medicines, supplements, diet, and illness can affect your anticoagulation therapy. Be sure to inform your health care provider of any of these changes.
- It is important that you tell all of your health care providers and your dentist that you are taking an anticoagulant, especially if you are injured or plan to have any type of procedure.
- While on anticoagulants, you will need to have blood tests done routinely as directed by your health care provider.
- While using this medicine, avoid physical activities or sports that could result in a fall or cause injury.
- Follow up with your laboratory test and health care provider appointments as directed. It is very important to keep your appointments. Not keeping appointments could result in a chronic or permanent injury, pain, or disability.
- Before giving your medicine, you should make sure the injection is a clear and colorless or pale yellow solution. If your medicine becomes discolored or if there are particles in the syringe, **do not** use it and notify your health care provider.
- Keep your medicine safely stored at room temperature.

Contact a health care provider if:

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DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
Admission Date: 10/29/2018
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Lab Medical Director(s): Allan Bennett, MD

Discharge Documentation/Instructions

- You develop any rashes on your skin.
- You have large areas of bruising on your skin.
- You have any worsening of the condition for which you take Enoxaparin.
- You develop a fever.

Get help right away if:

- You develop bleeding problems such as:
 - 46 Bleeding from the gums or nose that does not stop quickly.
 - 46 Vomiting blood or coughing up blood.
 - 46 Blood in your urine.
 - 46 Blood in your stool, or stool that has a dark, tarry, or coffee grounds appearance.
 - 46 A cut that does not stop bleeding within 10 minutes.

These symptoms may represent a serious problem that is an emergency. Do not wait to see if the symptoms will go away. Get medical help right away. Call your local emergency services (911 in the U.S.). Do not drive yourself to the hospital.

This information is not intended to replace advice given to you by your health care provider. Make sure you discuss any questions you have with your health care provider.

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Tibial Plateau Fracture Treated With Open Reduction, Care After

Refer to this sheet in the next few weeks. These instructions provide you with information about caring for yourself after your procedure. Your health care provider may also give you more specific instructions. Your treatment has been planned according to current medical practices, but problems sometimes occur. Call your health care provider if you have any problems or questions after your procedure.

What can I expect after the procedure?

After your procedure, it is typical to have the following:

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Discharge Documentation/Instructions

- Pain.
- Swelling.
- Stiffness.
- Tingling or numbness.

Follow these instructions at home:

If you have a brace:

- Wear it as directed by your health care provider.
- Tell your health care provider if it becomes loose or feels uncomfortable.

Bathing

- Keep your bandage (*dressing*) dry until your health care provider says that it can be removed. Take sponge baths only. Ask the surgeon when you can start showering and bathing.

Managing pain, stiffness, and swelling

- If directed, apply ice to the injured area.
 - 46 Put ice in a plastic bag.
 - 46 Place a towel between your skin and the bag.
 - 46 Leave the ice on for 20 minutes, 2–3 times per day.
- Raise the injured area above the level of your heart while you are sitting or lying down.

Driving

- **Do not** drive or operate heavy machinery while taking pain medicine.
- **Do not** drive while wearing a brace on a leg that you use for driving.

Activity

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Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

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Lab Medical Director(s):

Allan Bennett, MD

Discharge Documentation/Instructions

- Return to your normal activities as directed by your health care provider. Ask your health care provider what activities are safe for you.
- Perform range-of-motion exercises only as directed by your health care provider.

Safety

- **Do not** use the injured limb to support your body weight until your health care provider says that you can. Use crutches or a walker as directed by your health care provider.

General instructions

- **Do not** use any tobacco products, including cigarettes, chewing tobacco, or electronic cigarettes. Tobacco can delay bone healing. If you need help quitting, ask your health care provider.
- There are many different ways to close and cover an incision, including stitches (*sutures*), skin glue, and adhesive strips. Follow your health care provider's instructions about:
 - 46 Incision care.
 - 46 Bandage (dressing) changes and removal.
 - 46 Incision closure removal.
- Check your incision area every day for signs of infection. Watch for redness, swelling, or discharge.
- Take medicines only as directed by your health care provider.
- Keep all follow-up visits as directed by your health care provider. This is important.

Contact a health care provider if:

- You have a fever.
- Your pain medicine is not helping.
- You have pain, warmth, and tenderness in your lower leg (*calf*).
- You have bleeding that comes through your dressing.

Get help right away if:

- You have drainage, redness, swelling, or pain at your incision.

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Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

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Lab Medical Director(s):

Allan Bennett, MD

Discharge Documentation/Instructions

- You notice a bad smell coming from the incision area or the dressing.
- The edges of your incision come apart after the stitches or staples have been removed.
- You have trouble breathing.
- You have chest pain.

This information is not intended to replace advice given to you by your health care provider. Make sure you discuss any questions you have with your health care provider.

Document Released: 07/07/2006 Document Revised: 08/20/2017 Document Reviewed: 08/05/2015
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I, BROWN, ZACHARY L, and/or designee, have received the attached patient education materials/instructions and have verbalized understanding:

Patient and/or Designee Signature

Date/Time

Nurse Signature

Date/Time

Provider Signature (Optional)

Date/Time

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Lab Medical Director(s):

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Discharge Documentation/Instructions

DOB: 10/13/1995

MRN: 453227

FIN: 100700735

Document Type:

Discharge Summary Form - Text

Document Subject:

Discharge Summary

Document Date/Time:

10/31/2018 12:37 EDT

Document Status:

Auth (Verified)

Performed By:

Ryan RN, Pia (10/31/2018 12:37 EDT)

Authenticated By:

Ryan RN, Pia (10/31/2018 12:37 EDT)

Discharge Summary Entered On: 10/31/2018 12:37 EDT

Performed On: 10/31/2018 12:37 EDT by Ryan RN, Pia

Nursing Discharge Summary CPOE

Discharged to : Home with family care

Accompanied By, Discharge : Friend

Mode of Discharge : Wheelchair

Mode of Transportation : Private vehicle

Medications DC : Final medication list provided to patient/caregiver, Medications explained to patient/caregiver, Prescriptions given, Consult physician for medication questions

Ryan RN, Pia - 10/31/2018 12:37 EDT

Discharge Assessment

Reviewed/Agree with Last Pt Assessment : Yes

Ryan RN, Pia - 10/31/2018 12:37 EDT

Pain Assessment

Patient Indicates Pain : Pain

Nurse Observations Pain : Calm

Pain Score Method : Patient stated

Pain Score : 5

Ryan RN, Pia - 10/31/2018 12:37 EDT

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Discharge Documentation/Instructions

Document Type:	Admit/Discharge/Transfer Forms
Document Subject:	HHH-Discharge
Document Date/Time:	11/1/2018 10:04 EDT
Document Status:	Auth (Verified)
Performed By:	
Authenticated By:	

HHH-Discharge

hpfredirect.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2640.20181101.54252985 HNAM URL

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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Physician Progress Notes

Document Type:	Progress Note EMR
Document Subject:	
Document Date/Time:	10/30/2018 11:44 EDT
Document Status:	Auth (Verified)
Performed By:	ELLIOTT NP HHH,LAUREL (10/30/2018 11:52 EDT)
Authenticated By:	SANCHEZ-YRIARTE MD,RAFAEL (10/30/2018 17:14 EDT); SANCHEZ-YRIARTE MD,RAFAEL (10/30/2018 17:14 EDT)

Progress Note

Date/Time Note Created: 10/30/2018 11:44

Date/Time Patient Seen: 10/30/2018 1010

CHEIF COMPLAINT: Follow-up fall and subsequent leg pain.

SUBJECTIVE: Mr. Brown is being followed secondary to a left tibial/fibula fracture from a fall yesterday. He is scheduled for surgical intervention today at 230. He reports his pain is well controlled at this time. There is no family currently at bedside. Mr. Brown denies any chest pain, shortness of breath, nausea, vomiting, or diarrhea. There have been no acute events overnight and his hemodynamics remained stable.

Medications (12) Active

Scheduled: (4)

acetaminophen (Tylenol) 650 mg = 2 tab, Oral, Q6hr
enoxaparin (Lovenox) 40 mg = 0.4 mL, Subcut, Daily
Influenza virus vaccine, inactivated (influenza virus vaccine intramuscular suspension) 0.5 mL, IntraMuscular, Once Scheduled
polyethylene glycol 3350 (MiraLax) 17 g = 1 packet(s), Oral, Daily

Continuous: (1)

Sodium Chloride 0.9% 1,000 mL 1,000 mL, IV, 100 mL/hr

PRN: (7)

acetaminophen (Tylenol) 650 mg = 2 tab, Oral, TID
acetaminophen (Tylenol) 650 mg = 2 tab, Oral, Q6H-int
acetaminophen-oxyCODONE (Percocet 5/325 oral tablet) 2 tab, Oral, Q6H-int
docusate (Colace) 100 mg = 1 cap, Oral, BID
HYDROMorphone (Dilaudid) 1 mg = 1 mL, IV Push, Q4H-int
ondansetron (Zofran) 4 mg = 2 mL, IV Push, Q4H-int
promethazine (Phenergan) 12.5 mg = 0.5 mL, IV Piggyback, Q6hr

PHYSICAL EXAMINATION:

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Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Physician Progress Notes

Temperature	No result	
Systolic Blood Pressure	114	(08:47)
Diastolic Blood Pressure	59	(08:47)
Pulse	78	(08:47)
SpO2	95	(08:47)
Respiratory Rate	16	(08:47)

GENERAL: This is a well-developed, well-nourished male who is alert and not currently in any acute distress.

HEENT: PERRL. EOM are intact. Sclerae are anicteric. Conjunctivae are clear. Oral mucosa in pink, moist, and intact.

NECK: Supple. Trachea midline. No masses palpated.

NEUROLOGICAL: Patient is alert and oriented x 3. No focal motor or sensory deficits noted. CN II-XII are grossly intact.

CARDIOVASCULAR: Audible heart tones. Normal S1S2 with no murmurs, gallops, clicks, or rubs appreciated.

LUNGS/CHEST: Patent airway with nonlabored respirations. Equal chest expansion. No intercostal space retractions. No pain on palpation. No subcutaneous emphysema. Lungs are clear to auscultation bilaterally.

ABDOMEN: Active bowel sounds in all 4 quadrants. Soft, nontender, nondistended. No rebound or guarding.

EXTREMITIES: Left lower extremity is in a soft cast. Mild edema noted to the toes. He is able to move his toes and sensation is intact. No other edema. No erythema. No clubbing or cyanosis. Pulses palpable in bilateral upper and lower extremities. Capillary refill is less than 3 seconds.

INTEGUMENTARY: Warm. Intact. No petechiae or rashes noted.

PSYCHIATRIC: Alert and oriented. Appropriate affect.

<u>Hematology Basic - Last 36 hours (22)</u>	<u>Result</u>	<u>Date/Time</u>
WBC	8.8	10/30 05:20
RBC	4.62	10/30 05:20
Hgb	13.3	10/30 05:20
Hct	40.4	10/30 05:20
MCV	87	10/30 05:20
MCH	28.8	10/30 05:20
MCHC	33.0	10/30 05:20
RDW	13.6	10/30 05:20
Platelet Count	190	10/30 05:20
MPV	9.1	10/30 05:20
NRBC Auto Abs	0	10/30 05:20
NRBC Auto Rel	0	10/30 05:20
Neutrophil Rel	72 (H)	10/30 05:20
Lymphocyte Rel	17	10/30 05:20

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Lab Medical Director(s): Allan Bennett, MD

Physician Progress Notes

Monocyte Rel	8	10/30 05:20
Eosinophil Rel	3	10/30 05:20
Basophil Rel	0	10/30 05:20
Neutrophil Abs	6.3	10/30 05:20
Lymphocyte Abs	1.5	10/30 05:20
Monocyte Abs	0.7	10/30 05:20
Eosinophil Abs	0.2	10/30 05:20
Basophil Abs	0.0	10/30 05:20

Chemistry Comprehensive - Last 36 hours (19) Result

		<u>Date/Time</u>
Sodium Lvl	138	10/30 05:20
Potassium Lvl	4.0	10/30 05:20
Chloride Lvl	103	10/30 05:20
CO2	29	10/30 05:20
Glucose Level	102 (H)	10/30 05:20
BUN	14.0	10/30 05:20
Creatinine Lvl	0.9	10/30 05:20
Total Protein	6.7	10/29 19:20
Albumin Lvl	4.4	10/29 19:20
Calcium Lvl	8.9	10/30 05:20
Bili Total	0.40	10/29 19:20
Alk Phos	57	10/29 19:20
AST	22	10/29 19:20
ALT	21	10/29 19:20
Osmolality Calc	276 (L)	10/30 05:20
GFR African Am	>60	10/30 05:20
GFR Non African Am	>60	10/30 05:20
Magnesium Lvl	1.70	10/30 05:20
Phosphate	3.8	10/30 05:20

Chemistry Basic - Last 36 hours (10)

	<u>Result</u>	<u>Date/Time</u>
Sodium Lvl	138	10/30 05:20
Potassium Lvl	4.0	10/30 05:20
Chloride Lvl	103	10/30 05:20
CO2	29	10/30 05:20
Glucose Level	102 (H)	10/30 05:20
Calcium Lvl	8.9	10/30 05:20

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Physician Progress Notes

BUN	14.0	10/30 05:20
Creatinine Lvl	0.9	10/30 05:20
Magnesium Lvl	1.70	10/30 05:20
Phosphate	3.8	10/30 05:20

Cardiac Studies Basic - Last 36 hours (0) Result Date/Time

Liver Enzymes Basic - Last 36 hours (4) Result Date/Time

Bill Total	0.40	10/29 19:20
Alk Phos	57	10/29 19:20
ALT	21	10/29 19:20
AST	22	10/29 19:20

Coagulation Basic - Last 36 hours (3) Result Date/Time

PT	13.1	10/29 19:20
INR	1.0	10/29 19:20
PTT	28	10/29 19:20

Radiology - Last 36 hours (1)

XR Tibia/Fibula 2 Views Left (10/29 18:20)

FINDINGS:

Bones/joints: Mildly comminuted oblique fracture of the mid left tibia with mild anterior displacement of the distal fracture fragment and apex anterior angulation. Mildly comminuted oblique fracture of the mid left fibula with medial displacement of the distal fracture fragment.
Soft tissues: Normal.

IMPRESSION:

Mildly comminuted oblique fractures of the mid left tibia and fibula as described above.

Signed: Keiron Kennedy MD On 10/29/2018 19:55:56

ASSESSMENT AND PLAN:

Diagnosis (2)

Closed bicondylar fracture of tibial plateau (S82.143A): __

Closed displaced comminuted fracture of shaft of left tibia (S82.252A): __

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Physician Progress Notes

1. Left tibial/fibula fracture secondary to fall. Orthopedics has been consulted and surgery is planned for later this afternoon. He has been made n.p.o. and will remain so until after intervention. PT/OT after surgical intervention. Continue with analgesia for pain control. Tertiary prevention secondary to immobility and impending surgical intervention. Incentive spirometry to avoid atelectasis and postoperative pneumonia. He will be placed on a bowel regimen including daily MiraLAX.
2. Leukocytosis with left shift. Resolved. On admission the patient was noted to have an elevated white blood cell count, however this is resolved. Likely reactive. Continue to monitor
3. Risk for alcohol withdrawal. Patient does report he drinks 3-4 beers per night. At this point we will continue to monitor him for any signs and symptoms of EtOH withdrawal.
4. Prophylaxis. Lovenox for DVT prophylaxis.

Disposition: I anticipate the patient remain hospitalized at least for the next 24 hours. Discharge plan pending his postoperative physical therapy evaluation.

Total time spent with the patient is 35 minutes. More than 50% of the time dedicated to coordination of this patient care with case managers and involved consulting physicians and counselling regarding plans of care, natural disease progression, potential outcomes and discharge planning.

Attending Note:

Pt was personally seen and examined by me

PE
vitals reviewed
rrr, lung clear, PERRL, abdomen soft

Agree with note above

Dr. Sanchez

total time 40 min with greater than 50% of time was spent counseling pt coordinating care

Electronically Signed On 10/30/18 11:52 EDT

ELLIOTT NP HHH, LAUREL

Electronically Signed On 10/30/2018 17:14 EDT

SANCHEZ-YRIARTE MD, RAFAEL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

Document Type:	ED Note-Physician
Document Subject:	Leg injury, lower - Major
Document Date/Time:	10/29/2018 20:31 EDT
Document Status:	Modified
Performed By:	CARGILL MD,BRETT J (10/29/2018 20:36 EDT)
Authenticated By:	CARGILL MD,BRETT J (10/30/2018 11:17 EDT); CARGILL MD,BRETT J (10/29/2018 20:36 EDT)

Leg injury, lower - Major

Patient: BROWN, ZACHARY L MRN: 453227 FIN: 100700735
Age: 23 years Sex: Male DOB: 10/13/1995
Associated Diagnoses: Closed displaced comminuted fracture of shaft of left tibia
Author: CARGILL MD, BRETT J

Basic Information

Additional Information: Chief Complaint from Nursing Triage Note : Chief Complaint
10/29/2018 18:01 EDT Chief Complaint Patient states he fell off of a 6 foot ladder hurting his left lower leg. .

History of Present Illness

Chief complaint left leg pain

This 23-year-old male was at work, he was standing on a 6 foot ladder with his feet 5 or 6 feet in the air. The ladder gave way and the pt. fell. He states his leg got tangled up in the ladder as he was falling and he thinks it was the torque of his leg and the latter that caused him developed sudden onset of severe pain and deformity. His friends brought him to the emergency room. He states his leg looks like it was flopping around a little bit. He does not have any numbness or tingling to the leg. There was no neck or back pain. No chest or abdominal pain. There was no head injury or loss of consciousness. He has no other injury or complaint.

Review of Systems

No headache, no neck or back pain, no chest or abdominal pain, no numbness or tingling to the extremities, remainder of systems reviewed and otherwise negative

Health Status

Allergies:

Allergic Reactions (Selected)
NKA.

Past Medical/ Family/ Social History

Surgical history:

No active procedure history items have been selected or recorded..

Family history:

No family history items have been selected or recorded..

Additional Past History:

Past medical history: None

Social history: Lives and works locally.

Physical Examination

Vital Signs

Vital Signs

10/29/2018 18:01 EDT

Blood Pressure Method
SpO2/Pulse Oximetry

Automatic
99 %

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Emergency/Urgent Care

Respiratory Rate	20 breaths/min
Systolic Blood Pressure	130 mmHg
Diastolic Blood Pressure	72 mmHg
Mean Arterial Pressure	91 mmHg
Temperature F	97.6 degF LOW
Temperature Method	Oral
Heart Rate	75 bpm
Temperature C Converted	36.4 degC
Temperature F Converted	97.6 degF

Measurements

10/29/2018 18:01 EDT	Height	178 cm
	Dosing Weight	98 kg
	Dosing BSA-Mosteller	2.2 m2
	Dosing BMI	31

SpO2/Pulse Oximetry

10/29/2018 18:01 EDT	SpO2/Pulse Oximetry	99 %

PHYSICAL EXAM

GEN: Well-developed well-nourished nontoxic in appearance
 HEAD: Normocephalic/atraumatic
 EYES: pupils round reactive light, extraocular movements intact
 ENT: tympanic membranes are clear, oral pharynx is clear, neck is supple with no tenderness
 LUNGS: Clear to auscultation bilaterally with no wheezes rales or rhonchi
 CARDIAC: Regular rate and rhythm No murmurs rubs or gallops
 ABDOMEN: bowel sounds are present, the abdomen is soft, there is no reproducible tenderness noted
 EXTREMITIES: Swelling and deformity is noted to the left mid distal tibia region. The skin is intact. He is able to wiggle his toes. Pulses are normal.
 Good capillary refill. Sensation is intact to light touch.
 BACK: No tenderness noted
 NEURO: Awake and alert, speech is normal, able to move all 4 extremities with no difficulty, no focal deficits noted
 SKIN: Warm and dry with no acute lesions

Medical Decision Making

Results review: Lab results : Laboratory

10/29/2018 19:20 EDT	WBC	13.7 10e3cells/mcL HI
	RBC	4.80 10e6 cells/mcL
	Hgb	13.7 g/dL
	Hct	42.4 %
	MCV	88 fL
	MCH	28.6 pg
	MCHC	32.4 g/dL
	RDW	13.9 %
	Platelet Count	206 10e3cells/mcL
	MPV	9.3 fL
	NRBC Auto Abs	0 x10 (3) /mcL
	NRBC Auto Rel	0 %
	Neutrophil Rel	80 % HI
	Lymphocyte Rel	11 % LOW
	Monocyte Rel	8 %
	Eosinophil Rel	1 %

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L
MRN #: 453227
Account #: 100700735
DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
Admission Date: 10/29/2018
Discharge Date: 10/31/2018
Lab Medical Director(s): Allan Bennett, MD

Emergency/Urgent Care

Basophil Rel	0 %
Neutrophil Abs	10.9 10e3cells/mcL HI
Lymphocyte Abs	1.6 10e3cells/mcL
Monocyte Abs	1.0 10e3cells/mcL
Eosinophil Abs	0.2 10e3cells/mcL
Basophil Abs	0.0 10e3cells/mcL
PT	13.1 sec
INR	1.0 NA
PTT	28 sec
Sodium Lvl	136 mmol/L
Potassium Lvl	3.7 mmol/L
Chloride Lvl	102 mmol/L
CO2	24 mmol/L
Calcium Lvl	9.2 mg/dL
BUN	17.0 mg/dL
Creatinine Lvl	0.8 mg/dL
Total Protein	6.7 g/dL
Albumin Lvl	4.4 g/dL
Alk Phos	57 IU/L
ALT	21 IU/L
AST	22 IU/L
Osmolality Calc	273 mOsm/kg LOW
GFR African Am	>60 mL/min
GFR Non African Am	>60 mL/min
Bili Total	0.40 mg/dL
Glucose Level	93 mg/dL

Radiology results: Radiology - Last 36 hours (1)

XR Tibia/Fibula 2 Views Left (10/29 18:20)

FINDINGS:

Bones/joints: Mildly comminuted oblique fracture of the mid left tibia with mild anterior displacement of the distal fracture fragment and apex anterior angulation. Mildly comminuted oblique fracture of the mid left fibula with medial displacement of the distal fracture fragment.

Soft tissues: Normal.

IMPRESSION:

Mildly comminuted oblique fractures of the mid left tibia and fibula as described above.

Signed: Kelron Kennedy MD On 10/29/2018 19:55:56

Reexamination/ Reevaluation.

He was immediately placed in a splint, his x-rays show a tib-fib mid-distal fracture which is closed. I spoke with Dr. Scott who reviewed the films and will make arrangements for surgical intervention in the a.m. there is no evidence at the time of admission of compartment syndrome

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L
MRN #: 453227
Account #: 100700735
DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
Admission Date: 10/29/2018
Discharge Date: 10/31/2018
Lab Medical Director(s): Allan Bennett, MD

Emergency/Urgent Care

Procedure

A fiberglass splint was applied by me in good position with preservation of the neurovascular status

Impression and Plan

Diagnosis

Closed displaced comminuted fracture of shaft of left tibia : ICD10-CM S82.252A, Discharge, Emergency medicine, Medical

Plan

Condition: Guarded.

Disposition: Admit to Inpatient Unit.

Counseled: Patient, Regarding diagnosis, Regarding diagnostic results, Regarding treatment plan, Patient indicated understanding of instructions.

Orders: Launch Orders

Patient Care:

Decision to Admit (Order): Routine, 10/29/2018 20:36 EDT.

Addendum

All nursing entries, including vital signs, were reviewed and agree with same.
Lab results, imaging studies/reports and EKG's when performed were reviewed by me
A portion of this document was completed with voice recognition dictation software.
Chart electronically signed by Brett Cargill M.D.

Electronically Signed On 10/29/18 20:36 EDT

CARGILL MD, BRETT J

Electronically Signed On 10/30/2018 11:17 EDT

CARGILL MD, BRETT J

Document Type:

Document Subject:

Document Date/Time:

Document Status:

Performed By:

Authenticated By:

ED Triage Form - Text

ED Screenings/History Adult :

10/29/2018 18:01 EDT

Auth (Verified)

LOPKO RN, JASON (10/29/2018 18:01 EDT)

LOPKO RN, JASON (10/29/2018 18:01 EDT)

ED Screenings/History Adult Entered On: 10/29/2018 18:03 EDT

Performed On: 10/29/2018 18:01 EDT by LOPKO RN, JASON

ED Arrival Details

Information Given By: Patient

Mode of Arrival: Car

Patient Arrived From: Work

Accompanied By: Friend

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

Sepsis Screening

Suspected Infection : None
SIRS Signs/symptoms : None
Sepsis/SIRS Interventions : No known/suspected infection

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Suicide Screening

Suicide 13 Years or Older : Yes
Suicide Presents Sign and/or Symptoms : No
Suicide Presents BH Complaint : No
Suicide Presents Count : 0

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Nurse Screening

Nutritional Risk Factors : No nutrition problems noted
Abuse/Neglect Screen : No evidence of abuse/neglect
TB Screen : No symptoms or risk factors identified

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Advance Directive

Advance Directive : No
Advance Directive Action : Information refused

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Adult Tissue Integrity Screening

Adult: Bound to bed or wheelchair : No
Adult: Incontinent of urine or stool : No
Adult: Existing or History of Pressure Injury : No
Adult: Risk of skin breakdown from devices : No

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Pneumonia & Infectious Hx Screening

Notification : No respiratory complaints present
Infectious Exposure Symptoms : None

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Morse Fall Risk

Fall Hx Within Last 12 Months : Yes
Morse Secondary Diagnosis Present : No
Morse Ambulatory Aid : None, bedrest, wheelchair, nurse assist
Morse IV/IV Access : Yes
Morse Gait/Transfer : Normal, bedrest, wheelchair
Morse Mental Status : Oriented to own ability
Morse Fall Risk Score : 45

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Social Habits

Smoking/Tobacco Use : Never smoker
Alcohol Use : Currently using
Frequency : Occasionally

LOPKO RN, JASON - 10/29/2018 18:01 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L
MRN #: 453227
Account #: 100700735
DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
Admission Date: 10/29/2018
Discharge Date: 10/31/2018
Lab Medical Director(s): Allan Bennett, MD

Emergency/Urgent Care

Document Type:	ED Triage Form - Text
Document Subject:	ED Triage Part 1
Document Date/Time:	10/29/2018 18:01 EDT
Document Status:	Auth (Verified)
Performed By:	LOPKO RN, JASON (10/29/2018 18:01 EDT)
Authenticated By:	LOPKO RN, JASON (10/29/2018 18:01 EDT)

ED Triage Part 1 Entered On: 10/29/2018 18:02 EDT
Performed On: 10/29/2018 18:01 EDT by LOPKO RN, JASON

ED Triage HW

Chief Complaint : Patient states he fell off of a 6 foot ladder hurting his left lower leg.

