

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1307922

Pamela Cartee,)
)
 Claimant,)
 vs.)
)
 SC Judicial Department,)
)
 Employer,)
)
 State Accident Fund,)
)
 Carrier,)
 Defendants)

Order **RECEIVED**
FEB 08 2023
SC Court of Appeals


A hearing was held in this matter before the undersigned on 02/12/18 to resolve a dispute with a portion of the Attorneys Fees in this case.

Findings of Fact and Rulings of Law

1. The question at bar is whether Claimant's Counsel is entitled to additional requested attorney's fees.
2. Determination of this question rests in the plain reading of Regulation 67-1205(c)(2) which reads in part, "If the attorney secures the payment of permanent disability later, the attorney may charge, according to these regulations, up to but not more than 33.3% of the settlement or award."
3. I cannot find any persuasive authority for an award beyond that amount. I awarded the Claimant permanent and total disability on 04/13/17. While that award was on appeal, the case was not final and, as such, it would be premature to determine an award. Additionally, while on appeal, that Order could have been awarded to a greater award or a lesser award. The Full Commission could have vacated my Order and remanded the case for a hearing de novo. The determination of the award with finality could not be reached until my Order became the law of the case.
4. Once my order was the law of the case, The Defendants then paid the Claimant the commuted value of the award - \$179,077.14. The Form 19 reflects this payment. Based on the payment, Claimant's counsel is entitled to an attorney's fee of 33.3% of that amount which is \$59,632.69. I have previously ordered payment of that amount. I cannot find and counsel has not submitted any authority which supplants Regulation 67-1205(c)(2). As such, the payment of any additional attorney's fees must be consistent with 67-1205(c)(2).



Therefore, the petition for additional attorney's fees is denied.



Commissioner Gene McCaskill

Columbia, SC

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.
March 6, 2018

By: Kellie Lindler, Administrative Assistant to Commissioner McCaskill