

Motion for Re-Hearing

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MAR 08 2023

SC Court of Appeals

The State of South Carolina
In the Court of Appeals

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

Commissioners)

Case No. 2021-000696

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

v.

Dana L. Dixon, Appellant
Employee

Motion for Re-Hearing

M. Stephen Stalsley
1122 Lady St. Suite 1000
Columbia, S.C. 29211
(803) 748-2259

Dana L. Dixon,
698 Stabler Farm Rd.
St. Matthews, S.C. 29135
(470) 422-0591

March 06, 2023

Appellant's Motion for Re-Hearing On Appeal is based on
The following:

My name is Dana L. Dixon. I am the Appellant
for Case No. 2021-000646. I am writing this
Motion to request a re-hearing based on the
following:

1. S.C. Code Ann. 42-15-60(A) was never applied
to this claim. (R.p. 220-230) R.p. 230.L., R.p. 123.L.

2. I was injured on 12/22/2016, I received no
forms from supervisor for the night of 12/22/2016 or
the morning of 12/23/2016. As I did for case No.
2021-000121 (R.p. 94-97) that I completed and
supervisor signed. And I was treated (01/31/2017) the
same morning and Respondents paid for my prescriptions

3. The Respondents have stated that I had
authorization to receive authorized medical treatment
from Palmetto Health Richland on 12/23/2016. I was
admitted in the E.R. where I was evaluated. There (R.p. 130)
were no types of test given (X-rays, CAT scans, MRIs) I
received a shot of Torodal 30mg (R.p. 132) given 2
prescriptions, was told to contact my doctor immediately and
given a physician's Discharge Summary, that also instructed
me to contact my doctor immediately (R.p. 134) and a medical
excuse that had me out of work for 1 day. 12/24/2016.

4. The Respondents received a letter from S.C.
Workers Compensation Commission, the letter is dated
09/14/2017, informing Respondents that they had not
1. filed a First Report of Injury for W.C.C. file no.

1623303. (R.p. 151). Respondents filed their first Report of Injury on 09/25/2017. 9 months later. for this claim. (R.p. 153)

5. Respondents Form(s) 516) states the following:
"The reason(s) for denial are: Claimant was released from care on 12/23/2016. And No additional medical treatment has been authorized since that date." R.p. 123, R.p. 220-230.

6. Respondents Form 58(s) - Pre-Hearing Brief. Respondents states the following: Claimant was released from care on 12/23/2016. Claimant has not received authorized medical treatment since that date." R.p. 125, R.p. 220-230

* There is no transcript, or briefs or any forms that can show where I stated I need additional medical treatment for my back. I am sure if there was Respondents would have submitted it as their APA.*

7. On 03/05/2017, I was in a MVA. I received damage to rear passenger tail light and damage over passenger tire hubs only. My Exhibits (R.p. 234) 234) shows panel off ^{being} repaired. 03/07/2017, I went to Providence E.R. due to neck pain. Respondents APAs) of medical record shows (R.p. 238-242) neck pain and states reason for E.R. visit I was told to take Tylenol.
occured 73 days AFTER my work injury

8. I Was injured On the Job on 12/22/2016.

I was denied medical treatment, due to me being released from Palmetto Health Richland where Respondents have claimed I had authorization to go for medical treatment, On 12/23/2016.

There is NOT one document from Respondents dated "2016" NOT even the First Report of Injury. (R.p. 152)

(R.p. 95-97) There is NOT a S.C.D.M.H. Worker's Compensation Packet that was Completed On 12/22/2016, date of actual injury. There was not a paper trail of me for 12/22/2016 but Respondents Continue to say I had authorization On 12/23/2016, to receive medical treatment. And NOT one authorization number for 2016, But several for 2017, Work injury. R.p. 249-254) *The 2016 claim was handled in 2019.*

9. Respondents mailed me a letter dated 01/18/2019, to inform me they had receive from my employer my work injury report (R.p. 149) that I wrote on 01/13/2019, for work injury of 12/22/2016, and informing me I was eligible for compensation and they would not pay for unauthorized medical treatment. And I still did not receive medical treatment. I had to work (C.N.A) in constant pain. I had to pay for my prescriptions myself. Never been reimbursed (R.p. 135-136)