ED Triage Assessment Pain Score : 8

Recent Travel : No exposure to anyone who traveled within last 30 days

Systolic Blood Pressure : 130 mmHg

Diastolic Blood Pressure : 72 mmHg

Mean Arterial Pressure : 91 mmHg

Blood Pressure Method : Automatic

Heart Rate : 75 bpm

Respiratory Rate : 20 breaths/min

SpO2/Pulse Oximetry : 99 %

Oxygen Delivery : Room air

Temperature F Converted : 97.6 degF

Temperature F : 97.6 degF (LOW)

Temperature C Converted : 36.4 degC

Temperature Method : Oral

Height : 178 cm(Converted to: 5 ft 10 in, 70.08 in)

Weight : 98 kg(Converted to: 216.053 lb)

Dosing BMI : 31

Dosing BSA-Mosteller : 2.2 m2

Mentation Perfusion Hydration Assessment : Alert, Awake

ESI Level 1 : No

ESI Level 2 : No

Vital Signs ESI : No

ESI Level 3 : Many

Recommended ESI Level : 3

LOPKO RN, JASON - 10/29/2018 18:01 EDT

DGP GENERIC CODE

ESI Level : 3

Tracking Group : ED Hilton Head Hospital

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

LOPKO RN, JASON - 10/29/2018 18:01 EDT
(As Of: 10/29/2018 18:02:44 EDT)

Diagnoses(Active)

Leg injury, lower - Major

Date: 10/29/2018 ; Diagnosis Type: Reason For Visit ;
Confirmation: Complaint of ; Clinical Dx: Leg injury, lower -
Major ; Classification: Medical ; Clinical Service: Emergency
medicine ; Code: PNED ; Probability: 0 ; Diagnosis Code:
3A7AD931-5FC9-4908-81A4-E71DF8D75789

Document Type:	ED Triage Assessment - Text
Document Subject:	ED Triage Part 2
Document Date/Time:	10/29/2018 18:01 EDT
Document Status:	Auth (Verified)
Performed By:	LOPKO RN,JASON (10/29/2018 18:01 EDT)
Authenticated By:	LOPKO RN,JASON (10/29/2018 18:01 EDT)

ED Triage Part 2 Entered On: 10/29/2018 18:02 EDT
Performed On: 10/29/2018 18:01 EDT by LOPKO RN, JASON

ED Allergies/Home Meds HW #2

Allergies Collected : Yes

LOPKO RN, JASON - 10/29/2018 18:01 EDT
(As Of: 10/29/2018 18:02:54 EDT)

Allergies (Active)

NKA

Estimated Onset Date: Unspecified ; Created By: LOPKO RN,
JASON; Reaction Status: Active ; Category: Drug ;
Substance: NKA ; Type: Allergy ; Updated By: LOPKO RN,
JASON; Reviewed Date: 10/29/2018 18:02 EDT

Medication List

(As Of: 10/29/2018 18:02:54 EDT)

No Known Home Medications

LOPKO RN, JASON - 10/29/2018 18:02:52

Document Type:	ED Discharge Form - Text
Document Subject:	ED Disposition
Document Date/Time:	10/29/2018 20:41 EDT
Document Status:	Auth (Verified)
Performed By:	Candal RN,Katelyn M (10/29/2018 20:41 EDT)
Authenticated By:	Candal RN,Katelyn M (10/29/2018 20:41 EDT)

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: **BROWN, ZACHARY L**

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Emergency/Urgent Care

ED Disposition Entered On: 10/29/2018 20:41 EDT
Performed On: 10/29/2018 20:41 EDT by Candal RN, Katelyn M

Discharged From

Discharged From : Hilton Head Hospital

Candal RN, Katelyn M - 10/29/2018 20:41 EDT

HHH Disposition

ED Disposition : Admit

ED Report Given To : Smith RN, Erika D

Mode of Discharge : Stretcher

Admit To : ACU

ED Condition : Good, Stable

ED Accompanied by : Self

ED Suture Removal : No

Candal RN, Katelyn M - 10/29/2018 20:41 EDT

Transfer Patient Within the Facility

Intrahospital Transfer Mode : Stretcher

Transporter : Candal RN, Katelyn M

Transferred To : ACU 307

Date/Time Nurse Received Report : 10/29/2018 20:41 EDT

Nurse Receiving Report : Smith RN, Erika D

Patient's Transfr Condition : Stable

Candal RN, Katelyn M - 10/29/2018 20:41 EDT

Document Type:

Depart Summary

Document Subject:

Depart Summary

Document Date/Time:

10/29/2018 20:42 EDT

Document Status:

Auth (Verified)

Performed By:

Candal RN, Katelyn M (10/29/2018 20:42 EDT)

Authenticated By:

Candal RN, Katelyn M (10/29/2018 20:42 EDT)

Depart Summary

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738
Phone: 8436816122

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
MRN #: 453227 Admission Date: 10/29/2018
Account #: 100700735 Discharge Date: 10/31/2018
DOB/Age/Sex: 10/13/1995 / 24 years / Male Lab Medical Director(s): Allan Bennett, MD

Emergency/Urgent Care

DEPART SUMMARY

PERSON INFORMATION

Name: BROWN, ZACHARY L

Address: 145 AUBURN HILLS DR RIDGELAND SC 29936-5741 Phone: 9999999999

DOB: 10/13/1995 MRN: 453227 Acct#: 100700735

Visit Reason: Leg injury, lower - Major; CLOSED BICONDYLAR FRACTURE OF TIBIAL PLATEAU

Arrival Time: 10/29/2018 17:52:00 ED Discharge Time: 10/29/2018 20:42:08

VISIT INFORMATION

Chief Complaint: Patient states he fell off of a 6 foot ladder hurting his left lower leg.

Patient Diagnosis: Closed bicondylar fracture of tibial plateau; Closed displaced comminuted fracture of shaft of left tibia

Primary Care Provider: PCP, UNKNOWN

Primary Physician: CARGILL MD, BRETT J

Discharge Location:

Allergy Info: NKA

Medications Given:

Medication	Dose	Route	Ordering Physician	Performed By
HYDROMORPHONE 1 mg/mL Injection; 1 mL	1 mg	IV Push	CARGILL MD, BRETT J	Candal RN, Katelyn M
Lactated Ringers 1,000 mL	1,000 mL 125 mL/hr Total Volume: 1,000 mL	IV	CARGILL MD, BRETT J	Candal RN, Katelyn M
ondansetron 2 mg/mL injection; 2 mL	4 mg	IV Push	CARGILL MD, BRETT J	Candal RN, Katelyn M

PRESCRIPTIONS:

IMMUNIZATIONS:

Major Tests and Procedures:

Laboratory Orders

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD,RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Emergency/Urgent Care

Name	Status	Details
BMP	Ordered	Blood, AM Collection, 10/30/18 2:15:00 EDT, RT - Routine, Q24H-int, Print Label Y/N
BMP	Ordered	Blood, AM Collection, 10/30/18 3:00:00 EDT, RT - Routine, Print Label Y/N
CBC w/auto Diff	Completed	Blood, Stat, 10/29/18 19:13:00 EDT, Nurse Collect, ST - Stat, Print Label Y/N
CBC w/auto Diff	Ordered	Blood, AM Collection, 10/30/18 3:00:00 EDT, RT - Routine, Print Label Y/N
CBC w/auto Diff	Ordered	Blood, AM Collection, 10/30/18 2:15:00 EDT, RT - Routine, Q24H-int, Print Label Y/N
CMP	Completed	Blood, Stat, 10/29/18 19:13:00 EDT, Nurse Collect, ST - Stat, Print Label Y/N
Magnesium	Ordered	Blood, AM Collection, 10/30/18 2:15:00 EDT, Nurse Collect, RT - Routine, Print Label Y/N
PT	Completed	Blood, Stat, 10/29/18 19:13:00 EDT, Nurse Collect, ST - Stat, Print Label Y/N
PTT	Completed	Blood, Stat, 10/29/18 19:13:00 EDT, Nurse Collect, ST - Stat, Print Label Y/N
Phosphate Lvl	Ordered	Blood, AM Collection, 10/30/18 2:15:00 EDT, Nurse Collect, RT - Routine, Print Label Y/N

Radiology Orders

Name	Status	Details
XR Tibia/Fibula 2 Views Left	Completed	Stat, 10/29/18 18:20:00 EDT, Other - Populate Reason For Exam (Fretext), Discomfort, 10/29/18 18:20:00 EDT, Transport Mode: Stretcher, Yes, no, patient states that he fell off a 6 foot ladder, left leg injury.

Cardiology Orders

No cardiology orders were placed.

PATIENT EDUCATION INFORMATION

Instructions:

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

MED LEAFLET INFORMATION

Instructions:

FOLLOW-UP WITH

IMMUNIZATIONS

POWERNOTE

Patient: BROWN, ZACHARY L MRN: 453227 FIN: 100700735
Age: 23 years Sex: Male DOB: 10/13/1995
Associated Diagnoses: Closed displaced comminuted fracture of shaft of left tibia
Author: CARGILL MD, BRETT J

Basic Information

Additional Information: Chief Complaint from Nursing Triage Note : Chief Complaint
10/29/2018 18:01 EDT Chief Complaint Patient states he fell off of a 6 foot ladder hurting his left lower leg.

History of Present Illness

Chief complaint left leg pain

This 23-year-old male was at work, he was standing on a 6 foot ladder with his feet 5 or 6 feet in the air. The ladder gave way and the pt. fell. He states his leg got tangled up in the ladder as he was falling and he thinks it was the torque of his leg and the latter that caused him developed sudden onset of severe pain and deformity. His friends brought him to the emergency room. He states his leg looks like it was flopping around a little bit. He does not have any numbness or tingling to the leg. There was no neck or back pain. No chest or abdominal pain. There was no head injury or loss of consciousness. He has no other injury or complaint.

Review of Systems

No headache, no neck or back pain, no chest or abdominal pain, no numbness or tingling to the extremities, remainder of systems reviewed and otherwise negative

Health Status

Allergies:

Allergic Reactions (Selected)
NKA.

Past Medical/ Family/ Social History

Surgical history:

No active procedure history items have been selected or recorded..

Family history:

No family history items have been selected or recorded..

Additional Past History:

Past medical history: None

Social history: Lives and works locally.

Physical Examination

Vital Signs

Vital Signs

10/29/2018 18:01 EDT

Blood Pressure Method
SpO2/Pulse Oximetry

Automatic
99 %

Hilton Head Hospital
25 Hospital Center Boulevard
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Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Emergency/Urgent Care

Respiratory Rate	20 breaths/min
Systolic Blood Pressure	130 mmHg
Diastolic Blood Pressure	72 mmHg
Mean Arterial Pressure	91 mmHg
Temperature F	97.6 degF LOW
Temperature Method	Oral
Heart Rate	75 bpm
Temperature C Converted	36.4 degC
Temperature F Converted	97.6 degF

Measurements

10/29/2018 18:01 EDT	Height	178 cm
	Dosing Weight	98 kg
	Dosing BSA-Mosteller	2.2 m2
	Dosing BMI	31

SpO2/Pulse Oximetry

10/29/2018 18:01 EDT	SpO2/Pulse Oximetry	99 %

PHYSICAL EXAM

GEN: Well-developed well-nourished nontoxic in appearance
 HEAD: Normocephalic/atraumatic
 EYES: pupils round reactive light, extraocular movements movements intact
 ENT: tympanic membranes are clear, oral pharynx is clear, neck is supple with no tenderness
 LUNGS: Clear to auscultation bilaterally with no wheezes rales or rhonchi.
 CARDIAC: Regular rate and rhythm No murmurs rubs or gallops
 ABDOMEN: bowel sounds are present, the abdomen is soft, there is no reproducible tenderness noted
 EXTREMITIES: Swelling and deformity is noted to the left mid distal tibia region. The skin is intact. He is able to wiggle his toes. Pulses are normal.
 Good capillary refill. Sensation is intact to light touch.
 BACK: No tenderness noted
 NEURO: Awake and alert, speech is normal, able to move all 4 extremities with no difficulty, no focal deficits noted
 SKIN: Warm and dry with no acute lesions

Medical Decision Making

Results review: Lab results : Laboratory

10/29/2018 19:20 EDT	WBC	13.7 10e3cells/mcL HI
	RBC	4.80 10e6 cells/mcL
	Hgb	13.7 g/dL
	Hct	42.4 %
	MCV	88 fL
	MCH	28.6 pg
	MCHC	32.4 g/dL
	RDW	13.9 %
	Platelet Count	206 10e3cells/mcL
	MPV	9.3 fL
	NRBC Auto Abs	0 x10(3)/mcL
	NRBC Auto Rel	0 %
	Neutrophil Rel	80 % HI
	Lymphocyte Rel	11 % LOW
	Monocyte Rel	8 %
	Eosinophil Rel	1 %

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Emergency/Urgent Care

Basophil Rel	0 %
Neutrophil Abs	10.9 10e3cells/mcL HI
Lymphocyte Abs	1.6 10e3cells/mcL
Monocyte Abs	1.0 10e3cells/mcL
Eosinophil Abs	0.2 10e3cells/mcL
Basophil Abs	0.0 10e3cells/mcL
PT	13.1 sec
INR	1.0 NA
PTT	28 sec
Sodium Lvl	136 mmol/L
Potassium Lvl	3.7 mmol/L
Chloride Lvl	102 mmol/L
CO2	24 mmol/L
Calcium Lvl	9.2 mg/dL
BUN	17.0 mg/dL
Creatinine Lvl	0.8 mg/dL
Total Protein	6.7 g/dL
Albumin Lvl	4.4 g/dL
Alk Phos	57 IU/L
ALT	21 IU/L
AST	22 IU/L
Osmolality Calc	273 mOsm/kg LOW
GFR African Am	>60 mL/min
GFR Non African Am	>60 mL/min
Bili Total	0.40 mg/dL
Glucose Level	93 mg/dL

Radiology results: Radiology - Last 36 hours (1)

XR Tibia/Fibula 2 Views Left (10/29 18:20)

FINDINGS:

Bones/joints: Mildly comminuted oblique fracture of the mid left tibia with mild anterior displacement of the distal fracture fragment and apex anterior angulation. Mildly comminuted oblique fracture of the mid left fibula with medial displacement of the distal fracture fragment.
Soft tissues: Normal.

IMPRESSION:

Mildly comminuted oblique fractures of the mid left tibia and fibula as described above.

Signed: Kelron Kennedy MD On: 10/29/2018 19:5:56

Reexamination/ Reevaluation

He was immediately placed in a splint, his x-rays show a tib-fib mid-distal fracture which is closed. I spoke with Dr. Scott who reviewed the films and will make arrangements for surgical intervention in the a.m.

Procedure

Report Request ID: 187346552

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Printed: 4/22/2020 15:50 CDT

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

A fiberglass splint was applied by me in good position with preservation of the neurovascular status

Impression and Plan

Diagnosis

Closed displaced comminuted fracture of shaft of left tibia : ICD10-CM S82.252A, Discharge, Emergency medicine, Medical

Plan

Condition: Guarded.

Disposition: Admit to Inpatient Unit.

Counseled: Patient, Regarding diagnosis, Regarding diagnostic results, Regarding treatment plan, Patient indicated understanding of instructions.

Orders: Launch Orders

Patient Care:

Decision to Admit (Order): Routine, 10/29/2018 20:36 EDT.

Addendum

All nursing entries, including vital signs, were reviewed and agree with same.

Lab results, imaging studies/reports and EKG's when performed were reviewed by me

A portion of this document was completed with voice recognition dictation software.

Chart electronically signed by Brett Cargill M.D.

Document Type:	ED Patient Depart Summary
Document Subject:	ED Patient Depart Summary
Document Date/Time:	10/29/2018 20:42 EDT
Document Status:	Auth (Verified)
Performed By:	Candal RN,Katelyn M (10/29/2018 20:42 EDT)
Authenticated By:	Candal RN,Katelyn M (10/29/2018 20:42 EDT)

ED Patient Depart Summary

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738
Phone: 8436816122

Patient Education & Visit Summary

PERSON INFORMATION

Name: BROWN, ZACHARY L

Address: 145 AUBURN HILLS DR RIDGELAND SC 29936-5741 **Phone:** 9999999999

DOB: 10/13/1995 **MRN:** 453227 **Acct#:** 100700735

Arrival Time: 10/29/2018 17:52:00 **ED Discharge Time:** 10/29/2018 20:42:08

VISIT INFORMATION

Report Request ID: 187346552

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Printed: 4/22/2020 15:50 CDT

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

Presenting Complaint: Patient states he fell off of a 6 foot ladder hurting his left lower leg.

Patient Diagnosis: Closed bicondylar fracture of tibial plateau; Closed displaced comminuted fracture of shaft of left tibia

Primary Care Provider: PCP, UNKNOWN

Primary Physician: CARGILL MD, BRETT J

Allergy Info: NKA

Discharge Location:

FOLLOW-UP WITH:

If you should have any difficulty making arrangements, please call the Emergency Department. If you have a problem and are not able to contact your primary care provider, you may return to the Emergency Department at any time.

Your important health information, including your test results, is available online through My Patient Portal. If you did not sign up for My Patient Portal during your hospital stay, please call the hospital to enroll. If you have signed up and need assistance logging in to My Patient Portal, please call 1-888-252-8149. For questions regarding medications or other health concerns after discharge, please contact your physician's office.

PATIENT EDUCATION INFORMATION GIVEN:

IMMUNIZATIONS:

MAJOR TESTS AND PROCEDURES:

Laboratory Orders

Name	Status
BMP	Ordered
BMP	Ordered
CBC w/auto Diff	Completed
CBC w/auto Diff	Ordered
CBC w/auto Diff	Ordered
CMP	Completed
Magnesium	Ordered
PT	Completed
PTT	Completed

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

Phosphate Lvl Ordered

Radiology Orders

Name	Status
XR Tibia/Fibula 2 Views Left	Completed

Cardiology Orders

Name	Status
Electrocardiogram 12 Lead-CernerCV	Ordered

MEDICATIONS:

Your discharge prescriptions may be printed, or transmitted electronically to the pharmacy. If there are any issues with your prescriptions, please call the Emergency Department. If you received a prescription for medication(s) today it is important that when you fill this you let the pharmacists know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medication including the prescriptions you may receive today.

FINAL ACTIVE MEDICATION LIST:

We have provided this final list of active medications as a courtesy so that you can easily update your home records and provide to your physician(s). These are the only medications that you should be taking.

No Known Home Medications

Please review carefully and let us know if you have any questions or concerns. Take only the medications listed above. Contact your primary care provider prior to taking any medications NOT on this list.

MED LEAFLETS INFORMATION GIVEN:

Hilton Head Hospital
25 Hospital Center Boulevard
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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Emergency/Urgent Care

MEDICATION LEAFLETS:

PATIENT EDUCATION INSTRUCTIONS:

X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get results. If there is a change in the x-ray diagnosis or a positive culture we will contact you. (Make sure we have your local phone number.)

Thank you for the opportunity to provide your emergency medical care. It is important you understand that emergency medical services are not a substitute for complete medical care.

I, BROWN, ZACHARY L, have received the above patient education materials and instructions and have verbalized understanding of them. I will follow-up with my own Physician or Physician/Agency listed above.

Patient, Parent or Guardian

Witness

Acct #: 100700735 Current Date: 10/29/2018 20:42:10

Document Type:	Final ED Pat Edu
Document Subject:	Final ED Pat Edu
Document Date/Time:	10/29/2018 20:42 EDT
Document Status:	Auth (Verified)
Performed By:	Candal RN,Katelyn M (10/29/2018 20:42 EDT)
Authenticated By:	Candal RN,Katelyn M (10/29/2018 20:42 EDT)

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Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Emergency/Urgent Care

Final ED Pat Edu

Patient Education Instructions

Name: BROWN, ZACHARY L Current Date: 10/29/2018 20:42:10

L

MRN: 453227 FIN: 100700735

The following sheet(s) are the Patient Education Leaflets for BROWN, ZACHARY L

Document Type:

ED Charge Modifications Form - Text

Document Subject:

ED Charge Modification Form

Document Date/Time:

10/30/2018 08:48 EDT

Document Status:

Auth (Verified)

Performed By:

GRAUPNER RN, MASHELLE (10/30/2018 08:48 EDT)

Authenticated By:

GRAUPNER RN, MASHELLE (10/30/2018 08:48 EDT)

ED Charge Modification Form Entered On: 10/30/2018 08:48 EDT
Performed On: 10/30/2018 08:48 EDT by GRAUPNER RN, MASHELLE

ED Charge Modifications Form

FCT Infusion/Injection Modified : Other: backtimed fluids to admit time and submitted. did not audit this account

GRAUPNER RN, MASHELLE - 10/30/2018 08:48 EDT

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Operative/Procedure Reports

Document Type:	Operative Note EMR No Cosign
Document Subject:	
Document Date/Time:	10/30/2018 20:51 EDT
Document Status:	Auth (Verified)
Performed By:	SCOTT MD, DOUGLAS A (10/30/2018 20:54 EDT)
Authenticated By:	SCOTT MD, DOUGLAS A (10/30/2018 20:54 EDT)

Operative Report

DATE OF OPERATION: October 30, 2018

SURGEON: Douglas Scott, M.D.

Assistant: Tom Thomas, PA

PREOPERATIVE & POSTOPERATIVE DIAGNOSIS: Left midshaft tibia fracture.

OPERATIONS:

1. Open reduction and internal fixation of the above fracture with intramedullary nailing.

ANESTHESIA: LMA.

BLOOD LOSS: Minimal.

BLOOD REPLACEMENT: None.

WOUND: clean

COMPLICATIONS: None.

DRAINS AND PACKING: None.

IMPLANTS: Please see the hospital record for exact implant specifications, but briefly a Stryker T2 statically locked tibial nail was used.

INDICATIONS FOR SURGERY: Please see my accompanying history/consultation dictations for details, but I explained the anatomy and pathophysiology involved with the above diagnosis, and recommended surgical intervention as a treatment option. I explained the technical aspect of the procedure and the post-operative rehabilitation program. I explained risks and benefits as well as alternatives to surgery, with risks including infection, neurovascular injury, neuropraxia, the possibility of future surgery, limb length inequality, malrotation, nonunion, malunion, post-traumatic pain, arthritis, weakness, and stiffness, and medical and cardiac complications of anesthesia, and DVT. I explained clearly that the surgery would be unlikely to completely eliminate all pain. All these concepts were reviewed and all questions were

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MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Operative/Procedure Reports

answered. Informed consent was obtained, and I marked the operative site in the preoperative holding area.

DESCRIPTION OF PROCEDURE: The patient was transported from the preoperative holding area to the operating room where she was laid in a supine position on the operative room table. Anesthesia was administered by the anesthesia team.

Antibiotics were administered preoperatively in standard fashion.

A well-padded upper thigh tourniquet was placed and the right leg was prepped and draped in a standard sterile fashion for left leg surgery and a timeout was called and confirmed.

An Esmarch bandage was used to exsanguinate the lower extremity and the previously placed tourniquet was inflated to 250 mmHg for approximately 1 hour.

A standard approach to the proximal tibia was made using an approximately 2-inch vertical scar directly over the patellar tendon and meticulous dissection ensued. Meticulous hemostasis was maintained with Bovie electrocautery and meticulous care was made to avoid any neurovascular injury including the superficial nerves in particular.

The paratenon layer was divided and protected for later repair and the center of the patellar tendon was divided and standard entry point was confirmed. The entry point for the nail was reamed and the ball-tipped guidewire was used to pass across the fracture, and anatomic alignment was confirmed on multiplanar C-arm fluoroscopy.

The tibia was reamed in standard fashion and the above-mentioned nail was passed without issue and excellent anatomic alignment was achieved. The nail was statically locked distally using perfect circle technique in standard AO fashion and the knee was backslapped to bed to reduce the fracture even more.

The nail was statically locked proximally as well in standard AO fashion and all wounds were thoroughly irrigated.

The Jlg apparatus was removed and final C-arm fluoroscopic images were taken and the knee and ankle taken through a full range of motion with excellent stability.

Please note that throughout the case, meticulous care was made to ensure proper alignment and in particular rotation of the fracture fragment.

The wound was extremely irrigated to remove all bony debris from the tibia and knee joint in particular and the patellar tendon was closed with a heavy Vicryl suture. The paratenon layer was also closed with a 3-0 Vicryl suture and the subdermal layer was closed with a 3-0 Vicryl suture. The skin was closed with a 3-0 Monocryl suture in a subcuticular stitch and a standard sterile dressing was placed.

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Operative/Procedure Reports

anesthesia was discontinued and the patient was transferred to the recovery room where she arrived in a hemodynamically stable condition having tolerated the procedure well.

I performed the major components of the procedure. Please note the PAs assistance was required for dissection, retraction, manipulation and reduction of the fracture as well as placement of hardware.

Electronically Signed On 10/30/18 20:54 EDT

SCOTT MD, DOUGLAS A

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L
MRN #: 453227
Account #: 100700735
DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
Admission Date: 10/29/2018
Discharge Date: 10/31/2018
Lab Medical Director(s): Allan Bennett, MD

Anesthesia Documentation

Document Type: Anesthesia/Sedation Record
Document Subject: HHH-Anesthesia Record
Document Date/Time: 11/1/2018 10:04 EDT
Document Status: Modified
Performed By:
Authenticated By:

HHH-Anesthesia Record

<http://direct.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518188.9670.20181031.66989094> HNAM URL

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Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Surgical Documentation

Document Type: Document Subject: Document Date/Time: Document Status: Performed By: Authenticated By:	Preoperative Record PreOp Record - Main OR HHH 10/30/2018 16:50 EDT Auth (Verified) Hof RN, Marcia (10/30/2018 13:59 EDT)

PreOp Record - Main OR HHH

PreOp Record - Main OR HHH Summary

Primary Physician: SCOTT MD, DOUGLAS A
Case Number: HHHOR-2018-3339
Finalized Date/Time: 10/30/18 13:59:53
Pt. Name: BROWN, ZACHARY L
D.O.B./Sex: 10/13/1995 Male
Med Rec #: 453227
Physician: SISTER MD, IGOR
Financial #: 100700735
Pt. Type: 1
Room/Bed: /
Admit/Disch: 10/29/18 19:41:00 -
Institution:

Case Attendance - Preop Main OR HHH

Case Attendee	Entry 1 SCOTT MD, DOUGLAS A	Role Performed	Provider
Last Modified By:	Hof RN, Marcia 10/30/18 13:59:19		

Case Times - Preop Main OR HHH

Patient in Room	Entry 1 10/30/18 13:59:00	Patient Ready	10/30/18 13:59:00
PreOp			
Patient Out of Room	10/30/18 13:59:00		
PreOp			
Last Modified By:	Hof RN, Marcia 10/30/18 13:59:23		

Individualized Care - Preop Main OR HHH

Diagnoses	Entry 1 X04 Anxiety	Interventions	I032 Elicits perceptions of surgery., I126 Verifies operative procedure.
Outcomes	O16 The patient demonstrates knowledge of the physiological responses to the operative or other invasive procedure.,	All Patient Goals and Outcomes Met?	Yes

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Surgical Documentation

O17 The patient demonstrates knowledge of the psychological responses to the operative or other invasive procedure.

Last Modified By: Hof RN, Marcia 10/30/18 13:59:48

Finalized By: Hof RN, Marcia

Document Signatures

Signed By:
Hof RN, Marcia 10/30/18 13:59

Document Type:	Main OR Intraoperative Record
Document Subject:	IntraOp Record - Main OR HHH
Document Date/Time:	10/30/2018 16:54 EDT
Document Status:	Auth (Verified)
Performed By:	Heinbaugh RN, Thomas (10/30/2018 17:20 EDT)
Authenticated By:	

IntraOp Record - Main OR HHH

IntraOp Record - Main OR HHH Summary

Primary Physician: SCOTT MD, DOUGLAS A
Case Number: HHHOR-2018-3339
Finalized Date/Time: 10/30/18 17:20:52
Pt. Name: BROWN, ZACHARY L
D.O.B./Sex: 10/13/1995 Male
Med Rec #: 453227
Physician: SISTER MD, IGOR
Financial #: 100700735
Pt. Type: 1
Room/Bed: /
Admit/Disch: 10/29/18 19:41:00 -
Institution:

Case Attendance - Main OR HHH

	Entry 1	Entry 2	Entry 3
Case Attendee	SCOTT MD, DOUGLAS A	Hurt RN, Lauren	Satcher, Bonnie
Role Performed	Provider	Circulator	Scrub
Procedure	Tibia Intramedullary Nail (Left)	Tibia Intramedullary Nail (Left)	Tibia Intramedullary Nail (Left)
Time In	10/30/18 14:49:00	10/30/18 14:49:00	10/30/18 14:49:00
Time Out	10/30/18 17:04:00	10/30/18 16:30:00	10/30/18 17:04:00
Comments:			
Last Modified By:	Heinbaugh RN, Thomas 10/30/18 17:04:53	Heinbaugh RN, Thomas 10/30/18 17:04:53	Heinbaugh RN, Thomas 10/30/18 17:04:53

Hilton Head Hospital
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Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Surgical Documentation

Case Attendee Role Performed Procedure Time In Time Out Comments: Last Modified By:	Entry 4 PRISTAS CRNA, LISA Certified Registered Nurse Anesthetist Tibia Intramedullary Nail (Left) 10/30/18 14:49:00 10/30/18 17:04:00 Heinbaugh RN, Thomas 10/30/18 17:04:53	Entry 5 MULNER MD, RONALD Anesthesiologist Tibia Intramedullary Nail (Left) 10/30/18 14:49:00 10/30/18 17:04:00 Heinbaugh RN, Thomas 10/30/18 17:04:53	Entry 6 HULTH, ARNOT Radiology Technician Tibia Intramedullary Nail (Left) 10/30/18 14:49:00 10/30/18 17:04:00 Heinbaugh RN, Thomas 10/30/18 17:04:53

Case Attendee Role Performed Procedure Time In Time Out Comments: Last Modified By:	Entry 7 Heinbaugh RN, Thomas Circulator Tibia Intramedullary Nail (Left) 10/30/18 16:30:00 10/30/18 17:04:00 Heinbaugh RN, Thomas 10/30/18 17:04:53	Entry 8 THOMAS PA-C, TOM D Physician Assistant Tibia Intramedullary Nail (Left) 10/30/18 16:30:00 10/30/18 17:04:00 Heinbaugh RN, Thomas 10/30/18 17:04:53

Case Times - Main OR HHH

Anesthesia/Monitorin g Staff Start Patient In Room Procedure/Surgery Start Last Modified By:	Entry 1 10/30/18 14:49:00 10/30/18 14:49:00 10/30/18 15:20:00 Heinbaugh RN, Thomas 10/30/18 17:04:51	Anesthesia/Monitorin g Staff Stop Patient Out Room Procedure/Surgery Stop	10/30/18 17:09:00 10/30/18 17:04:00 10/30/18 16:54:00

Time Out - Main OR HHH

Time Out Type Procedure STOP ! ALL ACTIVITIES CEASE All member of Surgical/Procedural Team verbally confirm: Consent form is accurate Correct patient position	Entry 1 Procedure Time Out Tibia Intramedullary Nail (Left) Yes Yes Yes	Time Out Correct patient identity Agreement on the procedure/side/site/ level, if applies, to be done. Marked site visible after draping, if applies. Safety precautions based on patient history and/or medication use	10/30/18 15:19:00 Yes Yes Yes

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25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Surgical Documentation

Fire Risk Assessment DONE	Essential imaging properly labeled and displayed
Yes	Yes
Correct implants present	Special equipment present
Yes	N/A
Antibiotic (Prophylactic) given	
Last Modified By: Hurt RN, Lauren 10/30/18 15:22:04	

General Case Data - Main OR HHH

Case Information OR HHH OR 03 Wound Class Class 1 - Clean ASA Class 1E Diagnosis Preop Diagnosis fx left tibia Postop Diagnosis fx left tibia Last Modified By: Hurt RN, Lauren 10/30/18 15:22:13	Case Level Specialty Surg Level III SN Orthopedic Postop Same As Preop Yes

Surgical Procedures - Main OR HHH

Procedure Entry 1 Tibia Intramedullary Nail Primary Surgeon SCOTT MD, DOUGLAS A Surgical Procedure Text left tibial nail Procedure Stop 10/30/18 16:54:00 Anesthesia Type General Last Modified By: Heinbaugh RN, Thomas 10/30/18 16:55:03	Primary Procedure Yes Modifiers Left Procedure Start 10/30/18 15:20:00 Procedure Specialty SN Orthopedic

Count Verification - Main OR HHH

Procedure Entry 1 Tibia Intramedullary Nail(Left) Sequence Initial Count By Hurt RN, Lauren, Satcher, Bonnie Sponge Count Correct Yes Incorrect Sponge Count Action Taken Small Miscellaneous Item Count Correct Yes Incorrect Small Misc Item Count Action Taken Sharp/Needle Count Correct Yes Incorrect Sharp Count Action Taken Instrument Count Correct n/a	Entry 2 Tibia Intramedullary Nail(Left) Closing Count Satcher, Bonnie, Heinbaugh RN, Thomas Yes Yes Yes n/a	Entry 3 Tibia Intramedullary Nail(Left) Final Count Satcher, Bonnie, Heinbaugh RN, Thomas Yes Yes Yes n/a

Hilton Head Hospital
25 Hospital Center Boulevard
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Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Surgical Documentation

Incorrect
Instrument Count
Action Taken
Provider Notified
Closing Count
Correct

n/a

Yes

Yes

Last Modified By: Hurt RN, Lauren
10/30/18 15:22:52

Heinbaugh RN, Thomas
10/30/18 16:57:22

Heinbaugh RN, Thomas
10/30/18 16:57:22

Patient Positioning - Main OR HHH

Procedure Entry 1
Tibia Intramedullary
Nail (Left)
Positioning Aids Safety Strap - Body
Feet Uncrossed? Yes

Body Position

Supine

Extremities
Pressure Points
Checked

Arms Out:
Yes

By SCOTT MD, DOUGLAS A,
Hurt RN, Lauren
Last Modified By: Hurt RN, Lauren
10/30/18 15:23:37

Patient Prep - Main OR HHH

Procedure Entry 1
Tibia Intramedullary
Nail (Left)

Skin Prep Agents

APPLICATOR, CHLORAPREP
W/ORANGE 2% SOLUTION
26ML -- HHH

Skin Prep Site Leg Left

Skin Prep By

SCOTT MD, DOUGLAS A,
Satcher, Bonnie
Clippers

Alcohol based prep Yes

Hair Removal Methods

Hair Removal Site Leg Left

Hair Removal By

SCOTT MD, DOUGLAS A

Last Modified By: Hurt RN, Lauren
10/30/18 15:24:10

Cautery - Main OR HHH

Cautery Entry 1
Bovie -- HHH
Coag Setting 40
Type Grounding Pad Type Adult
Skin Cond Before Warm, Dry, Intact
Last Modified By: Hurt RN, Lauren
10/30/18 15:24:36

Cut Setting
Pure/Bland Settings
Grounding Pad Site
Applied By

40
Blend Setting
Thigh Left
Hurt RN, Lauren

Equipment - Main OR HHH

Equipment Entry 1
Pneumatic Hose Unit --
HHH
Last Modified By: Hurt RN, Lauren
10/30/18 15:24:48

Tourniquets - Main OR HHH

Tourniquet Entry 1
Tourniquet Machine --
HHH

Setting

250

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Surgical Documentation

Cuff Size	34 in	Site	Thigh Left
Skin Cond Before	Warm, Dry, Intact	Required	Present
		Peripheral Pulses	
		Before	
Applied By	SCOTT MD, DOUGLAS A	Inflated	15:18
Deflated	16:52		
Last Modified By:	Heinbaugh RN, Thomas		
	10/30/18 16:55:00		

Medication - Main OR HHH

Medication	Entry 1	Route of Admin	Topical
By	Dermabond -- HHH	Time Administered	10/30/18 16:39:00
	THOMAS PA-C, TOM D		
Last Modified By:	Heinbaugh RN, Thomas		
	10/30/18 16:57:52		

Irrigation - Main OR HHH

Procedure	Entry 1	Irrigant	SOLUTION, IRRIGATION
	Tibia Intramedullary		SODIUM CHLORIDE .9% 500
	Nail(Left)		ML PB -- HHH
Last Modified By:	Hurt RN, Lauren		
	10/30/18 15:24:59		

Specimens/Cultures - Main OR HHH NOT APPLICABLE

Entry 1
Last Modified By:

Implants - Main OR HHH

Description	Entry 1	Entry 2	Entry 3
	IMPLANT, SCREW LOCKING	IMPLANT, T2 TIBIA SYSTEM	IMPLANT, SCREW LOCKING
	FULL THRD 5.0MM X 40MM		F/T T2 5MM X 55MM -- HHH
	TIT -- HHH		
Manufacturer	STRYKER ORTHOPEDICS	STRYKER	STRYKER ORTHOPEDICS
Catalog Number	1896-5040S	1822-1234	1896-5055S
Serial Number			
Lot Number	k03cab5	K021AAF	K0CE5BA
Size			5 X 55MM
Expiration Date			02/28/21
Implant Quantity	1	1	0
Implant Site	Tibia Left	Tibia Left	Tibia Left
Explant Quantity	0	0	1
Implanted By	SCOTT MD, DOUGLAS A	SCOTT MD, DOUGLAS A	SCOTT MD, DOUGLAS A
Implanted Date/Time	10/30/18 16:13:00	10/30/18 16:15:00	10/30/18 16:28:00
Tissue Preparation			
Tissue Prepared By			
Tissue Prepared Date/Time:			
Current manufacturer's instructions were followed:			Yes
Last Modified By:	Heinbaugh RN, Thomas	Heinbaugh RN, Thomas	Heinbaugh RN, Thomas
	10/30/18 17:04:30	10/30/18 17:04:30	10/30/18 16:40:04

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Surgical Documentation

	Entry 4	Entry 5	Entry 6
Description	IMPLANT, SCREW LOCKING F/T T2 5MM X 52.5MM -- HHH	END CAP +10MM 1822-0010 LOT K033172	PUTTY, BONE DEMINERALIZED BONE MATRIX SCC -- HHH
Manufacturer	STRYKER ORTHOPEDICS	STRYKER	XTANT MEDICAL (FORMERLY
Catalog Number	1896-5052S	1822-0010	309050
Serial Number			B180317-717
Lot Number	K091298	K033172	
Size	5 X 52.5MM	+10MM	SCC
Expiration Date	06/30/21	08/31/22	07/11/21
Implant Quantity	1	1	1
Implant Site	Tibia Left	Tibia Left	Tibia Left
Explant Quantity	0	0	0
Implanted By	SCOTT MD, DOUGLAS A	SCOTT MD, DOUGLAS A	SCOTT MD, DOUGLAS A
Implanted Date/Time	10/30/18 16:35:00	10/30/18 16:39:00	10/30/18 16:39:00
Tissue Preparation			
Tissue Prepared By			
Tissue Prepared Date/Time:			
Current manufacturer's instructions were followed:	Yes	Yes	Yes
Last Modified By:	Heinbaugh RN, Thomas 10/30/18 16:40:04	Heinbaugh RN, Thomas 10/30/18 16:40:04	Heinbaugh RN, Thomas 10/30/18 16:54:30

Dressing/Packing - Main OR HHH

	Entry 1	Dressing	
Procedure	Tibia Intramedullary Nail (Left)		Silver Soft Silicone Dressing, Cast Padding, Ace Wrap, Cold Therapy Pad
Dressing/Packing Site	Leg Left	Applied By	SCOTT MD, DOUGLAS A
Last Modified By:	Heinbaugh RN, Thomas 10/30/18 16:56:37		

Individualized Care - Main OR HHH

	Entry 1	Entry 2	Entry 3
Diagnoses	X04 Anxiety	X28 Infection, risk for	X29 Injury, risk of
Interventions	I032 Elicits perceptions of surgery., I056 Explains expected sequence of events.	I070 Implements aseptic technique., I098 Protects from cross-contamination., I112 Records devices implanted during the operative or invasive procedure.	I072 Implements protective measures to prevent injury due to electrical sources., I075 Implements protective measures to prevent skin and tissue injury due to chemical sources., I038 Evaluates for signs and symptoms of injury as a result of positioning., I011 Applies safety devices., I096

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Surgical Documentation

Outcomes	016 The patient demonstrates knowledge of the physiological responses to the operative or other invasive procedure., 017 The patient demonstrates knowledge of the psychological responses to the operative or other invasive procedure.	010 The patient is free from signs and symptoms of infection.	Positions the patient. 004 The patient is free from signs and symptoms of electrical injury., 003 The patient is free from signs and symptoms of chemical injury., 005 The patient is free from signs and symptoms of injury related to positioning.
All Patient Goals and Outcomes Met?	Yes	Yes	Yes
Last Modified By:	Hurt RN, Lauren 10/30/18 15:25:32	Hurt RN, Lauren 10/30/18 15:25:32	Hurt RN, Lauren 10/30/18 15:25:32

Diagnoses	Entry 4 X51 Skin integrity, risk for impaired
Interventions	I039 Evaluates for signs and symptoms of injury to skin and tissue., I042 Evaluates for signs and symptoms of skin and tissue injury as a result of transfer or transport., I022 Classifies surgical wound.
Outcomes	002 The patient is free from signs and symptoms of injury due to extraneous objects., 003 The patient is free from signs and symptoms of chemical injury., 004 The patient is free from signs and symptoms of electrical injury.
All Patient Goals and Outcomes Met?	Yes
Last Modified By:	Hurt RN, Lauren 10/30/18 15:25:32

Departure from Area - Main OR HHH

Safety/Supportive Device	Entry 1 Side Rails Up x 2	PostOp Destination	Phase I Recovery
Mode of Transportation	Patient Bed with IV	Transported By	PRISTAS CRNA, LISA, Heinbaugh RN, Thomas
Transport Monitor	No	Report Given To	Longano RN, Monica
Airway Maintenance	No		
Oxygen in Use?	No		
Hand-off	Yes		

Hilton Head Hospital
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Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Surgical Documentation

**Communication
Completed**

Final Assessment

Cautery Pad Do'd by:	THOMAS PA-C, TOM D	Cautery Skin Condition After	Warm, Dry, Intact
Bair Hugger Do'd by:	PRISTAS CRNA, LISA	SCD's Do'd by:	Heinbaugh RN, Thomas
Tourniquet Do'd by:	THOMAS PA-C, TOM D	Skin Cond After	Warm, Dry, Intact
Required Peripheral Pulses After:	Present		
Catheter, Drains & Tube Removal			
Last Modified By:	Heinbaugh RN, Thomas 10/30/18 17:10:17		

Fire Risk Assessment - Main OR HHH

Entry 1

**Fire Risk Assessment
Score**

Alcohol Based Prep	1 = Yes	Surgical Site Above Xiphoid	0 = No
Open Oxygen Source	1 = Yes	Available Ignition Source	1 = Yes
Fire Risk Time	10/30/18 15:19:00	Fire Risk Score	3 or greater
	High Fire Risk Protocol Initiated		
Last Modified By:	Hurt RN, Lauren 10/30/18 15:21:44		

Case Comments

<None>

Finalized By: Heinbaugh RN, Thomas

Document Signatures

Signed By:

Heinbaugh RN, Thomas 10/30/18 17:20

Document Type:

Document Subject:

Document Date/Time:

Document Status:

Performed By:

Authenticated By:

Intra-Operative Records

HHH-Intraoperative Record

11/1/2018 10:04 EDT

Auth (Verified)

HHH-Intraoperative Record

<http://fredirect.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2644.20181101.54259982> HNAM URL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Surgical Documentation

Document Type: Document Subject: Document Date/Time: Document Status: Performed By: Authenticated By:	Phase I Recovery Phase I Record - Main OR HHH 10/30/2018 16:54 EDT Auth (Verified) Longano RN, Monica (10/30/2018 17:40 EDT)

Phase I Record - Main OR HHH

Phase I Record - Main OR HHH Summary

Primary Physician: SCOTT MD, DOUGLAS A
Case Number: HHHOR-2018-3339
Finalized Date/Time: 10/30/18 17:40:51
Pt. Name: BROWN, ZACHARY L
D.O.B./Sex: 10/13/1995 Male
Med Rec #: 453227
Physician: SISTER MD, IGOR
Financial #: 100700735
Pt. Type: 1
Room/Bed: 0307/1
Admit/Disch: 10/29/18 19:41:00 -
Institution:

Case Attenance - Phase I Main OR HHH

Entry 1 Case Attendee SCOTT MD, DOUGLAS A Role Performed Provider Comments Last Modified By: Hof RN, Marcia 10/30/18 13:59:17	Entry 2 Longano RN, Monica PACU Nurse Longano RN, Monica 10/30/18 17:18:27

Case Times - Phase I Main OR HHH

Entry 1 In Phase I 10/30/18 17:08:00 Phase I Discharge 10/30/18 17:42:00 Last Modified By: Longano RN, Monica 10/30/18 17:40:49	Phase I Criteria Met 10/30/18 17:37:00

Individualized Care - Phase I MOR HHH

Entry 1 Diagnoses X07 Breathing patterns, ineffective	Interventions	I033 Encourages deep breathing and coughing exercises., I045 Evaluates postoperative pulmonary function., I087 Monitors changes in respiratory status., I121 Uses monitoring equipment to assess pulmonary function.

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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Surgical Documentation

Outcomes	014 The patient's pulmonary function is consistent with or improved from baseline levels established preoperatively.	All Patient Goals and Outcomes Met?	Yes
Last Modified By:	Longano RN, Monica 10/30/18 17:12:10		

Finalized By: Longano RN, Monica

Document Signatures

Signed By:
Longano RN, Monica 10/30/18 17:40

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Admission Documentation

Document Type:

Basic Admission Information - Text

Document Subject:

Basic Admission Information

Document Date/Time:

10/29/2018 21:14 EDT

Document Status:

Auth (Verified)

Performed By:

Flint,Wendy (10/29/2018 21:14 EDT)

Authenticated By:

Flint,Wendy (10/29/2018 21:14 EDT)

Basic Admission Information Entered On: 10/29/2018 21:15 EDT

Performed On: 10/29/2018 21:14 EDT by Flint, Wendy

Vital Signs

Heart Rate : 89 bpm

Temperature F Converted : 98 degF

Temperature F : 98.0 degF

Temperature C Converted : 36.7 degC

Temperature Method : Oral

Respiratory Rate : 18 breaths/min

Systolic Blood Pressure : 114 mmHg

Diastolic Blood Pressure : 73 mmHg

Blood Pressure Location : Left, Upper, Arm

Blood Pressure Method : Automatic

MAP Cuff : 87 mmHg

Oxygen Flow L/Min.: 98 L/min (HI)

Oxygen Delivery : Room air

Flint, Wendy - 10/29/2018 21:14 EDT

Document Type:

Admission History Adult - Text

Document Subject:

Adult Admission History

Document Date/Time:

10/30/2018 01:44 EDT

Document Status:

Auth (Verified)

Performed By:

Smith RN,Erika D (10/30/2018 01:44 EDT)

Authenticated By:

Smith RN,Erika D (10/30/2018 01:44 EDT)

Adult Admission History Entered On: 10/30/2018 01:52 EDT

Performed On: 10/30/2018 01:44 EDT by Smith RN, Erika D

General Information

Patient Reason for Admission : tibia fracture

Hilton Head Hospital
25 Hospital Center Boulevard
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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Admission Documentation

Chief Complaint/Injury : fall
Arrival to Floor/Unit : 10/29/2018 20:49 EDT
Mode of Arrival : Stretcher
Clinical Trial Participant : None
Pregnancy Status : N/A
Accompanied By : Family, Friend
Information Given By : Patient
Emergency Contact Info from Registration : Emergency Contact

WILLIAM,
Uncle
Home: (843)287-7926

Primary Physician

PCP, UNKNOWN

Smith RN, Erika D - 10/30/2018 01:44 EDT

Allergies

Allergies Collected : Yes

Smith RN, Erika D - 10/30/2018 01:44 EDT
(As Of: 10/30/2018 01:52:55 EDT)

Allergies (Active)

NKA

Estimated Onset Date: Unspecified ; Created By: LOPKO RN,
JASON; Reaction Status: Active ; Category: Drug ;
Substance: NKA ; Type: Allergy ; Updated By: LOPKO RN,
JASON; Reviewed Date: 10/29/2018 20:31 EDT

Advance Directive

Advance Directive : No

Advance Directive Action : Information refused

Smith RN, Erika D - 10/30/2018 01:44 EDT

Family History

Family History Reviewed : Yes

Smith RN, Erika D - 10/30/2018 01:44 EDT

Family History

(As Of: 10/30/2018 01:52:55 EDT)

Infectious History

Infectious History : Chicken pox

Chicken Pox/Shingles Exposure Last 21 Days : No

Recent Travel : No exposure to anyone who traveled within last 30 days

Infectious Exposure Symptoms : None

Smith RN, Erika D - 10/30/2018 01:44 EDT

Flu/Pneumonia Vaccine Screening

Hilton Head Hospital
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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Admission Documentation

Flu shot this season : No
Influenza Vaccine Indications : 6 months of age or older
Influenza Vaccine Indicated : Yes
Influenza Vaccine Patient Accepted : Yes
Pneumovax Contraindication : No contraindications
Pneumovax Indications : No indications
Pneumovax Indicated : Yes
Pneumococcal Vaccine Patient Accepted : Yes

Smith RN, Erika D - 10/30/2018 01:44 EDT

Psychosocial/Suicide Screening

Domestic Concerns : None
Major Event in Last 12 Months : None
Support System : Family
Emotional Support Available : Yes
Suicide 13 Years or Older : Yes
Suicide Presents Sign and/or Symptoms : No
Suicide Presents BH Complaint : No
Suicide Presents Count : 0

Smith RN, Erika D - 10/30/2018 01:44 EDT

Social Habits

History of Caffeine Use : Minimal
Smoking/Tobacco Use : Never smoker
Alcohol Use : Currently using
Frequency : Daily
Type : Beer
Amount : 4

Smith RN, Erika D - 10/30/2018 01:44 EDT

Nutrition Screening

Recent Weight Loss : No
Decreased Appetite(MST Tool) : No
Malnutrition Screening Tool Score : 0
Nutritional Risk Factors : No nutrition problems noted

Smith RN, Erika D - 10/30/2018 01:44 EDT

Abuse/Neglect Screen

Abuse History : No
Abuse/Neglect Signs : None noted

Smith RN, Erika D - 10/30/2018 01:44 EDT

Safety Assessment Grid

Flight Risk : No

Smith RN, Erika D - 10/30/2018 01:44 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD, RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Admission Documentation

Document Type:	Admission Documents
Document Subject:	HHH-Admission
Document Date/Time:	11/1/2018 10:04 EDT
Document Status:	Auth (Verified)
Performed By:	
Authenticated By:	

HHH-Admission

<http://fredirect.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2642.20181101.54256985> HNAM URL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

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MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Radiology Documents

Document Type:	Radiology Scanned
Document Subject:	HHH-Imaging
Document Date/Time:	11/1/2018 10:04 EDT
Document Status:	Auth (Verified)
Performed By:	
Authenticated By:	

HHH-Imaging

hpfredirect.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2645.20181101.54261997 HNAM URL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Respiratory Documentation

Document Type:	RT Oxygen Therapy Form - Text
Document Subject:	Oxygen Therapy
Document Date/Time:	10/30/2018 21:23 EDT
Document Status:	Auth (Verified)
Performed By:	Holmes,Christopher (10/30/2018 21:27 EDT)
Authenticated By:	Holmes,Christopher (10/30/2018 21:27 EDT)

Oxygen Therapy Entered On: 10/30/2018 21:28 EDT
Performed On: 10/30/2018 21:23 EDT by Holmes, Christopher

Oxygen Therapy

Oxygen Delivery Device : Nasal cannula
Oxygen Flow L/Min : 3 L/min
Oxygen Percent : 32 %
Oxygen Hours Charge : 12

Holmes, Christopher - 10/30/2018 21:27 EDT

Vital Signs Respiratory

Pulse Ox Charge : Pulse ox single
Oxygen Delivery : Nasal cannula
SpO2/Pulse Oximetry : 99 %
Oxygen Flow L/Min : 3 L/min
Oxygen Percent : 32 %
Respiratory Rate : 18 breaths/min
Heart Rate : 85 bpm

Holmes, Christopher - 10/30/2018 21:27 EDT

Document Type:	Respiratory Therapy Assessment - Text
Document Subject:	Respiratory Therapy Assessment
Document Date/Time:	10/30/2018 21:23 EDT
Document Status:	Auth (Verified)
Performed By:	Holmes,Christopher (10/30/2018 21:23 EDT)
Authenticated By:	Holmes,Christopher (10/30/2018 21:23 EDT)

Respiratory Therapy Assessment Entered On: 10/30/2018 21:27 EDT
Performed On: 10/30/2018 21:23 EDT by Holmes, Christopher

RT Assessment

Incentive Spirometry Volume Achieved : 2,500 mL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Respiratory Documentation

Incentive Spirometry Times Performed : 10

Breath Hold : Yes

Incentive Spirometry Patient Effort : Good

Patient Participation in Treatment-IS : Cooperative

Holmes, Christopher - 10/30/2018 21:23 EDT

Education Respiratory

Education Topics Respiratory Therapy : Incentive spirometry

Holmes, Christopher - 10/30/2018 21:23 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Rehabilitation Services

Document Type:	Rehab Note Form
Document Subject:	Rehab Note
Document Date/Time:	10/30/2018 08:45 EDT
Document Status:	Auth (Verified)
Performed By:	Pelletier Therapy,Ruth (10/30/2018 08:45 EDT)
Authenticated By:	Pelletier Therapy,Ruth (10/30/2018 08:45 EDT)

Rehab Note Entered On: 10/30/2018 08:45 EDT
Performed On: 10/30/2018 08:45 EDT by Pelletier Therapy, Ruth

Rehab Note

Rehab Note : Per MD order disregard if under 65

Pelletier Therapy, Ruth - 10/30/2018 08:45 EDT

Document Type:	Rehab Note Form
Document Subject:	Rehab Note
Document Date/Time:	10/30/2018 08:06 EDT
Document Status:	Auth (Verified)
Performed By:	REAMY,SUZANNE (10/30/2018 08:06 EDT)
Authenticated By:	REAMY,SUZANNE (10/30/2018 08:06 EDT)

Rehab Note Entered On: 10/30/2018 08:07 EDT
Performed On: 10/30/2018 08:06 EDT by REAMY, SUZANNE

Rehab Note

Rehab Note : Must disregard PT consult as pt under 65.