10. Due to there NOT being a paper trail of any documents the night of 12/22/2016, the information Respondents First Report of Injury has is incorrect, due to me having to report to supervisor's office while I was home medicated while out on sick leave due to my back I had to write my statement (01/13/2019, 22 days 3. After my work injury (R.p. 152), R.p. 148) The time

On Witness Statement is wrong. I was at the Emergency room at 2:53 am (R.p. 147) And on 02/22/2019 (R.p. 134) at my Subpoenaed Deposition, Respondents asked questions that pertained to my 12/22/2016 work injury. (R.p. 45, L. 14-25; R.p. 66, L. 1-25, R.p. 67, L. 3-22.)

11. So if I was denied the further recommended medical treatment. On 12/23/2016, And Respondents own admission (Form 51) stated "Claimant was released from care on 12/23/2016 And no additional medical treatment has been authorized since that date. Respondents (Form 52) have also stated "Claimant was released from care (E.R.) on 12/23/2016.

Claimant has not received authorized medical treatment since that date. I do not see where I had received any treatment if the E.R. doctor instructed me to contact my doctor for treatment AND Respondents denied me the SAME DAY I WENT TO THE EMERGENCY ROOM. SO by me NOT having authorization to be treated SINCE 12/23/2016, There would be no reason to request ADDITIONAL Treatment, (Was Always a plea to be sent to a doctor since 12/22/2016).

12. Respondents Change the date of the letter (R.p. 158) written by Dr. Saander of C.W. Williams Health Center, ^{is} from 07/17/2019 to 07/17/2017. To make it appear as though Dr. Saanders was to give expert Medical Opinion of an injury I suffered years before.

* I stated on record at my subpoenaed Deposition on (R.p. 390) 02/22/2019, that I was being treated at C.W. Williams. But there is no medical record listed on Respondents APA(s) and exhibit list* (R.p. 396) (R.p. 54. L. 22-25, R.p. 55. L. 1-25, R.p. 56. L. 1-8)

13. I began my employment on 12/02/2014. Before I actually started working I had to take a physical, which I passed. And 20 days later I am told to report to another unit because I was working (overtime) on my day off to sit one on one with a male (R.p. 147) resident at C.M. Tucker Center. (I was not told he was a fighter or the fact he had taken a life until after my injury) first time on that unit.

R.p. 173 (Employment verification letter) R.p. 152 "states I W. states "first time on unit."

* I fell after being sucker punched and hit my spine on the metal heater in patient room, on 12/22/2016. Due to supervisor never arriving on unit I left and went to E.R. I arrived @ 2:53 am, half of a mile away, is Palmetto Health Richland from C.M. Tucker Center.*

14. Since I was denied authorization for further recommended medical treatment from Emergency Room physician (R.p.) instructing me to contact my doctor immediately, where Respondents stated I had authorization to be treated on 12/23/2016. Once I was released from E.R. I was not authorized for any medical treatment. (R.p. 226-230) So how would I provide expert medical evidence to show a reasonable degree of medical certainty as required to justify treatment beyond 10 weeks from date of injury if I was DENIED?

Proof Of Service Of Motion for Re-Hearing

The State Of South Carolina
In the Court Of Appeals

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Appeal from Richland County

MAR 08 2023

S.C. Worker's Compensation Commission SC Court of Appeals

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

Case No. 2021-000696

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

V

Dana L. Dixon, Appellant
Employee

Proof Of Service

I Certify that I have served the Motion for Re-Hearing,
On M. Stephen Stabler, by depositing a copy of it
in the United States Mail, postage paid on March 06, 2023.

Addressed to Attorney Of Record M. Stephen Stabler,
1122 Lady Street, Suite 1000, Columbia, S.C. 29211. On
March 06, 2023

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St. Matthews, S.C. 29135
(470) 422-0591

Dixon
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Matthews S.C. 29135

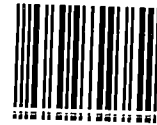
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Columbia, S.C. 29201



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