REAMY, SUZANNE - 10/30/2018 08:06 EDT

Document Type:	PT Initial Evaluation - Text
Document Subject:	PT Initial Evaluation
Document Date/Time:	10/31/2018 10:03 EDT
Document Status:	Auth (Verified)
Performed By:	Wright PT,Amy L (10/31/2018 10:03 EDT)
Authenticated By:	Wright PT,Amy L (10/31/2018 10:03 EDT)

PT Initial Evaluation Entered On: 10/31/2018 10:15 EDT
Performed On: 10/31/2018 10:03 EDT by Wright PT, Amy L

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Rehabilitation Services

General Information

Physical Therapy Orders : Physical Therapy Evaluation & Treatment - Routine, 10/30/18 17:32:00 EDT, Reason: per Post Op routine, Once Scheduled, NWB on operative extremity. Gait training/strengthening, transfers and ROM

Occupational Therapy Orders : No active Occupational Therapy orders.

Speech Orders : No active Speech-Language Pathology orders

Diagnosis : CHIEF COMPLAINT

CLOSED BICONDYLAR FRACTURE OF TIBIAL PLATEAU

Precautions to Rehabilitation Treatment : Immobilizer, Weight bearing restrictions, Other: NWB on left

Rehab Patient States : agreeable to PT

Patient Preferred Language : Patient Language: English

Communication Method : verbal

Language Barrier : none

Wright PT, Amy L - 10/31/2018 10:03 EDT

Rehab Sensory Impairments Grid

Hearing : No

Visual : No

Speech : No

Wright PT, Amy L - 10/31/2018 10:03 EDT

Rehab Gen Info Grid

Safety/Judgment : Intact

Basic Command Following : Intact

Problem Solving : Intact

Wright PT, Amy L - 10/31/2018 10:03 EDT

History of Present Illness

History Of Present Illness PT : Patient fell from ladder sustaining tibial plateau fracture on left LE, s/p ORIF NWB with knee immobilizer at all times except for hygiene

Wright PT, Amy L - 10/31/2018 10:03 EDT

Home Environment

Living Situation : House, 1 story

Lives With : Other: roommates

Stairs Rail : 6 with rail

Home Equipment : No DME

Wright PT, Amy L - 10/31/2018 10:03 EDT

Prior Level of Function

Patient Activities Prior to Admission : Employed full-time

Wright PT, Amy L - 10/31/2018 10:03 EDT

BADL Assist Level Grid

Self Feeding : Ind

Grooming : Ind

UB Bathing : Ind

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Rehabilitation Services

LB Bathing : Ind
UB Dressing : Ind
LB Dressing : Ind
Toileting : Ind

Wright PT, Amy L - 10/31/2018 10:03 EDT

Transfer Assist Level Grid

Supine to Sit : Ind
Sit to Supine : Ind
Sit to Stand : Ind
Stand to Sit : Ind
Bed to Chair : Ind
Chair to Bed : Ind
Shower/Tub : Ind
Toilet : Ind
Gait : Ind

Wright PT, Amy L - 10/31/2018 10:03 EDT

Gait : Normal
Ambulation Device Utilized : None

Wright PT, Amy L - 10/31/2018 10:03 EDT

Mental Status/Alertness Level

Level of Consciousness : Alert
Orientation : Oriented X 4
Thought Process : Coherent
Safety Awareness : Good
Activity/Handling Tolerance : Good
State Regulation : Good

Wright PT, Amy L - 10/31/2018 10:03 EDT

Safety

Standard Safety : Call device within reach, Non-slip footwear, Wheels locked
ID Bands : Fall Risk band on, ID band on/verified
Bedside Equipment : Cryotherapy

Wright PT, Amy L - 10/31/2018 10:03 EDT

Pain Assessment

Patient Indicates Pain : Pain
Pain Score : 8
Primary Pain Location : Left, Leg

Wright PT, Amy L - 10/31/2018 10:03 EDT

Mobility

Bed Mobility Grid

Supine to Sit : Ind
Sit to Supine : Ind
Scotling Edge of Bed : Ind

Wright PT, Amy L - 10/31/2018 10:03 EDT

Rehab Transfers Grid

Transfer Sit to Stand : Ind

Hilton Head Hospital
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Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Rehabilitation Services

Transfer Stand to Sit : Ind

Wright PT, Amy L - 10/31/2018 10:03 EDT

Transfer Device : Crutches

Gait Assistance : None

Ambulatory Devices : Crutches

Wright PT, Amy L - 10/31/2018 10:03 EDT

Rehab Ambulation Grid

	Ambulation Trial #1	Ambulation Trial #2	Ambulation Trial #3
Ambulation Distance (ft) :	50 ft	5 ft	5 ft
	Wright PT, Amy L - 10/31/2018 10:03 EDT	Wright PT, Amy L - 10/31/2018 10:03 EDT	Wright PT, Amy L - 10/31/2018 10:03 EDT

Weight Bearing Status Grid

Weight Bearing Status LLE : NWB

Wright PT, Amy L - 10/31/2018 10:03 EDT

Weight Bearing Maintained : Yes

Number of Times Balance Lost : 0

Surface/Obstacle : Level, Stairs

Gait Comments : did well with crutches and ambulation after 50 feet lightheaded but first time up and had not eaten any breakfast. did well with walking after that

Stairs Ambulation Assist : SBA

Stair Railing Utilized : Left side up the stairs

Stairs Device : Crutches

Number of Stairs Performed : 6

Wright PT, Amy L - 10/31/2018 10:03 EDT

Treatment

Gait Training Provided : educated to have roommates stand with him on steps the first couple times he negotiates them

educated on strict NWB and KI except for hygiene

educated to make brace tight for ambulation but then can loosen a little bit

Wright PT, Amy L - 10/31/2018 10:03 EDT

PT Assessment

Rehabilitation Potential : Good

Endurance During PT Treatment : Good

Wright PT, Amy L - 10/31/2018 10:03 EDT

PT Plan

PT Intensity : Discharge PT services

Reason for Discharge PT : Discharged from facility

PT Recommendations for Care : No further care needed

Wright PT, Amy L - 10/31/2018 10:03 EDT

Treatment Times

PT Start Time : 10/31/2018 09:15 EDT

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Patient: **BROWN, ZACHARY L**

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Rehabilitation Services

PT End Time : 10/31/2018 09:30 EDT

PT Total Time 1 : 15 min

PT Start Time 2 : 10/31/2018 09:30 EDT

PT End Time 2 : 10/31/2018 10:00 EDT

PT Total Time 2 : 30 min

PT Total Time : 45 min

PT Procedures : PT Eval Low Complex Typically 20 Min

PT Gait/Stair Training : 1 Unit(s)

PT Ther Activity : 1 Unit(s)

Wright PT, Amy L - 10/31/2018 10:03 EDT

Discharge Needs

Discharge To, Anticipated : Previous living situation

Equipment Dispensed : Brace-comfort Immobilizer, Crutches

Wright PT, Amy L - 10/31/2018 10:03 EDT

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MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Case Management Social Services

Document Type:	Adult Transition Evaluation
Document Subject:	Adult Transition Evaluation
Document Date/Time:	10/30/2018 16:36 EDT
Document Status:	Auth (Verified)
Performed By:	
Authenticated By:	

Adult Transition Evaluation

Patient Name: BROWN, L ZACHARY
MRN: 000453227
Account #: 100700735
Date of Birth: 1995-10-13
Admit Reason: L LEG INJURY

Adult Transition Evaluation

Created By: Rhonda.Zeigler@tenethealth.net
Created On: 2018-10-30 16:36:30

Reviewer
Setting Admitted

Prior Living Situation Adult
Lives with: (Relationship, name and phone) roommates

Is the patient a primary caregiver: No

Baseline Assessment
Location prior to admission: Home

Independent with all functional activities of daily living: Yes

Patient or family/support person is able to provide selfcare/care: Yes

Adult Transition Plan
Discussed the following projected transition date: 2018-11-01

Anticipated transportation plan: private vehicle

Plan discussed with: (Specify below with Name and Phone Number) Other chart review

Notes

Notes: Pt is presently in surgery, chart rev completed. IADLs; has no pcpr; lives with roommates.

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Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Case Management Social Services

Does the patient have prescription coverage: No

Does the patient qualify for a prescription assistance program: Yes

Does the patient have adequate financial resources for copay/deductibles: No
(If Unfunded/No Insurance/Self Pay -Notify Financial Counselor) uninsured

Care needs over time are expected to: Increase

Patient Discharge Goals/Discharge Preferences:
Notes: home with home health

Anticipated transition plan: Home with Home Health

High Risk Screening Criteria (Adult)

(MC) Behavioral health/Compliance concerns: (S) No Issue Identified

(MC) Lack of financial/Social support: (S) No/limited caregiver help in home,
(S) No health insurance (Notify Financial Counselor)

(MC) End of life issues identified: No

(MC) Chronic condition: (I.E. HF, COPD, ESRD, Cancer, Diabetes, Dementia) No

(MC) Medication management: No Issues Identified

(MC) Patient or Caregiver has low degree of understanding regarding how to
manage illness: No

(MC) Non-compliance with plan of care: No

(MC) Frequent health services: (S) No primary care provider

Electronically signed by: Zeigler, Rhonda RN Case Manager
Electronically signed on: 2018-10-30 16:45:00

Document Type:	Final Discharge Disposition Form
Document Subject:	Final Discharge Disposition Form
Document Date/Time:	11/1/2018 08:42 EDT
Document Status:	Auth (Verified)
Performed By:	
Authenticated By:	

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Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Case Management Social Services

Final Discharge Disposition Form

Patient Name: BROWN, L ZACHARY

MRN: 000453227

Account #: 100700735

Date of Birth: 1995-10-13

Admit Reason: L LEG INJURY

Final Discharge Disposition Form

Created By: Rhonda.Zeigler@tenethealth.net

Created On: 2018-11-01 08:42:45

Post Discharge Services Ordered Form

Patient discharge or transfer with a Planned Acute Care Hospital Inpatient

Readmission? No

Indicate Final DC Disposition: Home- w/self-care, w/ relative, grp home,
foster care, self-admin IV, homeless, RC, board&care, ALF

Electronically signed by: Zeigler, Rhonda RN Case Manager

Electronically signed on: 2018-11-01 08:42:00

Hilton Head Hospital
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Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Nursing Clinical Info

Document Type:	Care Plan
Document Subject:	HHH-Plan of Care
Document Date/Time:	11/1/2018 10:04 EDT
Document Status:	Auth (Verified)
Performed By:	
Authenticated By:	

HHH-Plan of Care

<http://redirect.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2643.20181101.54257985> HNAM URL

Document Type:	Education Record
Document Subject:	Education Record
Document Date/Time:	10/31/2018 12:40 EDT
Document Status:	Modified
Performed By:	Ryan RN,Pla (10/31/2018 12:40 EDT)
Authenticated By:	Ryan RN,Pla (10/31/2018 12:40 EDT)

Education Record

Patient Education Instructions

Name: BROWN, ZACHARY Current Date: 10/31/2018 12:40:23
L

MRN: 453227 FIN: 100700735

The following sheet(s) are the Patient Education Leaflets for BROWN, ZACHARY L

Orthopedics

Tibial Plateau Fracture Treated With Open Reduction, Care After

Refer to this sheet in the next few weeks. These instructions provide you with information about caring for yourself after your procedure. Your health care provider may also give you more specific instructions. Your treatment has been planned according to current medical practices, but problems sometimes occur. Call your health care provider if you have any problems or questions after your procedure.

What can I expect after the procedure?

After your procedure, it is typical to have the following:

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MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Nursing Clinical Info

- Pain.
- Swelling.
- Stiffness.
- Tingling or numbness.

Follow these instructions at home:

If you have a brace:

- Wear it as directed by your health care provider.
- Tell your health care provider if it becomes loose or feels uncomfortable.

Bathing

- Keep your bandage (*dressing*) dry until your health care provider says that it can be removed. Take sponge baths only. Ask the surgeon when you can start showering and bathing.

Managing pain, stiffness, and swelling

- If directed, apply ice to the injured area.
 - 46 Put ice in a plastic bag.
 - 46 Place a towel between your skin and the bag.
 - 46 Leave the ice on for 20 minutes, 2–3 times per day.
- Raise the injured area above the level of your heart while you are sitting or lying down.

Driving

- **Do not** drive or operate heavy machinery while taking pain medicine.
- **Do not** drive while wearing a brace on a leg that you use for driving.

Activity

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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Nursing Clinical Info

- Return to your normal activities as directed by your health care provider. Ask your health care provider what activities are safe for you.
- Perform range-of-motion exercises only as directed by your health care provider.

Safety

- **Do not** use the injured limb to support your body weight until your health care provider says that you can. Use crutches or a walker as directed by your health care provider.

General instructions

- **Do not** use any tobacco products, including cigarettes, chewing tobacco, or electronic cigarettes. Tobacco can delay bone healing. If you need help quitting, ask your health care provider.
- There are many different ways to close and cover an incision, including stitches (*sutures*), skin glue, and adhesive strips. Follow your health care provider's instructions about:
 - 46 Incision care.
 - 46 Bandage (dressing) changes and removal.
 - 46 Incision closure removal.
- Check your incision area every day for signs of infection. Watch for redness, swelling, or discharge.
- Take medicines only as directed by your health care provider.
- Keep all follow-up visits as directed by your health care provider. This is important.

Contact a health care provider if:

- You have a fever.
- Your pain medicine is not helping.
- You have pain, warmth, and tenderness in your lower leg (*calf*).
- You have bleeding that comes through your dressing.

Get help right away if:

- You have drainage, redness, swelling, or pain at your incision.

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Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Nursing_Clinical Info

- You notice a bad smell coming from the incision area or the dressing.
- The edges of your incision come apart after the stitches or staples have been removed.
- You have trouble breathing.
- You have chest pain.

This information is not intended to replace advice given to you by your health care provider. Make sure you discuss any questions you have with your health care provider.

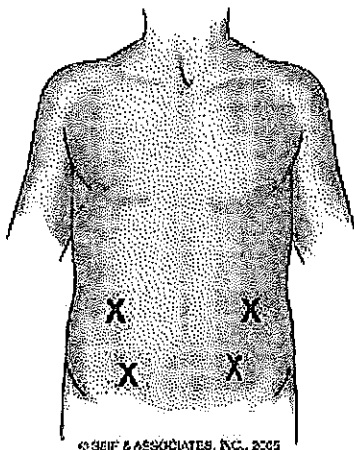
Document Released: 07/07/2006 Document Revised: 08/20/2017 Document Reviewed: 08/05/2015
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Pharmacology

How and Where to Give Subcutaneous Enoxaparin Injections

Enoxaparin is an injectable medicine. It is used to help prevent blood clots from developing in your veins. Health care providers often use anticoagulants like enoxaparin to prevent clots following surgery. Enoxaparin is also used in combination with other medicines to treat blood clots and heart attacks. If blood clots are left untreated, they can be life threatening.

Injection sites



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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Nursing Clinical Info

Enoxaparin comes in single-use syringes. You inject enoxaparin through a syringe into your belly (*abdomen*). You should change the injection site each time you give yourself a shot. Continue the enoxaparin injections as directed by your health care provider. Your health care provider will use blood clotting test results to decide when you can safely stop using enoxaparin injections. If your health care provider prescribes any additional medicines, use the medicines exactly as directed.

How do I inject enoxaparin?

1. Wash your hands with soap and water.
2. Clean the selected injection site as directed by your health care provider.
3. Remove the needle cap by pulling it straight off the syringe.
4. When using a prefilled syringe, **do not** push the air bubble out of the syringe before the injection. The air bubble will help you get all of the medicine out of the syringe.
5. Hold the syringe like a pencil using your writing hand.
6. Use your other hand to pinch and hold an inch of the cleansed skin.
7. Insert the entire needle straight down into the fold of skin.
8. Push the plunger with your thumb until the syringe is empty.
9. Pull the needle straight out of your skin.
10. Enoxaparin injection prefilled syringes and graduated prefilled syringes are available with a system that shields the needle after injection. After you have completed your injection and removed the needle from your skin, firmly push down on the plunger. The protective sleeve will automatically cover the needle and you will hear a click. The click means the needle is safely covered.
11. Place the syringe in the nearest needle box, also called a sharps container. If you do not have a sharps container, you can use a hard-sided plastic container with a secure lid, such as an empty laundry detergent bottle.

What else do I need to know?

- **Do not** use enoxaparin if:
 - 46 You have allergies to heparin or pork products.
 - 46 You have been diagnosed with a condition called thrombocytopenia.
- **Do not** use the syringe or needle more than one time.

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Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Nursing Clinical Info

- Use medicines only as directed by your health care provider.
- Changes in medicines, supplements, diet, and illness can affect your anticoagulation therapy. Be sure to inform your health care provider of any of these changes.
- It is important that you tell all of your health care providers and your dentist that you are taking an anticoagulant, especially if you are injured or plan to have any type of procedure.
- While on anticoagulants, you will need to have blood tests done routinely as directed by your health care provider.
- While using this medicine, avoid physical activities or sports that could result in a fall or cause injury.
- Follow up with your laboratory test and health care provider appointments as directed. It is very important to keep your appointments. Not keeping appointments could result in a chronic or permanent injury, pain, or disability.
- Before giving your medicine, you should make sure the injection is a clear and colorless or pale yellow solution. If your medicine becomes discolored or if there are particles in the syringe, **do not** use it and notify your health care provider.
- Keep your medicine safely stored at room temperature.

Contact a health care provider if:

- You develop any rashes on your skin.
- You have large areas of bruising on your skin.
- You have any worsening of the condition for which you take Enoxaparin.
- You develop a fever.

Get help right away if:

- You develop bleeding problems such as:
 - 46 Bleeding from the gums or nose that does not stop quickly.
 - 46 Vomiting blood or coughing up blood.
 - 46 Blood in your urine.
 - 46 Blood in your stool, or stool that has a dark, tarry, or coffee grounds appearance.
 - 46 A cut that does not stop bleeding within 10 minutes.

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Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Nursing Clinical Info

These symptoms may represent a serious problem that is an emergency. Do not wait to see if the symptoms will go away. Get medical help right away. Call your local emergency services (911 in the U.S.). Do not drive yourself to the hospital.

This information is not intended to replace advice given to you by your health care provider. Make sure you discuss any questions you have with your health care provider.

Document Released: 10/19/2005 Document Revised: 08/24/2017 Document Reviewed: 06/04/2015
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Pulmonary Medicine

Incentive Spirometer

An incentive spirometer is a tool that measures how well you are filling your lungs with each breath. This tool can help keep your lungs clear and active. Taking long, deep breaths may help reverse or decrease the chance of developing breathing (*pulmonary*) problems, especially infection, following:

- Surgery of the chest or abdomen.
- Surgery if you have a history of smoking or a lung problem.
- A long period of time when you are unable to move or be active.

If the spirometer includes an indicator to show your best effort, your health care provider or respiratory therapist will help you set a goal. Keep a log of your progress if directed by your health care provider.

What are the risks?

- Breathing too quickly may cause dizziness or cause you to pass out. Take your time so you do not get dizzy or lightheaded.
- If you are in pain, you may need to take or ask for pain medicine before doing incentive spirometry. It is harder to take a deep breath if you are having pain.

How to use your incentive spirometer

1. Sit on the edge of your bed if possible, or sit up as far as you can in bed or on a chair.
2. Hold the incentive spirometer in an upright position.
3. Breathe out normally.

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DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Nursing Clinical Info

4. Place the mouthpiece in your mouth and seal your lips tightly around it.
5. Breathe in slowly and as deeply as possible, raising the piston or the ball toward the top of the column.
6. Hold your breath for 3–5 seconds or for as long as possible. Allow the piston or ball to fall to the bottom of the column.
7. Remove the mouthpiece from your mouth and breathe out normally.
8. The spirometer may include an indicator to show your best effort. Use the indicator as a goal to work toward during each repetition.
9. Rest for a few seconds and repeat this at least 10 times, every 1–2 hours when you are awake. Take your time and take a few normal breaths between deep breaths. Breathing too quickly may cause dizziness or cause you to pass out. Take your time so you do not get dizzy or lightheaded.
10. After each set of 10 deep breaths, practice coughing to be sure your lungs are clear. If you had a surgical cut (*incision*) made during surgery, support your incision when coughing by placing a pillow or rolled-up towel firmly against it.

Once you are able to get out of bed, walk around indoors and cough well. You may stop using the incentive spirometer when instructed by your health care provider.

Contact a health care provider if:

- You are having difficulty using the spirometer.
- You have trouble using the spirometer as often as instructed.
- Your pain medicine is not giving enough relief while using the spirometer.
- You have a fever.
- You develop shortness of breath.

Get help right away if:

- You develop a cough with bloody sputum.
- You develop worsening pain, redness, or discharge at or near the incision site.

This information is not intended to replace advice given to you by your health care provider. Make sure you discuss any questions you have with your health care provider.

Document Released: 04/29/2008 Document Revised: 09/11/2017 Document Reviewed: 07/27/2015
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Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Nursing Clinical Info

Document Type: Document Subject: Document Date/Time: Document Status: Performed By: Authenticated By:	Patient Education Form - Text Interdisciplinary Patient Education 10/31/2018 12:56 EDT Auth (Verified) Ryan RN, Pia (10/31/2018 12:56 EDT) Ryan RN, Pia (10/31/2018 12:56 EDT)

Interdisciplinary Patient Education Entered On: 10/31/2018 12:57 EDT
Performed On: 10/31/2018 12:56 EDT by Ryan RN, Pia

Education

Interdisciplinary Patient Education Grid

<i>Barriers to Learning :</i>	None evident
<i>Individuals Taught :</i>	Patient
<i>Teaching Method :</i>	Demonstration, Printed materials, Explanation
<i>Teaching Evaluation :</i>	Verbalizes understanding
<i>Learning Readiness :</i>	Asks questions, Receptive
	Ryan RN, Pia - 10/31/2018 12:56 EDT

Education Topics General : When to call your nurse, Signs and Symptoms to report, What to do if symptoms become worse, Discharge plan, Emotional and comforting needs, Plan of care

Education Topics Activity : Importance of following activity recommendations, Positioning, Use of assistive device

Education Topics Infection Prevention : Hand hygiene

Medication : Importance of taking all medications prescribed by your physician, Med Generic/Brand Name, Purpose, Action, Medication dosage, route, scheduling, Medication instructions, Medication regime, Medication side effects

Education Topics Pain Education : Analgesic Regimen, Benefit of Pain Control, Pain Can Be Managed/Relieved, Pain management, Pain Nonpharmacological Interventions, Pain scale

Education Topics Safety : Safety, Safety, equipment, Safety, fall

Topics : Plan of care, Positioning, Post-Op care

Ryan RN, Pia - 10/31/2018 12:56 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Nursing Clinical Info

Document Type:

Patient Education Form - Text

Document Subject:

Interdisciplinary Patient Education

Document Date/Time:

10/31/2018 02:43 EDT

Document Status:

Auth (Verified)

Performed By:

Smith RN, Erika D (10/31/2018 02:43 EDT)

Authenticated By:

Smith RN, Erika D (10/31/2018 02:43 EDT)

Interdisciplinary Patient Education Entered On: 10/31/2018 02:45 EDT

Performed On: 10/31/2018 02:43 EDT by Smith RN, Erika D

Education

Interdisciplinary Patient Education Grid

<i>Barriers to Learning :</i>	None evident
<i>Individuals Taught :</i>	Patient
<i>Teaching Method :</i>	Explanation
<i>Teaching Evaluation :</i>	Verbalizes understanding
<i>Learning Readiness :</i>	Receptive
	Smith RN, Erika D - 10/31/2018 02:43 EDT

Education Topics General : When to call your nurse, Signs and Symptoms to report

Education Topics Activity : Positioning, Use of assistive device

Medication : Dosage, route, scheduling, Medication dosage, route, scheduling, Medication Precautions, Medication regime, Medication side effects

Education Topics Pain Education : Analgesic Regimen, Benefit of Pain Control, Pain Can Be Managed/Relieved, Pain management, Pain Nonpharmacological Interventions, Pain scale

Education Topics Safety : Safety, Safety aids, Safety, fall

Smith RN, Erika D - 10/31/2018 02:43 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Nursing Clinical Info

Document Type: Document Subject: Document Date/Time: Document Status: Performed By: Authenticated By:	Patient Education Form - Text Interdisciplinary Patient Education 10/30/2018 18:00 EDT Modified Ryan RN, Pia (10/30/2018 19:52 EDT) Ryan RN, Pia (10/30/2018 19:53 EDT); Ryan RN, Pia (10/30/2018 19:52 EDT)

Interdisciplinary Patient Education Entered On: 10/30/2018 19:53 EDT
Performed On: 10/30/2018 18:00 EDT by Ryan RN, Pia

Education

Interdisciplinary Patient Education Grid

<i>Barriers to Learning :</i>	None evident Ryan RN, Pia - 10/30/2018 19:53 EDT {None evident} ~~previously charted by Ryan RN, Pia at 10/30/2018 19:52 EDT;~~
<i>Individuals Taught :</i>	Patient Ryan RN, Pia - 10/30/2018 19:53 EDT {Patient} ~~previously charted by Ryan RN, Pia at 10/30/2018 19:52 EDT;~~
<i>Teaching Method :</i>	Explanation Ryan RN, Pia - 10/30/2018 19:53 EDT {Explanation} ~~previously charted by Ryan RN, Pia at 10/30/2018 19:52 EDT;~~
<i>Teaching Evaluation :</i>	Verbalizes understanding Ryan RN, Pia -

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L MRN #: 453227 Account #: 100700735 DOB/Age/Sex: 10/13/1995 / 24 years / Male	Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL Admission Date: 10/29/2018 Discharge Date: 10/31/2018 Lab Medical Director(s): Allan Bennett, MD

Nursing Clinical Info

	10/30/2018 19:53 EDT { [Verbalizes understanding]— previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};
<i>Learning Readiness :</i>	Receptive Ryan RN, Pia - 10/30/2018 19:53 EDT { [Receptive] — previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};
	Ryan RN, Pia - 10/30/2018 19:52 EDT

Education Topics General : When to call your nurse, Signs and Symptoms to report, What to do if symptoms become worse, Activity limitations/expectations, Constipation, Emotional and comforting needs, Plan of care

{ [When to call your nurse, Signs and Symptoms to report, What to do if symptoms become worse, Activity limitations/expectations, Constipation, Emotional and comforting needs, Plan of care] — previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};

Education Topics Activity : Importance of following activity recommendations, Positioning, Use of assistive device

{ [Importance of following activity recommendations, Positioning, Use of assistive device] — previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};

Education Topics Infection Prevention : Hand hygiene

{ [Hand hygiene] — previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};

Medication : Importance of taking all medications prescribed by your physician, Med Generic/Brand Name, Purpose, Action, Medication dosage, route, scheduling, Medication instructions, Medication regime, Medication side effects

{ [Importance of taking all medications prescribed by your physician, Med Generic/Brand Name, Purpose, Action, Medication dosage, route, scheduling, Medication instructions, Medication regime, Medication side effects] — previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};

Education Topics Pain Education : Analgesic Regimen, Benefit of Pain Control, Pain Can Be Managed/Relieved, Pain management, Pain Nonpharmacological Interventions, Pain scale

{ [Analgesic Regimen, Benefit of Pain Control, Pain Can Be Managed/Relieved, Pain management, Pain Nonpharmacological Interventions, Pain scale] — previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};

Education Topics Safety : Safety, Safety, equipment, Safety, fall

{ [Safety, Safety, equipment, Safety, fall] — previously charted by Ryan RN, Pia at 10/30/2018 10:52 EDT};

Topics : Plan of care, Positioning, Post-Op care

Ryan RN, Pia - 10/30/2018 19:53 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L
MRN #: 453227
Account #: 100700735
DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider: SANCHEZ-YRIARTE MD, RAFAEL
Admission Date: 10/29/2018
Discharge Date: 10/31/2018
Lab Medical Director(s): Allan Bennett, MD

Nursing Clinical Info

{ [Plan of care, Positioning, Post-Op care] — previously charted by Ryan RN, Pia at 10/30/2018 19:52 EDT};

Document Type:
Document Subject:
Document Date/Time:
Document Status:
Performed By:
Authenticated By:

Patient Education Form - Text
Interdisciplinary Patient Education
10/30/2018 03:34 EDT
Auth (Verified)
Smith RN, Erika D (10/30/2018 03:34 EDT)
Smith RN, Erika D (10/30/2018 03:34 EDT)

Interdisciplinary Patient Education Entered On: 10/30/2018 03:35 EDT
Performed On: 10/30/2018 03:34 EDT by Smith RN, Erika D

Education

Interdisciplinary Patient Education Grid

<i>Barriers to Learning :</i>	None evident
<i>Individuals Taught :</i>	Patient, Family
<i>Teaching Method :</i>	Explanation
<i>Teaching Evaluation :</i>	Verbalizes understanding
<i>Learning Readiness :</i>	Receptive
	Smith RN, Erika D - 10/30/2018 03:34 EDT

Education Topics General : When to call your nurse, Signs and Symptoms to report

Education Topics Activity : Positioning, Use of assistive device

Medication : Dosage, route, scheduling, Medication instructions, Medication Precautions, Medication regime

Education Topics Pain Education : Analgesic Regimen, Benefit of Pain Control, Pain Can Be Managed/Relieved, Pain management, Pain Nonpharmacological Interventions, Pain scale

Education Topics Safety : Precautions, Safety, Safety aids, Safety, fall

Smith RN, Erika D - 10/30/2018 03:34 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Nursing_Clinical Info

Document Type:

Patient's Belongings

Document Subject:

HHH-Valuables

Document Date/Time:

11/1/2018 10:04 EDT

Document Status:

Auth (Verified)

Performed By:

Authenticated By:

HHH-Valuables

hpfredirect.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2646.20181101.54263013 HNAM URL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

<i>Consents</i>

Document Type:	Consent
Document Subject:	HHH-Authorizations-Consents
Document Date/Time:	11/1/2018 10:04 EDT
Document Status:	Auth (Verified)
Performed By:	
Authenticated By:	

HHH-Authorizations-Consents

[hpfredirect.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2641.20181101.54254001](http://direct.etenet.com?facility=HHH&duid=1.2.840.113782.1.3.1234563.518200.2641.20181101.54254001) HNAM URL

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Administrative Documents

Document Type:	Physician Communication Form - Text
Document Subject:	Physician Communication
Document Date/Time:	10/29/2018 22:06 EDT
Document Status:	Auth (Verified)
Performed By:	RIDDLE SEC,ELISA (10/29/2018 22:06 EDT)
Authenticated By:	RIDDLE SEC,ELISA (10/29/2018 22:06 EDT)

Physician Communication Entered On: 10/29/2018 22:07 EDT
Performed On: 10/29/2018 22:06 EDT by RIDDLE SEC, ELISA

Physician Communication

Comment : ER Physician spoke to Dr. Scott

RIDDLE SEC, ELISA - 10/29/2018 22:06 EDT

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient:	BROWN, ZACHARY L	Attending Provider:	SANCHEZ-YRIARTE MD,RAFAEL
MRN #:	453227	Admission Date:	10/29/2018
Account #:	100700735	Discharge Date:	10/31/2018
DOB/Age/Sex:	10/13/1995 / 24 years / Male	Lab Medical Director(s):	Allan Bennett, MD

Diagnostic Radiology

Accession #:	Exam Date/Time:	Procedure:	Ordering Provider:
711-XR-18-024411	10/30/2018 17:12 EDT	XR Tibia/Fibula Left	SISTER MD,IGOR

Report

CLINICAL HISTORY: c-arm case

Comparison: Prior day

XR Tibia/Fibula 2 Views Left

225 seconds of fluoroscopy time utilized. The images demonstrate placement of hardware involving the tibia. This consisting of intramedullary rod. Alignment at the tibia and fibular fracture sites appears anatomic.. No concerning foreign body

Impression:

Postsurgical changes as above

Christopher Hulsey MD,10/31/2018 7:23 AM

*****Final Report*****

Dictated: 10/31/2018 7:22 am Dictated By: HULSEY MD RAD, CHRISTOPHER
Electronic Signature: 10/31/2018 7:23 am Signed By: HULSEY MD RAD, CHRISTOPHER

Transcribed: 10/31/2018 7:26 am

Accession #:	Exam Date/Time:	Procedure:	Ordering Provider:
711-XR-18-024313	10/29/2018 18:54 EDT	XR Tibia/Fibula Left	CARGILL MD,BRETT J

Report

EXAM:

XR Left Tibia and Fibula, 2 Views

EXAM DATE/TIME:
10/29/2018 6:20 PM

CLINICAL HISTORY:

23 years old, male; Injury or trauma; Fall; Initial encounter; Fracture, traumatic; Closed fracture; Tibia; Left; Additional info: Patient states that he fell off a 6 foot ladder, left leg injury.

TECHNIQUE:

XR Left tibia and fibula 2 views

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Diagnostic Radiology

Accession #:
711-XR-18-024313

Exam Date/Time:
10/29/2018 18:54 EDT

Procedure:
XR Tibia/Fibula Left

Ordering Provider:
CARGILL MD, BRETT J

Report

COMPARISON:

No relevant prior studies available.

FINDINGS:

Bones/joints: Mildly comminuted oblique fracture of the mid left tibia with mild anterior displacement of the distal fracture fragment and apex anterior angulation. Mildly comminuted oblique fracture of the mid left fibula with medial displacement of the distal fracture fragment.

Soft tissues: Normal.

IMPRESSION:

Mildly comminuted oblique fractures of the mid left tibia and fibula as described above.

Signed: Keiron Kennedy MD On 10/29/2018 19:55:56 Electronically Signed
Professional Interpretation Provided By: vRad, Phone 866-941-5695, Fax 800-500-1046

*****Final Report*****

Dictated: 10/29/2018 7:05 pm Dictated By: KENNEDY MD, KEIRON T
Electronic Signature: 10/29/2018 7:05 pm Signed By: KENNEDY MD, KEIRON T

Transcribed: 10/29/2018 7:05 pm

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD, RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Cardiovascular

*** The external document could not be loaded. ***

Hilton Head Hospital
25 Hospital Center Boulevard
Hilton Head Island, SC 29926-2738

Patient: BROWN, ZACHARY L

MRN #: 453227

Account #: 100700735

DOB/Age/Sex: 10/13/1995 / 24 years / Male

Attending Provider:

SANCHEZ-YRIARTE MD,RAFAEL

Admission Date:

10/29/2018

Discharge Date:

10/31/2018

Lab Medical Director(s):

Allan Bennett, MD

Blood Bank

Legend: (c)=Corrected, (A)=Abnormal, (I)=Critical, (H)=High, *=Result Comment, i=Interp Data

Collection Summary

Collected Date/Time
10/29/2018 19:20 EDT

Specimen Type
Blood

Procedure

Result

Units

Reference Range

Verified Date/Time

BB ID Number

na*

11/1/2018 07:17 EDT

Performing Locations

*1: This test was performed at:

HHH Laboratory, Hilton Head Hospital, 25 Hospital Center Blvd., Hilton Head, SC 29926

Oct 31 2018 09:41AM TPR Coding Dept 8437055289

page 2

Consult Note EMR No Cosign
* Final Report *

BROWN, ZACHARY L - 453227

* Final Report *

Consultation Report

ORTHOPEDIC ATTENDING CONSULTATION DOCUMENTATION

DATE OF VISIT: October 30, 2018

TIME OF VISIT: 6 AM

CHIEF COMPLAINT: Left leg injury.

HISTORY: I personally saw and evaluated the patient this morning.

This patient is a 23-year-old male who noted no previous symptoms on the left lower extremity until an injury last night. As I understand, he notes falling approximately 6 feet and experiencing a violent twisting injury to the left leg. Because of immediate pain and swelling and deformity and inability to weightbear, he presented to the Hilton Head Hospital Emergency Room where he was diagnosed with a tibia fracture. He denies losing consciousness or any neurologic symptoms and at this point tells me his pain is well controlled. denies any other symptoms and is otherwise without complaints.

The patient's past medical and surgical history, medication list and drug allergies, review of systems are reviewed today and included in the electronic medical record.

PHYSICAL EXAMINATION: Shows the patient is alert and oriented and comfortable, in no acute distress. The other extremities move appropriately.

Examination of the left lower extremity shows understandable swelling and global tenderness about the midshaft of the tibia. Formal range of motion and strength testing is deferred, but the compartments are clearly soft and no signs of impending threat is seen. No tenderness was seen at the knee or ankle and no signs of compartment syndrome are seen whatsoever. The Left lower extremity is objectively neurovascularly intact with normal sensation to light touch in all dermatomal distributions, 5/5 muscle strength in all motor groups distally and a 2+ dorsalis pulse is felt.

IMAGING: Please see the electronic medical record for details, but briefly, radiographs of the left tibia today show a displaced tibia fracture just distal to the mid shaft of the diaphyseal bone.

DISCUSSION: I reviewed the relative anatomy and pathophysiology of this serious injury and recommended surgical intervention. I explained the technical aspect of the procedure and the rehabilitation program. I explained risks and benefits of the injury and surgery including infection, malrotation, and limb length inequality, neurovascular injury,

Printed by: Atkinson ZEY, Margaret T
Printed on: 10/31/2018 08:15 EDT

Page 1 of 2
(Continued)

Oct 31 2018 09:41AM TPR Coding Dept 8437055289

page 3

Consult Note EMR No Cosign
* Final Report *

BROWN, ZACHARY L - 453227

neurapraxia, loss of sensation about the knee and lower leg as well as compartment syndrome. I explained the risks of nonunion and malunion and anterior knee pain and the possibility of hardware removal. I explained the concept of posttraumatic arthritis and other soft tissue injuries to the knee and/or ankle as well as the bony injury. I explained the long-term ramifications of chronic pain and stiffness and weakness and difficulty returning to full activity. I explained medical and cardiac complications of anesthesia and DVT.

All these concepts were reviewed and all questions were answered. Informed consent was obtained and we will plan to proceed with the surgery on an urgent basis.

Signature Line

Electronically Signed On 10/30/18 19:49 EDT

SCOTT MD, DOUGLAS A

Completed Action List:

- * Perform by SCOTT MD, DOUGLAS A on October 30, 2018 19:49 EDT
- * Sign by SCOTT MD, DOUGLAS A on October 30, 2018 19:49 EDT
- * VERIFY by SCOTT MD, DOUGLAS A on October 30, 2018 19:49 EDT

Result type:

Result date:

Result status:

Performed by:

Verified by:

Encounter info:

Consult Note EMR No Cosign

October 30, 2018 19:46 EDT

Auth (Verified)

SCOTT MD, DOUGLAS A on October 30, 2018 19:49 EDT

SCOTT MD, DOUGLAS A on October 30, 2018 19:49 EDT

100700735, HHH, 1 - Inpatient, 10/29/2018 -

Printed by:

Printed on:

Atkinson ZEY, Margaret T

10/31/2018 08:15 EDT

Page 2 of 2
(End of Report)

IV 10/30 & 10/31
self-pay

Operative Note EMR No Cosign
* Final Report *

BROWN, ZACHARY L - 453227

* Final Report *

#432265
counted
#433028

Operative Report

DATE OF OPERATION: October 30, 2018

SURGEON: Douglas Scott, M.D.

Assistant: Tom Thomas, PA

PREOPERATIVE & POSTOPERATIVE DIAGNOSIS: Left midshaft tibia fracture, 582.292A

OPERATIONS:

1. Open reduction and internal fixation of the above fracture with 27759, LT
intramedullary nailing.

ANESTHESIA: LMA.

BLOOD LOSS: Minimal.

BLOOD REPLACEMENT: None.

WOUND: clean

COMPLICATIONS: None.

DRAINS AND PACKING: None.

IMPLANTS: Please see the hospital record for exact implant specifications, but briefly a Stryker T2 statically locked tibial nail was used.

INDICATIONS FOR SURGERY: Please see my accompanying history/consultation dictations for details, but I explained the anatomy and pathophysiology involved with the above diagnosis, and recommended surgical intervention as a treatment option. I explained the technical aspect of the procedure and the post-operative rehabilitation program. I explained risks and benefits as well as alternatives to surgery, with risks including infection, neurovascular injury, neuropraxia, the possibility of future surgery, limb length inequality, malrotation, nonunion, malunion, post-traumatic pain, arthritis, weakness, and stiffness, and medical and cardiac complications of anesthesia, and DVT. I explained clearly that the surgery would be unlikely to completely eliminate all pain. All these concepts were reviewed and all questions were answered. Informed consent was obtained, and I marked the operative site in the preoperative holding area.

DESCRIPTION OF PROCEDURE: The patient was transported from the preoperative holding area to the operating room where she was laid in a supine position on the operative room table. Anesthesia was administered by the anesthesia team.

Printed by: Atkinson ZEY, Margaret T
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Page 1 of 3
(Continued)

Operative Note EMR No Cosign
* Final Report *

BROWN, ZACHARY L - 453227

Antibiotics were administered preoperatively in standard fashion.

A well-padded upper thigh tourniquet was placed and the right leg was prepped and draped in a standard sterile fashion for left leg surgery and a timeout was called and confirmed.

An Esmarch bandage was used to exsanguinate the lower extremity and the previously placed tourniquet was inflated to 250 mmHg for approximately 1 hour.

A standard approach to the proximal tibia was made using an approximately 2-inch vertical scar directly over the patellar tendon and meticulous dissection ensued. Meticulous hemostasis was maintained with Boyle electrocautery and meticulous care was made to avoid any neurovascular injury including the superficial nerves in particular.

The paratenon layer was divided and protected for later repair and the center of the patellar tendon was divided and standard entry point was confirmed. The entry point for the nail was reamed and the ball-tipped guidewire was used to pass across the fracture, and anatomic alignment was confirmed on multiplanar C-arm fluoroscopy.

The tibia was reamed in standard fashion and the above-mentioned nail was passed without issue and excellent anatomic alignment was achieved. The nail was statically locked distally using perfect circle technique in standard AO fashion and the knee was backslapped to bed to reduce the fracture even more.

The nail was statically locked proximally as well in standard AO fashion and all wounds were thoroughly irrigated.

The jig apparatus was removed and final C-arm fluoroscopic images were taken and the knee and ankle taken through a full range of motion with excellent stability.

Please note that throughout the case, meticulous care was made to ensure proper alignment and in particular rotation of the fracture fragment.

The wound was extremely irrigated to remove all bony debris from the tibia and knee joint in particular and the patellar tendon was closed with a heavy Vicryl suture. The paratenon layer was also closed with a 3-0 Vicryl suture and the subdermal layer was closed with a 3-0 Vicryl suture. The skin was closed with a 3-0 Monocryl suture in a subcuticular stitch and a standard sterile dressing was placed.

anesthesia was discontinued and the patient was transferred to the recovery room where she arrived in a hemodynamically stable condition having tolerated the procedure well.

I performed the major components of the procedure. Please note the PAs assistance was required for dissection, retraction, manipulation and reduction of the fracture as well as placement of hardware.

Signature Line

Electronically Signed On 10/30/18 20:54 EDT

Printed by: Atkinson ZEY, Margaret T
Printed on: 10/31/2018 08:15 EDT

Page 2 of 3
(Continued)

Operative Note EMR No Cosign
* Final Report *

BROWN, ZACHARY L - 453227

SCOTT MD, DOUGLAS A

Completed Action List:

- * Perform by SCOTT MD, DOUGLAS A on October 30, 2018 20:54 EDT
- * Sign by SCOTT MD, DOUGLAS A on October 30, 2018 20:54 EDT
- * VERIFY by SCOTT MD, DOUGLAS A on October 30, 2018 20:54 EDT

Result type:	Operative Note EMR No Cosign
Result date:	October 30, 2018 20:51 EDT
Result status:	Auth (Verified)
Performed by:	SCOTT MD, DOUGLAS A on October 30, 2018 20:54 EDT
Verified by:	SCOTT MD, DOUGLAS A on October 30, 2018 20:54 EDT
Encounter info:	100700735, HHH, 1 - Inpatient, 10/29/2018 -

Printed by: Atkinson ZEY, Margaret T
Printed on: 10/31/2018 08:15 EDT

Page 3 of 3
(End of Report)

BROWN, ZACHARY L (id #796491, dob: 10/13/1995)

Patient

Name	BROWN, ZACHARY (23yo, M) ID# 796491	Appt. Date/Time	11/08/2018 02:00PM
DOB	10/13/1995	Service Dept.	HHR_Orthopedic Assoc of LC - Baylor
Provider	TOMMY D THOMAS, PA		
Insurance	Med Primary: *SELF PAY* Prescription: SURESCRIPTS LLC - This member could not be found in the payer's files. Please verify coverage and all member demographic information.		

Chief Complaint

post op

Patient's Care Team

Orthopedic Surgeon: DOUGLAS ALAN SCOTT, MD

Vitals

11/08/2018 02:35 pm

Wt: Refused

Allergies

Reviewed Allergies

NKDA

Medications

No medications reported

Vaccines

None recorded.

Problems

Reviewed Problems

No known problems

Family History

Reviewed Family History

Father - No current problems or disability

Mother - No current problems or disability

Social History

Reviewed Social History

Advance directive: N

Smoking Status: Never smoker

Tobacco-years of use: 0

Non-smoker

Surgical History

Reviewed Surgical History

Past Medical History

Reviewed Past Medical History

HPI

this 23-year-old male comes in today for follow-up of his left midshaft tibia fracture, ORIF with intramedullary nail performed by Dr. Scott on 10/30/18. His been taking Lovenox 30 mg subcutaneous twice a day and maintaining nonweightbearing status. His tolerated this pain quite well. He has no neurovascular complaints. His taking only minimal hydrocodone for pain.

ROS

Constitutional: Constitutional: no significant weight loss or change and no fever, fatigue/malaise, or night sweats.

Cardiovascular: Cardiovascular: no palpitations, chest pain, or shortness of breath when lying down.

Respiratory: Respiratory: no cough, wheezing, dyspnea, or shortness of breath.

Gastrointestinal: Gastrointestinal: no vomiting, diarrhea, constipation, or abdominal pain.

BROWN, ZACHARY L (id #796491, dob: 10/13/1995)

Genitourinary: Genitourinary: no incontinence, hematuria, dysuria, difficulty urinating, or increased frequency.

Musculoskeletal: Musculoskeletal: see HPI

See HPI .

Integumentary: Skin: no rashes.

Neurologic: Neurologic: no weakness, numbness, dizziness, headaches, or paresthesia.

Endocrine: Endocrine: no fatigue.

Hematologic/Lymphatic: Hematologic/Lymphatic no bruising, swollen glands, or blood clots.

Psychiatric: Psych: no depression, anxiety, or sleep disturbance.

ROS as noted in the HPI

Physical Exam

Patient is a 23-year-old male.

Incisions at the knee and distal tibia are benign. He has swelling at the calf with mild ecchymosis, but both are within expected postoperative parameters. All compartments of the calf are soft and compressible. No signs of compartment syndrome. Homans is negative. 2+ DP and PT pulses with capillary refills less than 2 seconds. Alignment of the tibia is anatomic with no rotational deformity.

Assessment / Plan

1. **Closed fracture of tibia and fibula, shaft-** radiographs of the left tibia/fibula show excellent reduction of his midshaft fracture of the tibia with intramedullary nail. Excellent rotational and angular reduction. The fibula shows a fracture adjacent to the tibias but maintains good length there.
S82.202D: Unspecified fracture of shaft of left tibia, subsequent encounter for closed fracture with routine healing
- A HEALTHY LIFESTYLE: CARE INSTRUCTIONS

Patient Instructions

We reviewed the anatomy and pathophysiology of the patient's injury. We also reviewed the possibility of nonunion, malunion, continued pain and dysfunction and possibility of necessity of further surgical intervention if current treatment modalities fail. placed him in a cam boot today and will allow him to begin with partial weightbearing to progress to full weightbearing as tolerated. We will have him continue until his Lovenox is completed in 2 weeks and then graduate to a 325mg aspirin twice a day until he is at least a month from surgery. He is mobilizing well at that point he can stop the aspirin. We will have him follow up with us in approximately 4 weeks for further evaluation and Progression.

Return to Office

- Tommy D Thomas, PA for Office Visit 15 at HHR_Orthopedic Assoc of LC - Baylor on 12/13/2018 at 02:00 PM

Encounter Sign-Off

Encounter signed-off by Tommy D Thomas, PA, 11/08/2018.

Encounter performed and documented by Tommy D Thomas, PA

Encounter reviewed & signed by Tommy D Thomas, PA on 11/08/2018 at 3:34pm

BROWN, ZACHARY L (Id #796491, dob: 10/13/1995)

Patient

Name	BROWN, ZACHARY (23yo, M) ID# 796491	Appt. Date/Time	12/13/2018 02:00PM
DOB	10/13/1995	Service Dept.	HHR_Orthopedic Assoc of LC - Baylor
Provider	TOMMY D THOMAS, PA		
Insurance	Med Primary: *SELF PAY* Prescription: SURESCRIPTS LLC - This member could not be found in the payer's files. Please verify coverage and all member demographic information.		

Chief Complaint

Lower Leg Problem, Fracture

Patient's Care Team

Orthopedic Surgeon: DOUGLAS ALAN SCOTT, MD

Vitals

None recorded.

Allergies

Reviewed Allergies
NKDA

Medications

No medications reported

Vaccines

None recorded.

Problems

Reviewed Problems
No known problems

Family History

Reviewed Family History
Father - No current problems or disability
Mother - No current problems or disability

Social History

Reviewed Social History
Advance directive: N
Smoking Status: Never smoker
Tobacco-years of use: 0
Non-smoker

Surgical History

Reviewed Surgical History

Past Medical History

Reviewed Past Medical History

HPI

this 23-year-old male comes in today for follow-up of his left midshaft tibia fracture, ORIF with intramedullary nail performed by Dr. Scott on 10/30/18. His been taking aspirin 325 mg twice a day and tolerating weightbearing in his cam boot very well. He has no neurovascular complaints.

ROS

Constitutional: Constitutional: no significant weight loss or change and no fever, fatigue/malaise, or night sweats.

Cardiovascular: Cardiovascular: no palpitations, chest pain, or shortness of breath when lying down.

Respiratory: Respiratory: no cough, wheezing, dyspnea, or shortness of breath.

Gastrointestinal: Gastrointestinal: no vomiting, diarrhea, constipation, or abdominal pain.

Genitourinary: Genitourinary: no incontinence, hematuria, dysuria, difficulty urinating, or increased frequency.

BROWN, ZACHARY L (id #796491, dob: 10/13/1995)

Musculoskeletal: Musculoskeletal: see HPI

See HPI .

Integumentary: Skin: no rashes.

Neurologic: Neurologic: no weakness, numbness, dizziness, headaches, or paresthesia.

Endocrine: Endocrine: no fatigue.

Hematologic/Lymphatic: Hematologic/Lymphatic: no bruising, swollen glands, or blood clots.

Psychiatric: Psych: no depression, anxiety, or sleep disturbance.

ROS as noted in the HPI

Physical Exam

Patient is a 23-year-old male.

he has no tenderness at the tibial fracture site and only minimal tenderness at the fibular fracture. Swelling is minimal. Range of motion of the knee is full without limitation or pain. Range of motion of the ankle is also full, but he has some mild stiffness at end points of dorsiflexion and plantarflexion. neurovascular exam is intact. No rotational or angular deformity.

Assessment / Plan

1. Pain in left lower limb - radiographs of the tibia reveal excellent fracture reduction maintenance with intramedullary nail with no signs of loosening complication or failure. He has excellent callus formation both at the tibial and fibular shaft fractures

M79.605; Pain in left leg

- A HEALTHY LIFESTYLE: CARE INSTRUCTIONS
- XR, TIBIA + FIBULA

Appointment Date: 12/13/2018

Ordering provider to read?:
Y

Possibility of Pregnancy?: N

Provide films to patient: N

Shielded?: Y

Side: LEFT

Views (X-RAY, TIBIA AND FIBULA): AP,
Lateral

XR, TIBIA + FIBULA

- Appointment Date: 12/13/2018, Ordering provider to read?: Y, Possibility of Pregnancy?: N, Provide films to patient: N, Shielded?: Y, Side: LEFT, Views (X-RAY, TIBIA AND FIBULA): AP, Lateral

Patient Instructions

he may graduate out of his cam boot as tolerated with weightbearing as tolerated. He can discontinue his aspirin. I asked him to gradually return to working duties. He understands the risk of hardware failure, nonunion, malunion, or continued pain and dysfunction. We will have him follow-up with us in 6 weeks for further evaluation.

Return to Office

- Tommy D Thomas, PA for Office Visit 15 at HHR_Orthopedic Assoc of LC - Baylor on 01/24/2019 at 02:00 PM

Encounter Sign-Off

Encounter signed-off by Tommy D Thomas, PA, 12/13/2018.

Encounter performed and documented by Tommy D Thomas, PA

Encounter reviewed & signed by Tommy D Thomas, PA on 12/13/2018 at 2:10pm

Joseph P. Tobin, M.D.
Orthopaedic Surgeon

Phone (843) 342-9100
Fax (843) 342-9101

Tobin Bone and Joint Surgery, Inc.
12 Lafayette Place, Suite A
Hilton Head Island, SC 29926
114 Canal Street, Suite 503
Pooler, GA 31322

Zachary Brown
07/28/20

CHIEF COMPLAINT:

Trouble with his left knee and leg.

HISTORY OF PRESENT ILLNESS:

This is a 24-year-old gentleman who comes in today for an independent medical exam complaining of some left leg pain, left knee pain. He mostly is complaining of clicking and popping in his knee. She says every time he straightens his knee out, he has clicking and popping. He is able to kneel on it, but it hurts. He has gone back to full time work. He is now doing pressure washing. It was back in October 2018 that he was six feet up on a ladder working for Southeastern Services residential services at the back of Hilton Head Plantation. He was trying to remove a window from a house that was having stucco redone, and he fell. He got his leg caught in the ladder. He fell about six feet and sustained a tibia fracture.

I reviewed his old medical notes. Dr. Douglas Scott took him to the operating room and performed an open reduction internal fixation with intermedullary nailing of his left tibia. He followed up with Dr. Scott but since that time he has had ongoing problems with his left leg and his left knee. He says if he is on it for a long time it aches, but he has been able to go back to work. He never had physical therapy, and he has not had any subsequent care in at least the last year or so.

PHYSICAL EXAMINATION:

He has a well-healed incision on the anterolateral border of his left knee. He has clicking and popping in his left knee from about 45 to 30 degrees flexion and extension. There is popping that is audible and palpable in his left knee. He does flex up about 130 degrees, but he lacks about 6 inches of flexion on the left compared to the right. His alignment looks fairly good. His rotational alignment looks good. His overall alignment looks good. He has good motion in his ankle. He has nearly normal heel-toe reciprocal gait with a slight antalgic gait.

He has lateral joint line tenderness. He has some pain at the extremes of flexion and extension.

IMPRESSION:

1) Independent Medical Exam for left lower extremity.

RECOMMENDATIONS:

Mr. Zachary Brown sustained a tibia fracture. Treated with internal fixation. I do not believe that Mr. Brown is at maximum medical improvement at this point in time. I do think he would benefit from removal of his hardware in an attempt to lessen the symptoms of clicking and popping in his left knee. I would be willing to take him on as a patient if Mr. Brown would like to proceed with that. He is not at maximum medical improvement at this time. If he were to be placed at maximum medical improvement at

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Zachary Brown
07/28/20
Page Two

this time, I think he would have restrictions preventing him from doing any kneeling and would have an impairment rating commensurate with his symptoms and his pathology. It goes without stating that Mr. Brown's symptoms are a direct result of his injury which was a direct result of his treatment as a result of his work-related injury. If it were not for his work-related injury, he would not be in my office today complaining of these problems, and obviously he never would have had surgery if it were not for this injury. It is my understanding that this was a work-related injury and is hence compensable as such. All of my opinions are to a reasonable degree of medical certainty and are based upon a review of his medical records and a history and physical obtained in my office today.

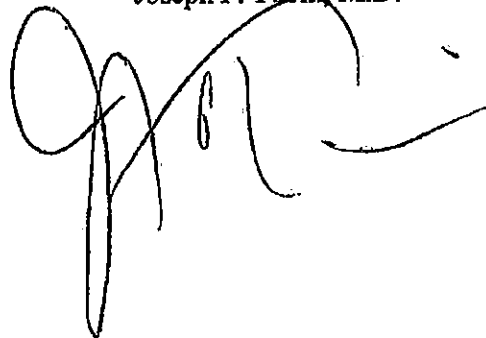
I explained to Mr. Brown today that he is a reasonably young man, and I cannot imagine that he wants to spend the rest of his life with these symptoms, and it would probably be in his best interest to get his hardware taken out in an attempt to relieve his symptoms.

The other issue that is raised by his physical exam is that he has meniscal pathology and if possible, with his intramedullary rod in place he should have an MRI of his left knee. If he has pathology in his left knee with a meniscus tear that also is a direct result of his injury and his fall and obviously his mechanism of injury would be consistent with a meniscal injury or an internal derangement of his left knee.

In an effort to get him to maximum medical improvement, my personal recommendation would be that he get an MRI of his left knee, new x-rays, and consideration could be given to removing his hardware and arthroscoping his left knee at the same time. Again, Mr. Brown did not have any of these symptoms prior to this injury. He had no complaints of knee pain prior to this injury and all the problems that he is having with his left knee, his left lower extremity is a direct result of his work related injury to a reasonable degree of medical certainty and in my opinion today.

"I have also reviewed and agree with the information on the patient intake notes transcribed by my medical assistant"
JPT: th

Joseph P. Tobin, M.D.





Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1: Employer Information and Attestation (Employers must complete this section of Form I-9, including the date of completion, and retain it for inspection.)

Last Name (Family Name) <u>Brown</u>		First Name (Given Name) <u>Zechariah</u>		Middle Initial <u>L</u>	Other Last Names Used (if any)	
Address (Street Number and Name) <u>145 Auburn Hills Dr.</u>			Apt. Number	City or Town <u>Ridgeland</u>	State <u>SC</u>	ZIP Code <u>29936</u>
Date of Birth (mm/dd/yyyy) <u>10/13/95</u>	U.S. Social Security Number <u>250-97-8477</u>		Employee's Email Address <u>legacyusmc@gmail.com</u>		Employee's Telephone Number <u>(702) 609-5560</u>	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

☒ 1. A citizen of the United States
☐ 2. A noncitizen national of the United States (See instructions)
☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____
☐ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (See instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____
OR
2. Form I-94 Admission Number: _____
OR
3. Foreign Passport Number: _____
Country of Issuance: _____

QR Code - Section 1
Do Not Write in This Space

Signature of Employee <u>Zechariah Brown</u>	Today's Date (mm/dd/yyyy) <u>4/16/19</u>

Preparer and/or Translator Information (check one)	
☒ Preparer is a U.S. citizen or lawful permanent resident	☐ Preparer is a non-U.S. citizen or non-lawful permanent resident

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code



Employment Eligibility Verification Form I-9



Z. Brown 0121

WWW.CROSSROADSCSI.COM
PHONE/FAX 888-678-ROAD
 Employment Application

CROSSROADS
 CONSTRUCTION SERVICES INC.

APPLICANT INFORMATION

Last Name	Brown	First	Zachary	M.I.	L	Date	4/16/19
Street Address	145 Auburn Hills Dr.			Apartment/Unit #			
City	Ridgeland	State	South Carolina	ZIP	29936		
Phone	(702) 609-5560		E-mail Address	legacyusmc@gmail.com			
Date Available	4/16	Social Security No.	250-97-8477	Desired Salary			
Position Applied for							
Are you a citizen of the United States?		YES ☒	NO ☐	If no, are you authorized to work in the U.S.?		YES ☐	NO ☐
Have you ever worked for this company?		YES ☐	NO ☒	If so, when?			
Have you ever been convicted of a felony?		YES ☐	NO ☒	If yes, explain			

EDUCATION

High School	Legacy HS		Address	1502 W Deer Springs way			
From	9	To	12	Did you graduate?	YES ☒	NO ☐	Degree
College			Address				
From		To		Did you graduate?	YES ☐	NO ☐	Degree
Other			Address				
From		To		Did you graduate?	YES ☐	NO ☐	Degree

REFERENCES

Please list three professional references.

Full Name	Greedge Brown	Relationship	Grandfather
Company	Southern Mobile Home Supplies	Phone	(803) 460-5223
Address	145 Auburn Hills Dr		
Full Name	Tim Hardt	Relationship	former boss
Company	Tim Hardt tile LLC	Phone	(843) 683-6194
Address			
Full Name		Relationship	
Company		Phone	
Address			

2:00 PM

08/11/20

Crossroads Construction Services Inc.

Payroll Summary

January through December 2019

4/15 2019 h.104
14510/18/2019

	Zachary Brown			TOTAL		
	Hours	Rate	Jan - Dec 19	Hours	Rate	Jan - Dec 19
Employee Wages, Taxes and Adjustments						
Gross Pay						
Holiday Pay	16	13.50	216.00	16.00		216.00
OVERTIME	94.75	20.25	1,918.70	94.75		1,918.70
regular rate	690.25	13.50	9,318.38	690.25		9,318.38
Per diem pay			1,500.00			1,500.00
Total Gross Pay	801		12,953.08	801.00		12,953.08
Adjusted Gross Pay	801		12,953.08	801.00		12,953.08
Taxes Withhold						
Federal Withholding			-1,161.00			-1,161.00
Medicare Employee			-166.07			-166.07
Social Security Employee			-710.09			-710.09
SC - Withholding			-648.49			-648.49
Medicare Employee Addl Tax			0.00			0.00
Total Taxes Withheld			-2,686.65			-2,686.65
Deductions from Net Pay						
Cash Advance Repayment			-200.00			-200.00
Total Deductions from Net Pay			-200.00			-200.00
Net Pay	801		10,066.43	801.00		10,066.43
Employer Taxes and Contributions						
Federal Unemployment			42.00			42.00
Medicare Company			166.07			166.07
Social Security Company			710.09			710.09
SC - Unemployment Company			49.36			49.36
SC - Contingency Assessment			6.87			6.87
Total Employer Taxes and Contributions			974.39			974.39

Form W-4 (2017)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2017 expires February 15, 2018. See Pub. 505, Tax Withholding and Estimated Tax.

Note: If another person can claim you as a dependent on his or her tax return, you can't claim exemption from withholding if your total income exceeds \$1,050 and includes more than \$350 of unearned income (for example, interest and dividends).

Exceptions. An employee may be able to claim exemption from withholding even if the employee is a dependent, if the employee:

- Is age 65 or older,
- Is blind, or
- Will claim adjustments to income, tax credits, or itemized deductions, on his or her tax return.

The exceptions don't apply to supplemental wages greater than \$1,000,000.

Basic Instructions. If you aren't exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you can claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the **Personal Allowances Worksheet** below. See Pub. 505 for information on converting your other credits into withholding allowances.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 505 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 505 for details.

Nonresident alien. If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 instructions for Nonresident Aliens, before completing this form.

Check your withholding. After your Form W-4 takes effect, use Pub. 505 to see how the amount you are having withheld compares to your projected total tax for 2017. See Pub. 505, especially if your earnings exceed \$130,000 (Single) or \$180,000 (Married).

Future developments. Information about any future developments affecting Form W-4 (such as legislation enacted after we release it) will be posted at www.irs.gov/w4.

Personal Allowances Worksheet (Keep for your records.)

A	Enter "1" for yourself if no one else can claim you as a dependent.	A	01
B	Enter "1" if: • You're single and have only one job; or • You're married, have only one job, and your spouse doesn't work; or • Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less.	B	1
C	Enter "1" for your spouse. But, you may choose to enter "-0-" if you are married and have either a working spouse or more than one job. (Entering "-0-" may help you avoid having too little tax withheld.)	C	0
D	Enter number of dependents (other than your spouse or yourself) you will claim on your tax return.	D	0
E	Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above)	E	0
F	Enter "1" if you have at least \$2,000 of child or dependent care expenses for which you plan to claim a credit (Note: Do not include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)	F	0
G	Child Tax Credit (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information. • If your total income will be less than \$70,000 (\$100,000 if married), enter "2" for each eligible child; then less "1" if you have two to four eligible children or less "2" if you have five or more eligible children. • If your total income will be between \$70,000 and \$84,000 (\$100,000 and \$119,000 if married), enter "1" for each eligible child.	G	0
H	Add lines A through G and enter total here. (Note: This may be different from the number of exemptions you claim on your tax return.)	H	0

For accuracy, complete all worksheets that apply.

- If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the **Deductions and Adjustments Worksheet** on page 2.
- If you are single and have more than one job or are married and you and your spouse both work and the combined earnings from all jobs exceed \$50,000 (\$20,000 if married), see the **Two-Earners/Multiple Jobs Worksheet** on page 2 to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.

Separate here and give Form W-4 to your employer. Keep the top part for your records.

Form W-4 Department of the Treasury Internal Revenue Service		Employee's Withholding Allowance Certificate		OMB No. 1545-0074	
1 Your first name and middle initial Zachary L		Last name Brown		2 Your social security number 250-97-8977	
Home address (number and street or rural route) 145 Auburn Hills Dr.		3 ☒ Single ☐ Married ☐ Married, but withhold at higher Single rate. Note: If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.		5 0	
City or town, state, and ZIP code Ridgeland, SC 29936		4 If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card. ☐		6 \$	
5 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2)		7 I claim exemption from withholding for 2017, and I certify that I meet both of the following conditions for exemption. • Last year I had a right to a refund of all federal income tax withheld because I had no tax liability, and • This year I expect a refund of all federal income tax withheld because I expect to have no tax liability. If you meet both conditions, write "Exempt" here.		8	
Under penalties of perjury, I declare that I have examined this certificate and, to the best of my knowledge and belief, it is true, correct, and complete.		7 Exempt		9 4/16/19	
Employee's signature (This form is not valid unless you sign it.) Zachary L Brown		10 Employer's name and address (Employer must complete lines 8 and 10 only if sending to the IRS.)		11 Office code (optional)	
448		Z. Brown		12 Employer identification number (EIN) 2. Brown 9124	

Deductions and Adjustments Worksheet**Note:** Use this worksheet only if you plan to itemize deductions or claim certain credits or adjustments to income.

1	Enter an estimate of your 2017 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes, medical expenses in excess of 10% of your income, and miscellaneous deductions. For 2017, you may have to reduce your itemized deductions if your income is over \$313,800 and you're married filing jointly or you're a qualifying widow(er); \$287,650 if you're head of household; \$261,500 if you're single, not head of household and not a qualifying widow(er); or \$156,900 if you're married filing separately. See Pub. 505 for details.	1	\$ <u>0</u>
2	Enter: $\left\{ \begin{array}{l} \$12,700 \text{ if married filing jointly or qualifying widow(er)} \\ \$9,350 \text{ if head of household} \\ \$6,350 \text{ if single or married filing separately} \end{array} \right\}$	2	\$ <u>6,350</u>
3	Subtract line 2 from line 1. If zero or less, enter "-0-"	3	\$ <u>0</u>
4	Enter an estimate of your 2017 adjustments to income and any additional standard deduction (see Pub. 505)	4	\$ <u>20,000</u>
5	Add lines 3 and 4 and enter the total. (Include any amount for credits from the <i>Converting Credits to Withholding Allowances for 2017 Form W-4</i> worksheet in Pub. 505.)	5	\$ <u>20,000</u>
6	Enter an estimate of your 2017 nonwage income (such as dividends or interest)	6	\$ <u>0</u>
7	Subtract line 6 from line 5. If zero or less, enter "-0-"	7	\$ <u>20,000</u>
8	Divide the amount on line 7 by \$4,050 and enter the result here. Drop any fraction	8	<u>4</u>
9	Enter the number from the Personal Allowances Worksheet , line H, page 1	9	<u>0</u>
10	Add lines 8 and 9 and enter the total here. If you plan to use the Two-Earners/Multiple Jobs Worksheet , also enter this total on line 1 below. Otherwise, stop here and enter this total on Form W-4, line 5, page 1	10	<u>4</u>

Two-Earners/Multiple Jobs Worksheet (See Two earners or multiple jobs on page 1.)**Note:** Use this worksheet only if the instructions under line H on page 1 direct you here.

1	Enter the number from line H, page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet)	1	
2	Find the number in Table 1 below that applies to the LOWEST paying job and enter it here. However, if you are married filing jointly and wages from the highest paying job are \$65,000 or less, do not enter more than "3"	2	
3	If line 1 is more than or equal to line 2, subtract line 2 from line 1. Enter the result here (if zero, enter "-0-") and on Form W-4, line 5, page 1. Do not use the rest of this worksheet.	3	

Note: If line 1 is less than line 2, enter "-0-" on Form W-4, line 5, page 1. Complete lines 4 through 9 below to figure the additional withholding amount necessary to avoid a year-end tax bill.

4	Enter the number from line 2 of this worksheet	4	
5	Enter the number from line 1 of this worksheet	5	
6	Subtract line 5 from line 4	6	
7	Find the amount in Table 2 below that applies to the HIGHEST paying job and enter it here	7	\$
8	Multiply line 7 by line 6 and enter the result here. This is the additional annual withholding needed	8	\$
9	Divide line 8 by the number of pay periods remaining in 2017. For example, divide by 26 if you are paid every two weeks and you complete this form on a date in January when there are 26 pay periods remaining in 2017. Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck	9	\$

Table 1

Married Filing Jointly		All Others	
If wages from LOWEST paying job are—	Enter on line 2 above	If wages from LOWEST paying job are—	Enter on line 2 above
\$0 - \$7,000	0	\$0 - \$8,000	0
7,001 - 14,000	1	8,001 - 16,000	1
14,001 - 22,000	2	16,001 - 28,000	2
22,001 - 27,000	3	28,001 - 34,000	3
27,001 - 35,000	4	34,001 - 44,000	4
35,001 - 44,000	5	44,001 - 70,000	5
44,001 - 55,000	6	70,001 - 85,000	6
55,001 - 65,000	7	85,001 - 110,000	7
65,001 - 75,000	8	110,001 - 125,000	8
75,001 - 80,000	9	125,001 - 140,000	9
80,001 - 95,000	10	140,001 and over	10
95,001 - 115,000	11		
115,001 - 130,000	12		
130,001 - 140,000	13		
140,001 - 150,000	14		
150,001 and over	15		

Table 2

Married Filing Jointly		All Others	
If wages from HIGHEST paying job are—	Enter on line 7 above	If wages from HIGHEST paying job are—	Enter on line 7 above
\$0 - \$75,000	\$610	\$0 - \$38,000	\$610
75,001 - 135,000	1,010	38,001 - 85,000	1,010
135,001 - 205,000	1,130	85,001 - 165,000	1,130
205,001 - 360,000	1,340	165,001 - 400,000	1,340
360,001 - 405,000	1,420	400,001 and over	1,600
405,001 and over	1,600		

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. Internal Revenue Code sections 3402(f)(2) and 6109 and their regulations require you to provide this information; your employer uses it to determine your federal income tax withholding. Failure to provide a properly completed form will result in your being treated as a single person who claims no withholding allowances; providing fraudulent information may subject you to penalties. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation; to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws; and to the Department of Health and Human Services for use in the National Directory of New Hires. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal non-tax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For estimated averages, see the instructions for your income tax return.

Z. Brown 0125

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.

Crossroads CSI Employee Handbook Acknowledgment

I, Zachary Brown, understand and accept Crossroads Construction Services Inc.'s policies and procedures which are in place as of this date. They include, but are not limited to:

- EEO Policy
- Affirmative Action Plan
- Sexual Harassment Policy
- Drug & Alcohol Policy, dated January 2013
- Safety
- Work Rules
- Employment At Will
- Code of Conduct
- Good Housekeeping Rules
- On the Job Training
- Sick Day Work Policy
- Company Telephone and Credit Card Policy
- Payroll Check Procedure
- Travel Expense Policy
- Equipment Usage Policy
- Holidays

I, Zachary Brown (employee), acknowledge receipt of the company equipment policy and I understand it. I agree to use and maintain company equipment properly and not to damage the equipment. If damage does occur from my improper usage of the equipment, I will be responsible for that damage as described.

I have read this information and I have asked any questions. Any concerns I have will be handwritten and given to management to be addressed within 10 days.

Date: 4/16/19

Signature: Zachary Brown

Management: _____

LISTS OF ACCEPTABLE DOCUMENTS **All documents must be UNEXPIRED**

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity AND	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	2. Certification of Birth Abroad Issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa	3. School ID card with a photograph	3. Certification of Report of Birth Issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)	4. Voter's registration card	4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.	5. U.S. Military card or draft record	5. Native American tribal document
	6. Military dependent's ID card	6. U.S. Citizen ID Card (Form I-197)
	7. U.S. Coast Guard Merchant Mariner Card	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
	8. Native American tribal document	8. Employment authorization document issued by the Department of Homeland Security
	9. Driver's license issued by a Canadian government authority	
	For persons under age 18 who are unable to present a document listed above:	
	10. School record or report card	
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI		

Examples of many of these documents appear in Part 8 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

Section 2: Employer or Authorized Representative Review and Verification

Employee Info from Section 1 Last Name (Family Name) Brown First Name (Given Name) Zachary M.I. L Citizenship/Immigration Status Citizen

List A
Identify and Employment Authorization

OR

List B
Identity

AND

List C
Employment Authorization

Document Title	Document Title	Document Title
Issuing Authority	Issuing Authority	Issuing Authority
Document Number	Document Number	Document Number
Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)	Expiration Date (if any) (mm/dd/yyyy)
Document Title	Additional Information	QR Code - Sections 2 & 3 Do Not Write In This Space
Issuing Authority		
Document Number		
Expiration Date (if any) (mm/dd/yyyy)		
Document Title		
Issuing Authority		
Document Number		
Expiration Date (if any) (mm/dd/yyyy)		

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): 4/16/19 (See instructions for exemptions)

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative	
<u>[Signature]</u>	<u>4/16/19</u>		
Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative	Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)		City or Town	State ZIP Code

Section 3: New Hire or Existing Employee			
New Hire or Existing Employee			
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)

Call this employee's previous grant of employment authorization has expired, provide the information for the document or record that permits continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative

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SOUTHEASTERN SERVICES
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Ref. #	Empl I.D. Date	Employee Name Dept #	Soc-Sec-No.	Description	EARNINGS		DEDUCTIONS		
						Amount	Description	Amount	
100	101 5/19/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	44.64	
							Medi W/H	10.44	
				Total H/P	40.00	0.00	720.00	Fed W/H	92.40
							State W/H	44.00	
				TOTAL EARNINGS:	720.00				
			TOTAL DEDUCTIONS:	191.48	<<<	191.48			
			NET PAY:	528.52	**				
101	102 5/19/17	CHANCE N. JONES 544-47-4776	Regular Py			480.00	FICA W/H	29.76	
							Medi W/H	6.96	
				Total H/P	40.00	0.00	480.00	Fed W/H	56.40
							State W/H	27.00	
				TOTAL EARNINGS:	480.00				
			TOTAL DEDUCTIONS:	120.12	<<<	120.12			
			NET PAY:	359.88	**				
102	103 5/19/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	29.76	
							Medi W/H	6.96	
				Total H/P	40.00	0.00	480.00	Fed W/H	56.40
							State W/H	27.00	
				TOTAL EARNINGS:	480.00				
			TOTAL DEDUCTIONS:	120.12	<<<	120.12			
			NET PAY:	359.88	**				
50000	101 5/26/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	44.64	
							Medi W/H	10.44	
				Total H/P	40.00	0.00	720.00	Fed W/H	92.40
							State W/H	44.00	
				TOTAL EARNINGS:	720.00				
			TOTAL DEDUCTIONS:	191.48	<<<	191.48			
			NET PAY:	528.52	**				
50001	102 5/26/17	CHANCE N. JONES 544-47-4776	Regular Py			288.00	FICA W/H	17.86	
							Medi W/H	4.18	
				Total H/P	24.00	0.00	288.00	Fed W/H	27.60
							State W/H	14.00	
				TOTAL EARNINGS:	288.00				
			TOTAL DEDUCTIONS:	63.64	<<<	63.64			
			NET PAY:	224.36	**				
50002	103 5/26/17	TAYLOR M. SMITH 249-99-9760	Regular Py			384.00	FICA W/H	23.81	
							Medi W/H	5.57	
				Total H/P	32.00	0.00	384.00	Fed W/H	42.00
							State W/H	21.00	
				TOTAL EARNINGS:	384.00				
			TOTAL DEDUCTIONS:	92.38	<<<	92.38			
			NET PAY:	291.62	**				
**** TOTAL FOR MONTH 05 ****				Regular Py		3,072.00	FICA W/H	190.47	
							Medi W/H	44.55	
				Total H/P	216.00	0.00	3,072.00	Fed W/H	367.20
							State W/H	177.00	

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Ref. #	Empl I.D. Date	Employee Name Dept #	Soc-Sec-No.	EARNINGS			DEDUCTIONS	
				Description		Amount	Description	Amount
				TOTAL EARNINGS:		3,072.00		
				TOTAL DEDUCTIONS:		779.22	<<<	779.22
				NET PAY:		2,292.78	**	
50003	101 6/02/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	44.64
							Medi W/H	10.44
			Total H/P	40.00	0.00	720.00	Fed W/H	92.40
							State W/H	44.00
			TOTAL EARNINGS:			720.00		
			TOTAL DEDUCTIONS:			191.48	<<<	191.48
			NET PAY:			528.52	**	
50004	102 6/02/17	CHANCE N. JONES 544-47-4776	Regular Py			360.00	FICA W/H	22.32
							Medi W/H	5.22
			Total H/P	30.00	0.00	360.00	Fed W/H	38.40
							State W/H	19.00
			TOTAL EARNINGS:			360.00		
			TOTAL DEDUCTIONS:			84.94	<<<	84.94
			NET PAY:			275.06	**	
50005	103 6/02/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	29.76
							Medi W/H	6.96
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
							State W/H	27.00
			TOTAL EARNINGS:			480.00		
			TOTAL DEDUCTIONS:			120.12	<<<	120.12
			NET PAY:			359.88	**	
50006	101 6/09/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	58.03
			OVERTIME			216.00	Medi W/H	13.57
							Fed W/H	141.00
			Total H/P	48.00	0.00	936.00	State W/H	59.00
			TOTAL EARNINGS:			936.00		
			TOTAL DEDUCTIONS:			271.60	<<<	271.60
			NET PAY:			664.40	**	
50007	102 6/09/17	CHANCE N. JONES 544-47-4776	Regular Py			192.00	FICA W/H	11.90
							Medi W/H	2.78
			Total H/P	16.00	0.00	192.00	Fed W/H	14.78
							State W/H	7.00
			TOTAL EARNINGS:			192.00		
			TOTAL DEDUCTIONS:			36.46	<<<	36.46
			NET PAY:			155.54	**	
50008	103 6/09/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	29.76
							Medi W/H	6.96
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
							State W/H	27.00
			TOTAL EARNINGS:			480.00		
			TOTAL DEDUCTIONS:			120.12	<<<	120.12
			NET PAY:			359.88	**	

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				Description		Amount	Description	Amount
50009	101 6/16/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	44.64
						Medi W/H	10.44	
			Total H/P	40.00	0.00	720.00	Fed W/H	92.40
						State W/H	44.00	
			TOTAL EARNINGS:		720.00			
			TOTAL DEDUCTIONS:		191.48	< < <	191.48	
			NET PAY:		528.52	**		
50010	102 6/16/17	CHANCE N. JONES 544-47-4776	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
						CHILD SUPP	62.31	
			TOTAL EARNINGS:		480.00			
			TOTAL DEDUCTIONS:		182.43	< < <	182.43	
			NET PAY:		297.57	**		
50011	103 6/16/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
			TOTAL EARNINGS:		480.00			
			TOTAL DEDUCTIONS:		120.12	< < <	120.12	
			NET PAY:		359.88	**		
50013	101 6/23/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	58.03
			OVERTIME			216.00	Medi W/H	13.57
						Fed W/H	141.00	
			Total H/P	48.00	0.00	936.00	State W/H	59.00
			TOTAL EARNINGS:		936.00			
			TOTAL DEDUCTIONS:		271.60	< < <	271.60	
			NET PAY:		664.40	**		
50014	102 6/23/17	CHANCE N. JONES 544-47-4776	Regular Py			480.00	FICA W/H	38.69
			OVERTIME			144.00	Medi W/H	9.05
						Fed W/H	78.00	
			Total H/P	48.00	0.00	624.00	State W/H	37.00
						CHILD SUPP	62.31	
			TOTAL EARNINGS:		624.00			
			TOTAL DEDUCTIONS:		225.05	< < <	225.05	
			NET PAY:		398.95	**		
50015	103 6/23/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	38.69
			OVERTIME			144.00	Medi W/H	9.05
						Fed W/H	78.00	
			Total H/P	48.00	0.00	624.00	State W/H	37.00
			TOTAL EARNINGS:		624.00			
			TOTAL DEDUCTIONS:		162.74	< < <	162.74	
			NET PAY:		461.26	**		

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							Amount	Description	Amount
50017	101 6/30/17	DANIELL J. SMITH 600-35-9425	Regular Py				720.00	FICA W/H	44.64
								Medi W/H	10.44
				Total H/P	40.00	0.00	720.00	Fed W/H	92.40
								State W/H	44.00
				TOTAL EARNINGS:			720.00		
				TOTAL DEDUCTIONS:			191.48	<<<	191.48
NET PAY:			528.52	**					
50018	102 6/30/17	CHANCE N. JONES 544-47-4776	Regular Py				480.00	FICA W/H	29.76
								Medi W/H	6.96
				Total H/P	40.00	0.00	480.00	Fed W/H	56.40
								State W/H	27.00
								CHILD SUPP	62.31
				TOTAL EARNINGS:			480.00		
TOTAL DEDUCTIONS:			182.43	<<<	182.43				
NET PAY:			297.57	**					
50019	103 6/30/17	TAYLOR M. SMITH 249-99-9760	Regular Py				480.00	FICA W/H	29.76
								Medi W/H	6.96
				Total H/P	40.00	0.00	480.00	Fed W/H	56.40
								State W/H	27.00
				TOTAL EARNINGS:			480.00		
				TOTAL DEDUCTIONS:			120.12	<<<	120.12
NET PAY:			359.88	**					
**** TOTAL FOR MONTH 06 ****				Regular Py			7,992.00	FICA W/H	540.14
				OVERTIME			720.00	Medi W/H	126.32
				Total H/P	598.00	0.00	8,712.00	Fed W/H	1,106.78
								State W/H	512.00
								CHILD SUPP	186.93
			TOTAL EARNINGS:			8,712.00			
			TOTAL DEDUCTIONS:			2,472.17	<<<	2,472.17	
			NET PAY:			6,239.83	**		
50021	101 7/05/17	DANIELL J. SMITH 600-35-9425	Regular Py				720.00	FICA W/H	44.64
								Medi W/H	10.44
				Total H/P	40.00	0.00	720.00	Fed W/H	92.40
								State W/H	44.00
				TOTAL EARNINGS:			720.00		
				TOTAL DEDUCTIONS:			191.48	<<<	191.48
NET PAY:			528.52	**					
50022	102 7/05/17	CHANCE N. JONES 544-47-4776	Regular Py				480.00	FICA W/H	29.76
								Medi W/H	6.96
				Total H/P	40.00	0.00	480.00	Fed W/H	56.40
								State W/H	27.00
								CHILD SUPP	62.31
				TOTAL EARNINGS:			480.00		
TOTAL DEDUCTIONS:			182.43	<<<	182.43				
NET PAY:			297.57	**					

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Ref. #	Empl ID. Date	Employee Name Dept #	Soc-Sec-No.	EARNINGS			DEDUCTIONS	
				Description		Amount	Description	Amount
50023	103 7/05/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
			TOTAL EARNINGS:		480.00			
			TOTAL DEDUCTIONS:		120.12	<<<	120.12	
			NET PAY:		359.88	**		
50024	101 7/07/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	44.64
						Medi W/H	10.44	
			Total H/P	40.00	0.00	720.00	Fed W/H	92.40
						State W/H	44.00	
			TOTAL EARNINGS:		720.00			
			TOTAL DEDUCTIONS:		191.48	<<<	191.48	
			NET PAY:		528.52	**		
50025	102 7/07/17	CHANCE N. JONES 544-47-4776	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
						CHILD SUPP	62.31	
			TOTAL EARNINGS:		480.00			
			TOTAL DEDUCTIONS:		182.43	<<<	182.43	
			NET PAY:		297.57	**		
50026	103 7/07/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
			TOTAL EARNINGS:		480.00			
			TOTAL DEDUCTIONS:		120.12	<<<	120.12	
			NET PAY:		359.88	**		
50029	101 7/21/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	51.34
			OVERTIME			108.00	Medi W/H	12.01
						Fed W/H	114.00	
			Total H/P	44.00	0.00	828.00	State W/H	52.00
			TOTAL EARNINGS:		828.00			
			TOTAL DEDUCTIONS:		229.35	<<<	229.35	
			NET PAY:		598.65	**		
50030	102 7/21/17	CHANCE N. JONES 544-47-4776	Regular Py			480.00	FICA W/H	31.99
			OVERTIME			36.00	Medi W/H	7.48
						Fed W/H	61.80	
			Total H/P	42.00	0.00	516.00	State W/H	30.00
						CHILD SUPP	62.31	
			TOTAL EARNINGS:		516.00			
			TOTAL DEDUCTIONS:		193.58	<<<	193.58	
			NET PAY:		322.42	**		

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				Description		Amount	Description	Amount
50031	103 7/21/17	TAYLOR M. SMITH 249-99-9760		Regular Py		480.00	FICA W/H	29.76
							Medi W/H	6.96
				Total H/P	40.00	0.00	Fed W/H	56.40
							State W/H	27.00
				TOTAL EARNINGS:		480.00		
				TOTAL DEDUCTIONS:		120.12	<<<	120.12
				NET PAY:		359.88	**	
50033	101 7/28/17	DANIELL J. SMITH 600-35-9425		Regular Py		720.00	FICA W/H	54.68
				OVERTIME		162.00	Medi W/H	12.79
				Total H/P	46.00	0.00	Fed W/H	127.50
							State W/H	55.00
				TOTAL EARNINGS:		882.00		
				TOTAL DEDUCTIONS:		249.97	<<<	249.97
				NET PAY:		632.03	**	
50034	102 7/28/17	CHANCE N. JONES 544-47-4776		Regular Py		480.00	FICA W/H	36.46
				OVERTIME		108.00	Medi W/H	8.53
				Total H/P	46.00	0.00	Fed W/H	72.60
							State W/H	35.00
							CHILD SUPP	62.31
				TOTAL EARNINGS:		588.00		
				TOTAL DEDUCTIONS:		214.90	<<<	214.90
				NET PAY:		373.10	**	
50035	103 7/28/17	TAYLOR M. SMITH 249-99-9760		Regular Py		480.00	FICA W/H	36.46
				OVERTIME		108.00	Medi W/H	8.53
				Total H/P	46.00	0.00	Fed W/H	72.60
							State W/H	35.00
				TOTAL EARNINGS:		588.00		
				TOTAL DEDUCTIONS:		152.59	<<<	152.59
				NET PAY:		435.41	**	
**** TOTAL FOR MONTH 07 ****				Regular Py		6,720.00	FICA W/H	449.01
				OVERTIME		522.00	Medi W/H	105.02
				Total H/P	504.00	0.00	Fed W/H	915.30
							State W/H	430.00
							CHILD SUPP	249.24
				TOTAL EARNINGS:		7,242.00		
				TOTAL DEDUCTIONS:		2,148.57	<<<	2,148.57
				NET PAY:		5,093.43	**	
50037	101 8/04/17	DANIELL J. SMITH 600-35-9425		Regular Py		720.00	FICA W/H	47.99
				OVERTIME		54.00	Medi W/H	11.22
				Total H/P	42.00	0.00	Fed W/H	100.50
							State W/H	48.00
				TOTAL EARNINGS:		774.00		
				TOTAL DEDUCTIONS:		207.71	<<<	207.71
				NET PAY:		566.29	**	

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				Description		Amount	Description	Amount
50038	102 8/04/17	CHANCE N. JONES 544-47-4776	Regular Py			240.00	FICA W/H	14.88
						Medi W/H	3.48	
			Total H/P	20.00	0.00	240.00	Fed W/H	20.40
						State W/H	11.00	
						CHILD SUPP	62.31	
TOTAL EARNINGS:						240.00		
TOTAL DEDUCTIONS:						112.07	<<<	112.07
NET PAY:						127.93	**	
50039	103 8/04/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	31.99
			OVERTIME			36.00	Medi W/H	7.48
			Total H/P	42.00	0.00	516.00	Fed W/H	61.80
						State W/H	30.00	
TOTAL EARNINGS:						516.00		
TOTAL DEDUCTIONS:						131.27	<<<	131.27
NET PAY:						384.73	**	
50041	102 8/11/17	CHANCE N. JONES 544-47-4776	Regular Py			384.00	FICA W/H	23.81
						Medi W/H	5.57	
			Total H/P	32.00	0.00	384.00	Fed W/H	42.00
						State W/H	21.00	
TOTAL EARNINGS:						384.00		
TOTAL DEDUCTIONS:						92.38	<<<	92.38
NET PAY:						291.62	**	
50042	101 8/11/17	DANIELL J. SMITH 600-35-9425	Regular Py			720.00	FICA W/H	44.64
						Medi W/H	10.44	
			Total H/P	40.00	0.00	720.00	Fed W/H	92.40
						State W/H	44.00	
TOTAL EARNINGS:						720.00		
TOTAL DEDUCTIONS:						191.48	<<<	191.48
NET PAY:						528.52	**	
50043	103 8/11/17	TAYLOR M. SMITH 249-99-9760	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
TOTAL EARNINGS:						480.00		
TOTAL DEDUCTIONS:						120.12	<<<	120.12
NET PAY:						359.88	**	
50045	101 8/18/17	DANIELL J. SMITH 600-35-9425	Regular Py			576.00	FICA W/H	35.71
						Medi W/H	8.35	
			Total H/P	32.00	0.00	576.00	Fed W/H	70.80
						State W/H	34.00	
TOTAL EARNINGS:						576.00		
TOTAL DEDUCTIONS:						148.86	<<<	148.86
NET PAY:						427.14	**	

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							Amount	Description	Amount
50046	103 8/18/17	TAYLOR M. SMITH 249-99-9760	Regular Py				480.00	FICA W/H	29.76
								Medi W/H	6.96
				Total H/P	40.00	0.00	480.00	Fed W/H	56.40
								State W/H	27.00
				TOTAL EARNINGS:			480.00		
				TOTAL DEDUCTIONS:			120.12	<<<	120.12
NET PAY:			359.88	**					
50047	101 8/25/17	DANIELL J. SMITH 600-35-9425	Regular Py				720.00	FICA W/H	44.64
								Medi W/H	10.44
				Total H/P	40.00	0.00	720.00	Fed W/H	92.40
								State W/H	44.00
				TOTAL EARNINGS:			720.00		
				TOTAL DEDUCTIONS:			191.48	<<<	191.48
NET PAY:			528.52	**					
50048	102 8/25/17	CHANCE N. JONES 544-47-4776	Regular Py				96.00	FICA W/H	5.95
								Medi W/H	1.39
				Total H/P	8.00	0.00	96.00	Fed W/H	5.18
								State W/H	2.00
								CHILD SUPP	62.31
				TOTAL EARNINGS:			96.00		
TOTAL DEDUCTIONS:			76.83	<<<	76.83				
NET PAY:			19.17	**					
50049	103 8/25/17	TAYLOR M. SMITH 249-99-9760	Regular Py				480.00	FICA W/H	29.76
								Medi W/H	6.96
				Total H/P	40.00	0.00	480.00	Fed W/H	56.40
								State W/H	27.00
				TOTAL EARNINGS:			480.00		
				TOTAL DEDUCTIONS:			120.12	<<<	120.12
NET PAY:			359.88	**					
**** TOTAL FOR MONTH 08 ****			Regular Py			5,376.00	FICA W/H	338.89	
			OVERTIME			90.00	Medi W/H	79.25	
			Total H/P	376.00	0.00	5,466.00	Fed W/H	654.68	
							State W/H	315.00	
							CHILD SUPP	124.62	
			TOTAL EARNINGS:			5,466.00			
			TOTAL DEDUCTIONS:			1,512.44	<<<	1,512.44	
			NET PAY:			3,953.56	**		
50051	101 9/01/17	DANIELL J. SMITH 600-35-9425	Regular Py				800.00	FICA W/H	49.60
								Medi W/H	11.60
				Total H/P	40.00	0.00	800.00	Fed W/H	107.00
								State W/H	50.00
				TOTAL EARNINGS:			800.00		
				TOTAL DEDUCTIONS:			218.20	<<<	218.20
NET PAY:			581.80	**					

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				Description		Amount	Description	Amount
50052	103 9/01/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
50053	101 9/07/17	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
						Medi W/H	11.60	
			Total H/P	40.00	0.00	800.00	Fed W/H	107.00
						State W/H	50.00	
			TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20
			NET PAY:			581.80	**	
50054	103 9/07/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
50055	101 9/15/17	DANIELL J. SMITH 600-35-9425	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	24.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
			TOTAL EARNINGS:			480.00		
			TOTAL DEDUCTIONS:			120.12	<<<	120.12
			NET PAY:			359.88	**	
50056	103 9/15/17	TAYLOR M. SMITH 249-99-9760	Regular Py			312.00	FICA W/H	19.34
						Medi W/H	4.52	
			Total H/P	24.00	0.00	312.00	Fed W/H	31.20
						State W/H	16.00	
			TOTAL EARNINGS:			312.00		
			TOTAL DEDUCTIONS:			71.06	<<<	71.06
			NET PAY:			240.94	**	
50057	101 9/22/17	DANIELL J. SMITH 600-35-9425	Regular Py			680.00	FICA W/H	42.16
						Medi W/H	9.86	
			Total H/P	34.00	0.00	680.00	Fed W/H	86.40
						State W/H	41.00	
			TOTAL EARNINGS:			680.00		
			TOTAL DEDUCTIONS:			179.42	<<<	179.42
			NET PAY:			500.58	**	

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				Description		Amount	Description	Amount
50058	103 9/22/17	TAYLOR M. SMITH 249-99-9760		Regular Py		442.00	FICA W/H	27.40
							Medi W/H	6.41
				Total H/P	34.00	0.00	Fed W/H	50.70
							State W/H	25.00
				TOTAL EARNINGS:		442.00		
				TOTAL DEDUCTIONS:		109.51	<<<	109.51
				NET PAY:		332.49	**	
50059	101 9/29/17	DANIELL J. SMITH 600-35-9425		Regular Py		800.00	FICA W/H	49.60
							Medi W/H	11.60
				Total H/P	40.00	0.00	Fed W/H	107.00
							State W/H	50.00
				TOTAL EARNINGS:		800.00		
				TOTAL DEDUCTIONS:		218.20	<<<	218.20
				NET PAY:		581.80	**	
50060	103 9/29/17	TAYLOR M. SMITH 249-99-9760		Regular Py		520.00	FICA W/H	32.24
							Medi W/H	7.54
				Total H/P	40.00	0.00	Fed W/H	62.40
							State W/H	30.00
				TOTAL EARNINGS:		520.00		
				TOTAL DEDUCTIONS:		132.18	<<<	132.18
				NET PAY:		387.82	**	
**** TOTAL FOR MONTH 09 ****				Regular Py		5,874.00	FICA W/H	364.18
							Medi W/H	85.17
				Total H/P	356.00	0.00	Fed W/H	732.90
							State W/H	349.00
				TOTAL EARNINGS:		5,874.00		
				TOTAL DEDUCTIONS:		1,531.25	<<<	1,531.25
				NET PAY:		4,342.75	**	
50061	101 10/06/17	DANIELL J. SMITH 600-35-9425		Regular Py		800.00	FICA W/H	53.32
				OVERTIME		60.00	Medi W/H	12.47
				Total H/P	42.00	0.00	Fed W/H	122.00
							State W/H	54.00
				TOTAL EARNINGS:		860.00		
				TOTAL DEDUCTIONS:		241.79	<<<	241.79
				NET PAY:		618.21	**	
50062	103 10/06/17	TAYLOR M. SMITH 249-99-9760		Regular Py		520.00	FICA W/H	34.66
				OVERTIME		39.00	Medi W/H	8.11
				Total H/P	42.00	0.00	Fed W/H	68.25
							State W/H	33.00
				TOTAL EARNINGS:		559.00		
				TOTAL DEDUCTIONS:		144.02	<<<	144.02
				NET PAY:		414.98	**	

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				Description		Amount	Description	Amount
50063	101 10/13/17	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
						Medi W/H	11.60	
			Total H/P	40.00	0.00	800.00	Fed W/H	107.00
						State W/H	50.00	
			TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20
			NET PAY:			581.80	**	
50064	102 10/13/17	CHANCE N. JONES 544-47-4776	Regular Py			384.00	FICA W/H	23.81
						Medi W/H	5.57	
			Total H/P	32.00	0.00	384.00	Fed W/H	42.00
						State W/H	21.00	
						CHILD SUPP	62.31	
			TOTAL EARNINGS:			384.00		
			TOTAL DEDUCTIONS:			154.69	<<<	154.69
			NET PAY:			229.31	**	
50065	103 10/13/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
50067	101 10/20/17	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	57.04
			OVERTIME			120.00	Medi W/H	13.34
							Fed W/H	137.00
			Total H/P	44.00	0.00	920.00	State W/H	58.00
			TOTAL EARNINGS:			920.00		
			TOTAL DEDUCTIONS:			265.38	<<<	265.38
			NET PAY:			654.62	**	
50068	102 10/20/17	CHANCE N. JONES 544-47-4776	Regular Py			480.00	FICA W/H	29.76
						Medi W/H	6.96	
			Total H/P	40.00	0.00	480.00	Fed W/H	56.40
						State W/H	27.00	
						CHILD SUPP	62.31	
			TOTAL EARNINGS:			480.00		
			TOTAL DEDUCTIONS:			182.43	<<<	182.43
			NET PAY:			297.57	**	
50069	103 10/20/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	

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							Amount	Description	Amount
50071	101 10/27/17	DANIELL J. SMITH 600-35-9425		Regular Py			800.00	FICA W/H	49.60
							Medi W/H	11.60	
				Total H/P	40.00	0.00	800.00	Fed W/H	107.00
							State W/H	50.00	
				TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20	
			NET PAY:			581.80	**		
50072	103 10/27/17	TAYLOR M. SMITH 249-99-9760		Regular Py			520.00	FICA W/H	32.24
							Medi W/H	7.54	
				Total H/P	40.00	0.00	520.00	Fed W/H	62.40
							State W/H	30.00	
				TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18	
			NET PAY:			387.82	**		
**** TOTAL FOR MONTH 10 ****				Regular Py			6,144.00	FICA W/H	394.51
			OVERTIME			219.00	Medi W/H	92.27	
			Total H/P	400.00	0.00	6,363.00	Fed W/H	826.85	
							State W/H	383.00	
							CHILD SUPP	124.62	
				TOTAL EARNINGS:			6,363.00		
				TOTAL DEDUCTIONS:			1,821.25	<<<	1,821.25
				NET PAY:			4,541.75	**	
50073	101 11/03/17	DANIELL J. SMITH 600-35-9425		Regular Py			800.00	FICA W/H	49.60
							Medi W/H	11.60	
				Total H/P	40.00	0.00	800.00	Fed W/H	107.00
							State W/H	50.00	
				TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20	
			NET PAY:			581.80	**		
50074	103 11/03/17	TAYLOR M. SMITH 249-99-9760		Regular Py			520.00	FICA W/H	32.24
							Medi W/H	7.54	
				Total H/P	40.00	0.00	520.00	Fed W/H	62.40
							State W/H	30.00	
				TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18	
			NET PAY:			387.82	**		
50075	101 11/10/17	DANIELL J. SMITH 600-35-9425		Regular Py			800.00	FICA W/H	49.60
							Medi W/H	11.60	
				Total H/P	40.00	0.00	800.00	Fed W/H	107.00
							State W/H	50.00	
				TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20	
			NET PAY:			581.80	**		

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				Description		Amount	Description	Amount
50076	103 11/10/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
50077	101 11/17/17	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
						Medi W/H	11.60	
			Total H/P	40.00	0.00	800.00	Fed W/H	107.00
						State W/H	50.00	
			TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20
			NET PAY:			581.80	**	
50078	103 11/17/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
50079	101 11/22/17	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
						Medi W/H	11.60	
			Total H/P	40.00	0.00	800.00	Fed W/H	107.00
						State W/H	50.00	
			TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20
			NET PAY:			581.80	**	
50080	103 11/22/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
**** TOTAL FOR MONTH 11 ****			Regular Py			5,280.00	FICA W/H	327.36
						Medi W/H	76.56	
			Total H/P	320.00	0.00	5,280.00	Fed W/H	677.60
						State W/H	320.00	
			TOTAL EARNINGS:			5,280.00		
			TOTAL DEDUCTIONS:			1,401.52	<<<	1,401.52
			NET PAY:			3,878.48	**	

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Ref. #	Empl I.D. Date	Employee Name Dept #	Soc-Sec-No.	Description	EARNINGS		DEDUCTIONS		
						Amount	Description	Amount	
50081	101 12/01/17	DANIELL J. SMITH 600-35-9425		Regular Py		800.00	FICA W/H	53.32	
				OVERTIME		60.00	Medi W/H	12.47	
							Fed W/H	122.00	
				Total H/P	42.00	0.00	860.00	State W/H	54.00
				TOTAL EARNINGS:		860.00			
				TOTAL DEDUCTIONS:		241.79	< < <	241.79	
NET PAY:					618.21	**			
50082	103 12/01/17	TAYLOR M. SMITH 249-99-9760		Regular Py		520.00	FICA W/H	34.66	
				OVERTIME		39.00	Medi W/H	8.11	
							Fed W/H	68.25	
				Total H/P	42.00	0.00	559.00	State W/H	33.00
				TOTAL EARNINGS:		559.00			
				TOTAL DEDUCTIONS:		144.02	< < <	144.02	
NET PAY:					414.98	**			
50083	101 12/08/17	DANIELL J. SMITH 600-35-9425		Regular Py		720.00	FICA W/H	44.64	
							Medi W/H	10.44	
				Total H/P	36.00	0.00	720.00	Fed W/H	92.40
							State W/H	44.00	
				TOTAL EARNINGS:		720.00			
				TOTAL DEDUCTIONS:		191.48	< < <	191.48	
NET PAY:					528.52	**			
50084	103 12/08/17	TAYLOR M. SMITH 249-99-9760		Regular Py		468.00	FICA W/H	29.02	
							Medi W/H	6.79	
				Total H/P	36.00	0.00	468.00	Fed W/H	54.60
							State W/H	26.00	
				TOTAL EARNINGS:		468.00			
				TOTAL DEDUCTIONS:		116.41	< < <	116.41	
NET PAY:					351.59	**			
50085	101 12/15/17	DANIELL J. SMITH 600-35-9425		Regular Py		800.00	FICA W/H	49.60	
							Medi W/H	11.60	
				Total H/P	40.00	0.00	800.00	Fed W/H	107.00
							State W/H	50.00	
				TOTAL EARNINGS:		800.00			
				TOTAL DEDUCTIONS:		218.20	< < <	218.20	
NET PAY:					581.80	**			
50086	103 12/15/17	TAYLOR M. SMITH 249-99-9760		Regular Py		520.00	FICA W/H	32.24	
							Medi W/H	7.54	
				Total H/P	40.00	0.00	520.00	Fed W/H	62.40
							State W/H	30.00	
				TOTAL EARNINGS:		520.00			
				TOTAL DEDUCTIONS:		132.18	< < <	132.18	
NET PAY:					387.82	**			

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Ref. #	Empl L.D. Date	Employee Name Dept #	Soc-Sec-No.	EARNINGS			DEDUCTIONS	
				Description		Amount	Description	Amount
50087	101 12/22/17	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
						Medi W/H	11.60	
			Total H/P	40.00	0.00	800.00	Fed W/H	107.00
						State W/H	50.00	
			TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20
			NET PAY:			581.80	**	
50088	103 12/22/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
50089	101 12/29/17	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
						Medi W/H	11.60	
			Total H/P	40.00	0.00	800.00	Fed W/H	107.00
						State W/H	50.00	
			TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			218.20	<<<	218.20
			NET PAY:			581.80	**	
50090	103 12/29/17	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	62.40
						State W/H	30.00	
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			132.18	<<<	132.18
			NET PAY:			387.82	**	
**** TOTAL FOR MONTH 12 ****			Regular Py			6,468.00	FICA W/H	407.16
			OVERTIME			99.00	Medi W/H	95.23
							Fed W/H	845.45
			Total H/P	396.00	0.00	6,567.00	State W/H	397.00
			TOTAL EARNINGS:			6,567.00		
			TOTAL DEDUCTIONS:			1,744.84	<<<	1,744.84
			NET PAY:			4,822.16	**	
**** GRAND TOTALS ****			Regular Py			46,926.00	FICA W/H	3,011.72
			OVERTIME			1,650.00	Medi W/H	704.37
							Fed W/H	6,126.76
			Total H/P	3,166.00	0.00	48,576.00	State W/H	2,883.00
							CHILD SUPP	685.41
			TOTAL EARNINGS:			48,576.00		
			TOTAL DEDUCTIONS:			13,411.26	<<<	13,411.26
			NET PAY:			35,164.74	**	

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				E A R N I N G S			T A X E S		
				MTD	QTD	YTD	MTD	QTD	YTD
Federal Payroll Tax Requirements									
Empl FICA	R:	6.20%		6,567.00	18,210.00	48,576.00	407.16	1,129.03	3,011.72
Empl Medi	R:	1.45%		6,567.00	18,210.00	48,576.00	95.23	264.06	704.37
Emplr FICA	R:	6.20%		6,567.00	18,210.00	48,576.00	407.16	1,129.03	3,011.72
Emplr Medi	R:	1.45%		6,567.00	18,210.00	48,576.00	95.23	264.06	704.37
Federal Withholding				6,567.00	18,210.00	48,576.00	845.45	2,349.90	6,126.76
Total Federal Payroll Tax Requirements							1,850.23	5,136.08	13,558.94
Tax Requirements									
FUTA	R:	0.60%		0.00	864.00	20,552.00	0.00	5.18	123.31
SUTA - SC	R:	0.00%		95.00	5,158.00	34,552.00	0.00	0.00	0.00
State W/H - SC				6,567.00	18,210.00	48,576.00	397.00	1,100.00	2,883.00

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			<u>E A R N I N G S</u>			<u>T A X E S</u>		
			<u>MTD</u>	<u>QTD</u>	<u>YTD</u>	<u>MTD</u>	<u>QTD</u>	<u>YTD</u>
Federal Payroll Tax Requirements								
Empl FICA	R:	6.20%	6,616.50	15,872.50	15,872.50	410.23	984.10	984.10
Empl Medi	R:	1.45%	6,616.50	15,872.50	15,872.50	95.94	230.16	230.16
Emplr FICA	R:	6.20%	6,616.50	15,872.50	15,872.50	410.23	984.10	984.10
Emplr Medi	R:	1.45%	6,616.50	15,872.50	15,872.50	95.94	230.16	230.16
Federal Withholding			6,616.50	15,872.50	15,872.50	685.44	1,693.58	1,693.58
Total Federal Payroll Tax Requirements						1,697.78	4,122.10	4,122.10

Tax Requirements

FUTA	R:	0.60%	3,756.50	13,012.50	13,012.50	22.54	78.08	78.08
SUTA - SC	R:	0.00%	6,616.50	15,872.50	15,872.50	0.00	0.00	0.00
State W/H - SC			6,616.50	15,872.50	15,872.50	395.00	948.00	948.00

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Ref. #	Empl I.D. Date	Employee Name Dept #	Sac-Sec-No.	Description	EARNINGS			DEDUCTIONS	
							Amount	Description	Amount
50513	101 3/02/18	DANIELL J. SMITH 600-35-9425		Regular Py			800.00	FICA W/H	49.60
								Medi W/H	11.60
				Total H/P	40.00	0.00	800.00	Fed W/H	83.80
								State W/H	49.00
				TOTAL EARNINGS:			800.00		
				TOTAL DEDUCTIONS:			194.00	<<<	194.00
				NET PAY:			606.00	**	
50514	103 3/02/18	TAYLOR M. SMITH 249-99-9760		Regular Py			520.00	FICA W/H	32.24
								Medi W/H	7.54
				Total H/P	40.00	0.00	520.00	Fed W/H	50.20
								State W/H	30.00
				TOTAL EARNINGS:			520.00		
				TOTAL DEDUCTIONS:			119.98	<<<	119.98
				NET PAY:			400.02	**	
**** TOTAL FOR CHECKS 3/02/18 ****				Regular Py			1,320.00	FICA W/H	81.84
								Medi W/H	19.14
				Total H/P	80.00	0.00	1,320.00	Fed W/H	134.00
								State W/H	79.00
				TOTAL EARNINGS:			1,320.00		
				TOTAL DEDUCTIONS:			313.98	<<<	313.98
				NET PAY:			1,006.02	**	
50515	101 3/09/18	DANIELL J. SMITH 600-35-9425		Regular Py			800.00	FICA W/H	49.60
								Medi W/H	11.60
				Total H/P	40.00	0.00	800.00	Fed W/H	83.80
								State W/H	49.00
				TOTAL EARNINGS:			800.00		
				TOTAL DEDUCTIONS:			194.00	<<<	194.00
				NET PAY:			606.00	**	
50516	103 3/09/18	TAYLOR M. SMITH 249-99-9760		Regular Py			520.00	FICA W/H	32.24
								Medi W/H	7.54
				Total H/P	40.00	0.00	520.00	Fed W/H	50.20
								State W/H	30.00
				TOTAL EARNINGS:			520.00		
				TOTAL DEDUCTIONS:			119.98	<<<	119.98
				NET PAY:			400.02	**	
**** TOTAL FOR CHECKS 3/09/18 ****				Regular Py			1,320.00	FICA W/H	81.84
								Medi W/H	19.14
				Total H/P	80.00	0.00	1,320.00	Fed W/H	134.00
								State W/H	79.00
				TOTAL EARNINGS:			1,320.00		
				TOTAL DEDUCTIONS:			313.98	<<<	313.98
				NET PAY:			1,006.02	**	

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Ref. #	Empl I.D. Date	Employee Name Dent #	Soc-Sec-No.	EARNINGS			DEDUCTIONS	
				Description		Amount	Description	Amount
50517	101 3/16/18	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
						Medi W/H	11.60	
			Total H/P	40.00	0.00	800.00	Fed W/H	83.80
						State W/H	49.00	
			TOTAL EARNINGS:		800.00			
TOTAL DEDUCTIONS:					194.00	<<<	194.00	
NET PAY:					606.00	**		
50518	103 3/16/18	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
						Medi W/H	7.54	
			Total H/P	40.00	0.00	520.00	Fed W/H	50.20
						State W/H	30.00	
			TOTAL EARNINGS:		520.00			
TOTAL DEDUCTIONS:					119.98	<<<	119.98	
NET PAY:					400.02	**		
**** TOTAL FOR CHECKS 3/16/18 ****			Regular Py			1,320.00	FICA W/H	81.84
						Medi W/H	19.14	
			Total H/P	80.00	0.00	1,320.00	Fed W/H	134.00
						State W/H	79.00	
			TOTAL EARNINGS:			1,320.00		
			TOTAL DEDUCTIONS:			313.98	<<<	313.98
			NET PAY:			1,006.02	**	
50519	101 3/23/18	DANIELL J. SMITH 600-35-9425	Regular Py			660.00	FICA W/H	40.92
						Medi W/H	9.57	
			Total H/P	33.00	0.00	660.00	Fed W/H	67.00
						State W/H	39.00	
			TOTAL EARNINGS:		660.00			
TOTAL DEDUCTIONS:					156.49	<<<	156.49	
NET PAY:					503.51	**		
50520	103 3/23/18	TAYLOR M. SMITH 249-99-9760	Regular Py			429.00	FICA W/H	26.60
						Medi W/H	6.22	
			Total H/P	33.00	0.00	429.00	Fed W/H	39.28
						State W/H	23.00	
			TOTAL EARNINGS:		429.00			
TOTAL DEDUCTIONS:					95.10	<<<	95.10	
NET PAY:					333.90	**		
**** TOTAL FOR CHECKS 3/23/18 ****			Regular Py			1,089.00	FICA W/H	67.52
						Medi W/H	15.79	
			Total H/P	66.00	0.00	1,089.00	Fed W/H	106.28
						State W/H	62.00	
			TOTAL EARNINGS:			1,089.00		
			TOTAL DEDUCTIONS:			251.59	<<<	251.59
			NET PAY:			837.41	**	

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Ref. #	Empl I.D. Date	Employee Name Dent #	Sac-Sec-No.	EARNINGS			DEDUCTIONS	
				Description	Amount	Description	Amount	
50521	101 3/30/18	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	58.90
			OVERTIME			150.00	Medi W/H	13.78
							Fed W/H	115.26
			Total H/P	45.00	0.00	950.00	State W/H	60.00
			TOTAL EARNINGS:			950.00		
			TOTAL DEDUCTIONS:			247.94	<<<	247.94
			NET PAY:			702.06	**	
50522	103 3/30/18	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	38.29
			OVERTIME			97.50	Medi W/H	8.95
							Fed W/H	61.90
			Total H/P	45.00	0.00	617.50	State W/H	36.00
			TOTAL EARNINGS:			617.50		
			TOTAL DEDUCTIONS:			145.14	<<<	145.14
			NET PAY:			472.36	**	
**** TOTAL FOR CHECKS 3/30/18 ****			Regular Py			1,320.00	FICA W/H	97.19
			OVERTIME			247.50	Medi W/H	22.73
							Fed W/H	177.16
			Total H/P	90.00	0.00	1,567.50	State W/H	96.00
			TOTAL EARNINGS:			1,567.50		
			TOTAL DEDUCTIONS:			393.08	<<<	393.08
			NET PAY:			1,174.42	**	
**** GRAND TOTALS ****			Regular Py			6,369.00	FICA W/H	410.23
			OVERTIME			247.50	Medi W/H	95.94
							Fed W/H	685.44
			Total H/P	396.00	0.00	6,616.50	State W/H	395.00
			TOTAL EARNINGS:			6,616.50		
			TOTAL DEDUCTIONS:			1,586.61	<<<	1,586.61
			NET PAY:			5,029.89	**	

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Payroll Journal Entry
Period Ending: 3/31/18

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<u>Date</u>	<u>Mt</u>	<u>Reference</u>	<u>Account</u>	<u>Description</u>	<u>Item Amount</u>	<u>Ref. Amount</u>
3/31/18	3	PR	104	Net Pay	-5,029.89	
3/31/18	3	PR	333.03	FICA Withholding	-820.46	
3/31/18	3	PR	333.01	Medicare Withholding	-877.32	
3/31/18	3	PR	333.02	State Withholding	-395.00	
3/31/18	3	PR	333	FUTA Liability	-22.54	
3/31/18	3	PR	865	Regular Py	6,616.50	
3/31/18	3	PR	869	FICA/HI Expense	528.71	
7 Transactions For The Period					Journal Balance	<u>0.00</u>

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Employ I.D. Dept #	Employ Name Soc-Sec-No	Description	E A R N I N G S			Description	D E D U C T I O N S		
			MTD	OTD	YTD		MTD	OTD	YTD
101	DANIELL J. SMITH 600-35-9425	Regular Py OVERTIME	3,860.00 150.00	9,620.00 240.00	9,620.00 240.00	FICA W/H Medi W/H Fed W/H State W/H	248.62 58.15 433.66 246.00	611.32 142.98 1,101.72 606.00	611.32 142.98 1,101.72 606.00
	TOTAL EARNINGS:		4,010.00	9,860.00	9,860.00				
	TOTAL DEDUCTIONS:		986.43	2,462.02	2,462.02	<<<	986.43	2,462.02	2,462.02
	NET PAY:		3,023.57	7,397.98	7,397.98				
103	TAYLOR M. SMITH 249-99-9760	Regular Py OVERTIME	2,509.00 97.50	5,915.00 97.50	5,915.00 97.50	FICA W/H Medi W/H Fed W/H State W/H	161.61 37.79 251.78 149.00	372.78 87.18 591.86 342.00	372.78 87.18 591.86 342.00
	TOTAL EARNINGS:		2,606.50	6,012.50	6,012.50				
	TOTAL DEDUCTIONS:		600.18	1,393.82	1,393.82	<<<	600.18	1,393.82	1,393.82
	NET PAY:		2,006.32	4,618.68	4,618.68				
**** GRAND TOTALS ****									
	Regular Py OVERTIME		6,369.00 247.50	15,535.00 337.50	15,535.00 337.50	FICA W/H Medi W/H Fed W/H State W/H	410.23 95.94 685.44 395.00	984.10 230.16 1,693.58 948.00	984.10 230.16 1,693.58 948.00
	TOTAL EARNINGS:		6,616.50	15,872.50	15,872.50				
	TOTAL DEDUCTIONS:		1,586.61	3,855.84	3,855.84	<<<	1,586.61	3,855.84	3,855.84
	NET PAY:		5,029.89	12,016.66	12,016.66				

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				E A R N I N G S			T A X E S		
				MTD	QTD	YTD	MTD	QTD	YTD
Federal Payroll Tax Requirements									
Empl FICA	R:	6.20%		6,616.50	15,872.50	15,872.50	410.23	984.10	984.10
Empl Medi	R:	1.45%		6,616.50	15,872.50	15,872.50	95.94	230.16	230.16
Emplr FICA	R:	6.20%		6,616.50	15,872.50	15,872.50	410.23	984.10	984.10
Emplr Medi	R:	1.45%		6,616.50	15,872.50	15,872.50	95.94	230.16	230.16
Federal Withholding				6,616.50	15,872.50	15,872.50	685.44	1,693.58	1,693.58
Total Federal Payroll Tax Requirements							1,697.78	4,122.10	4,122.10
Tax Requirements									
FUTA	R:	0.60%		3,756.50	13,012.50	13,012.50	22.54	78.08	78.08
SUTA - SC	R:	0.00%		6,616.50	15,872.50	15,872.50	0.00	0.00	0.00
State W/H - SC				6,616.50	15,872.50	15,872.50	395.00	948.00	948.00



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EARNINGS				TAXES		
	MTD	OTD	YTD	MTD	OTD	YTD
Federal Payroll Tax Requirements						
Empl FICA R: 6.20%	5,032.00	9,256.00	9,256.00	311.98	573.87	573.87
Empl Medi R: 1.45%	5,032.00	9,256.00	9,256.00	72.97	134.22	134.22
Emplr FICA R: 6.20%	5,032.00	9,256.00	9,256.00	311.98	573.87	573.87
Emplr Medi R: 1.45%	5,032.00	9,256.00	9,256.00	72.97	134.22	134.22
Federal Withholding	5,032.00	9,256.00	9,256.00	515.14	1,008.14	1,008.14
Total Federal Payroll Tax Requirements				1,285.04	2,424.32	2,424.32
Tax Requirements						
FUTA R: 0.60%	5,032.00	9,256.00	9,256.00	30.19	55.54	55.54
SUTA - SC R: 0.00%	5,032.00	9,256.00	9,256.00	0.00	0.00	0.00
State W/H - SC	5,032.00	9,256.00	9,256.00	298.00	553.00	553.00



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Payroll Journal
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Ref. #	Empl ID. Date	Employee Name Dept #	Soc-Sec-No.	EARNINGS			DEDUCTIONS	
				Description		Amount	Description	Amount
50505	101 2/02/18	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	55.18
			OVERTIME			90.00	Medi W/H	12.91
							Fed W/H	102.06
			Total H/P	43.00	0.00	890.00	State W/H	55.00
			TOTAL EARNINGS:			890.00		
			TOTAL DEDUCTIONS:			225.15	<<<	225.15
NET PAY:					664.85**			
50506	103 2/02/18	TAYLOR M. SMITH 249-99-9760	Regular Py			182.00	FICA W/H	11.28
							Medi W/H	2.64
			Total H/P	14.00	0.00	182.00	Fed W/H	11.08
							State W/H	6.00
			TOTAL EARNINGS:			182.00		
			TOTAL DEDUCTIONS:			31.00	<<<	31.00
NET PAY:					151.00**			
**** TOTAL FOR CHECKS 2/02/18 ****			Regular Py			982.00	FICA W/H	66.46
			OVERTIME			90.00	Medi W/H	15.55
			Total H/P	57.00	0.00	1,072.00	Fed W/H	113.14
							State W/H	61.00
			TOTAL EARNINGS:			1,072.00		
			TOTAL DEDUCTIONS:			256.15	<<<	256.15
NET PAY:					815.85**			
50507	101 2/08/18	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60
							Medi W/H	11.60
			Total H/P	40.00	0.00	800.00	Fed W/H	83.80
							State W/H	49.00
			TOTAL EARNINGS:			800.00		
			TOTAL DEDUCTIONS:			194.00	<<<	194.00
NET PAY:					606.00**			
50508	103 2/08/18	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24
							Medi W/H	7.54
			Total H/P	40.00	0.00	520.00	Fed W/H	50.20
							State W/H	30.00
			TOTAL EARNINGS:			520.00		
			TOTAL DEDUCTIONS:			119.98	<<<	119.98
NET PAY:					400.02**			
**** TOTAL FOR CHECKS 2/08/18 ****			Regular Py			1,320.00	FICA W/H	81.84
							Medi W/H	19.14
			Total H/P	80.00	0.00	1,320.00	Fed W/H	134.00
							State W/H	79.00
			TOTAL EARNINGS:			1,320.00		
			TOTAL DEDUCTIONS:			313.98	<<<	313.98
NET PAY:					1,006.02**			

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Ref. #	Empl I.D. Date	Employee Name Dept #	Soc-Sec-No.	Description	EARNINGS		DEDUCTIONS		
						Amount	Description	Amount	
50509	101 2/16/18	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60	
							Medi W/H	11.60	
				Total H/P	40.00	0.00	800.00	Fed W/H	83.80
								State W/H	49.00
				TOTAL EARNINGS:		800.00			
TOTAL DEDUCTIONS:		194.00	<<<	194.00					
NET PAY:					606.00	**			
50510	103 2/16/18	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24	
							Medi W/H	7.54	
				Total H/P	40.00	0.00	520.00	Fed W/H	50.20
								State W/H	30.00
				TOTAL EARNINGS:		520.00			
TOTAL DEDUCTIONS:		119.98	<<<	119.98					
NET PAY:					400.02	**			
**** TOTAL FOR CHECKS 2/16/18 ****				Regular Py		1,320.00	FICA W/H	81.84	
							Medi W/H	19.14	
				Total H/P	80.00	0.00	1,320.00	Fed W/H	134.00
								State W/H	79.00
				TOTAL EARNINGS:		1,320.00			
				TOTAL DEDUCTIONS:		313.98	<<<	313.98	
				NET PAY:		1,006.02	**		
50511	101 2/23/18	DANIELL J. SMITH 600-35-9425	Regular Py			800.00	FICA W/H	49.60	
							Medi W/H	11.60	
				Total H/P	40.00	0.00	800.00	Fed W/H	83.80
								State W/H	49.00
				TOTAL EARNINGS:		800.00			
TOTAL DEDUCTIONS:		194.00	<<<	194.00					
NET PAY:					606.00	**			
50512	103 2/23/18	TAYLOR M. SMITH 249-99-9760	Regular Py			520.00	FICA W/H	32.24	
							Medi W/H	7.54	
				Total H/P	40.00	0.00	520.00	Fed W/H	50.20
								State W/H	30.00
				TOTAL EARNINGS:		520.00			
TOTAL DEDUCTIONS:		119.98	<<<	119.98					
NET PAY:					400.02	**			
**** TOTAL FOR CHECKS 2/23/18 ****				Regular Py		1,320.00	FICA W/H	81.84	
							Medi W/H	19.14	
				Total H/P	80.00	0.00	1,320.00	Fed W/H	134.00
								State W/H	79.00
				TOTAL EARNINGS:		1,320.00			
				TOTAL DEDUCTIONS:		313.98	<<<	313.98	
				NET PAY:		1,006.02	**		
**** GRAND TOTALS ****				Regular Py		4,942.00	FICA W/H	311.98	
				OVERTIME		90.00	Medi W/H	72.97	
				Total H/P	297.00	0.00	5,032.00	Fed W/H	515.14
								State W/H	298.00



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Ref. #	Empl I.D. Date	Employee Name Dept #	Soc-Sec-No.	EARNINGS		DEDUCTIONS	
				Description	Amount	Description	Amount
				TOTAL EARNINGS:	5,032.00		
				TOTAL DEDUCTIONS:	1,198.09	<<<	1,198.09
				NET PAY:	3,833.91	**	

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SOUTHEASTERN SERVICES HHI, LLC
Payroll Journal Entry
Period Ending: 2/28/18

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<u>Date</u>	<u>Mt</u>	<u>Reference</u>	<u>Account</u>	<u>Description</u>	<u>Item Amount</u>	<u>Ref. Amount</u>
2/28/18	2	PR	104	Net Pay	-3,833.91	
2/28/18	2	PR	333.03	FICA Withholding	-623.96	
2/28/18	2	PR	333.01	Medicare Withholding	-661.08	
2/28/18	2	PR	333.02	State Withholding	-298.00	
2/28/18	2	PR	333	FUTA Liability	-30.19	
2/28/18	2	PR	865	Regular Py	5,032.00	
2/28/18	2	PR	869	FICA/Hi Expense	415.14	

7 Transactions For The Period

Journal Balance 0.00



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SOUTHEASTERN SERVICES HHI, LLC
Payroll Earnings Report
As of February 28, 2018

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Employ I.D. Dept #	Employ Name Soc-Sec-No	Description	E A R N I N G S			Description	D E D U C T I O N S		
			MTD	OTD	YTD		MTD	OTD	YTD
101	DANIELL J. SMITH 600-35-9425	Regular Py OVERTIME	3,200.00 90.00	5,760.00 90.00	5,760.00 90.00	FICA W/H Medi W/H Fed W/H State W/H	203.98 47.71 353.46 202.00	362.70 84.83 668.06 360.00	362.70 84.83 668.06 360.00
	TOTAL EARNINGS:		3,290.00	5,850.00	5,850.00				
	TOTAL DEDUCTIONS:		807.15	1,475.59	1,475.59	<<<	807.15	1,475.59	1,475.59
	NET PAY:		2,482.85	4,374.41	4,374.41				
103	TAYLOR M. SMITH 249-99-9760	Regular Py	1,742.00	3,406.00	3,406.00	FICA W/H Medi W/H Fed W/H State W/H	108.00 25.26 161.68 96.00	211.17 49.39 340.08 193.00	211.17 49.39 340.08 193.00
	TOTAL EARNINGS:		1,742.00	3,406.00	3,406.00				
	TOTAL DEDUCTIONS:		390.94	793.64	793.64	<<<	390.94	793.64	793.64
	NET PAY:		1,351.06	2,612.36	2,612.36				
**** GRAND TOTALS ****									
		Regular Py OVERTIME	4,942.00 90.00	9,166.00 90.00	9,166.00 90.00	FICA W/H Medi W/H Fed W/H State W/H	311.98 72.97 515.14 298.00	573.87 134.22 1,008.14 553.00	573.87 134.22 1,008.14 553.00
	TOTAL EARNINGS:		5,032.00	9,256.00	9,256.00				
	TOTAL DEDUCTIONS:		1,198.09	2,269.23	2,269.23	<<<	1,198.09	2,269.23	2,269.23
	NET PAY:		3,833.91	6,986.77	6,986.77				

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SOUTHEASTERN SERVICES HHI, LLC
Payroll Earnings Report
As of February 28, 2018

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E A R N I N G S					T A X E S				
MTD					QTD	YTD	MTD	QTD	YTD
Federal Payroll Tax Requirements									
Empl FICA	R:	6.20%	5,032.00	9,256.00	9,256.00	311.98	573.87	573.87	
Empl Medi	R:	1.45%	5,032.00	9,256.00	9,256.00	72.97	134.22	134.22	
Emplr FICA	R:	6.20%	5,032.00	9,256.00	9,256.00	311.98	573.87	573.87	
Emplr Medi	R:	1.45%	5,032.00	9,256.00	9,256.00	72.97	134.22	134.22	
Federal Withholding			5,032.00	9,256.00	9,256.00	515.14	1,008.14	1,008.14	
Total Federal Payroll Tax Requirements						1,285.04	2,424.32	2,424.32	
Tax Requirements									
FUTA	R:	0.60%	5,032.00	9,256.00	9,256.00	30.19	55.54	55.54	
SUTA - SC	R:	0.00%	5,032.00	9,256.00	9,256.00	0.00	0.00	0.00	
State W/H - SC			5,032.00	9,256.00	9,256.00	298.00	553.00	553.00	