

State of South Carolina  
**Workers' Compensation Commission**

**APPELLATE PANEL DECISION AND ORDER**

**COMMISSION PANEL:** Commissioners Aisha Taylor; T. Scott Beck; R. Michael Campbell, II

SCWCC File No.: 1920301

Larry Talford,  
Claimant/Appellant

v.

BMW Manufacturing Corporation,  
Employer,

And

Property & Casualty Insurance Company of Hartford,  
Carrier,  
c/o

Sedgwick Claims Management Inc.  
Defendants/Respondents.

**RECEIVED**

APR 17 2023

SC Court of Appeals

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**AFFIRMED**

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Hearing held in Richland County, South Carolina,  
on January 23, 2023

Per notice timely and properly served upon all Parties of Interest.

Appearances: Larry Talford, Claimant/Appellant, appeared *Pro se* or  
Unrepresented Claimant.

Vernon F. Dunbar, Esquire of McAngus Goudelock & Courie,  
appeared on behalf of Defendants/Respondents.

Court Reporter: Amber Scarborough, Creel Court Reporting, Inc., 1230 Richland  
Street, Columbia, SC 29201, (803) 252-3445

Filed: March 15, 2023

## I. STATEMENT OF THE CASE

Larry Talford, Claimant/Appellant, [hereinafter “Talford” or “Appellant”], worked for BMW from June 24, 2019 until he suffered a compensable injury to his left shoulder on November 19, 2019. Talford was paid temporary total disability compensation benefits from February 19, 2020 to January 21, 2022.

An adjudicatory hearing before the Hearing Commissioner was requested by Appellant and Respondents by virtue of filing Forms 21, 50, 51 and 58. On October 20, 2021, the Honorable Susan S. Barden, Commissioner, held an adjudicatory hearing to address the issues raised in the Forms 21, 50, 51 and 58.

In an Order dated January 12, 2022, Commissioner Barden affirmed Respondents’ right to terminate payment of temporary total disability compensation benefits. Commissioner Barden granted Respondents credit for the overpayment of temporary total disability compensation benefits from the date of maximum medical improvement or August 13, 2021.

Commissioner Barden awarded Talford 30% disability to the left shoulder. From this decision, Talford filed a Form 30 appeal dated January 25, 2022.

Because Talford failed to timely file his Appellate brief, the appeal was administratively dismissed by notice dated June 3, 2022. Talford subsequently filed a Motion requesting reinstatement of the appeal. Talford’s Motion to Reinstate the Appeal was granted by Order dated July 18, 2022.

During the pendency of the Appeal, Respondents argued Appellant had not properly preserved grounds for appeal regarding the following assertions:

1. Whether Respondents should be required to pay temporary total disability compensation benefits and a statutory penalty for termination of indemnity benefits.

2. Whether the Hearing Commissioner erred in concluding Appellant unjustifiably refused medical treatment.

## II. SINGLE COMMISSIONER FINDINGS OF FACT AND CONCLUSIONS OF LAW

### FINDINGS OF FACT

1. *Claimant is a thirty-five year old male, who is right hand dominant.*
2. *Claimant is a high school graduate. Claimant subsequently attended college for approximately two years studying courses in business management. Claimant is also a certified forklift driver. (Claimant's 2020 deposition, page 7, ll., 12-22).*
3. *Claimant's employment history reflects he has worked in the manufacturing industry; moved furniture; worked in the construction industry, which involved pulling cables and shoveling dirt; and worked as a forklift and tugger driver. (Hearing Transcript pp. 19-21).*
4. *On November 19, 2019, Claimant was employed with BMW Manufacturing Corporation, the Employer, as a tugger driver. (APA #3, p. 10 and Claimant's 2020 depo. pp. 15-17).*
5. *Claimant injured his left shoulder on November 19, 2019, when another tugger struck the tugger he was operating. (Hearing Transcript p.30, ll-14). Aside from the admitted left shoulder accident, Claimant also alleges he injured his left arm, or in the alternative, his left arm is negatively impacted by the admitted left shoulder injury. Claimant is right hand dominant. (Hearing Transcript p. 47, ll. 24-25 and p. 48, l. 1).*
6. *On June 30, 2020, Dr. Stefan J. Tolan performed arthroscopic left shoulder surgery. Dr. Tolan performed the surgery to repair a torn rotator cuff, which included a biceps tenodesis. The aforesaid surgery also included the use of Arthrex implants. (Claimant's APA #3, pp. 30-33, 61, 72, 80, 84 and 87-88).*

7. Dr. Tolan's post-operative diagnosis was that Claimant had suffered from a type 4 SLAP tear, full thickness rotator cuff tear, subacromial impingement syndrome and acromioclavicular joint arthrosis. (Claimant's APA #3, p. 31).

8. After undergoing surgery, Dr. Tolan prescribed an extensive amount of physical therapy sessions in order to fully rehabilitate Claimant's shoulder.

9. The physical therapy reports reflect the physical therapy sessions were beneficial in improving Claimant's range of motion and strength and reducing pain.

10. Dr. Tolan opined Claimant reached maximum medical improvement on August 13, 2021. (Deposition of Dr. Tolan, pp. 4-5; and Defendant's APA #1, p. 4, dated August 13, 2021).

11. Dr. Tolan, the authorized treating physician, assigned Claimant a 25% medical impairment to the left shoulder. (Deposition of Dr. Tolan, pp. 5, 8, and 9-10; Defendant's APA, pp. 4 and 8). Claimant's surgery is generally described in the narrative treatment records as "shoulder surgery" or "shoulder arthroscopy". (Claimant's APA pp. 30, 33, 61, 72, 80, 84, and 87-88).

12. Despite Claimant's allegation the left shoulder injury also impacted the arm, there is no objective evidence to support such other than Claimant's self-serving statement. In fact, Dr. Tolan was presented with the opportunity to assign an impairment rating for Claimant's arm during his deposition testimony. Dr. Tolan's narrative medical report states that there is "no additional impairment to the left arm." Additionally, on the Form 14B, Dr. Tolan only lists the left shoulder as being injured as a result of the work-related accident. Dr. Tolan did not include Claimant's left arm as another body part that had been affected by the admitted left shoulder injury. (Deposition of Dr. Tolan, pp. 5 and 10-11; Defendant's APA p. 4).

13. Dr. Tolan testified there was an injury to Claimant's biceps tendon and that the insult of the biceps is included in his Class 2 rating under the 6<sup>th</sup> Ed. of the Guides, which enhanced and increased Claimant's medical impairment rating from Class 1 to Class 2. Dr. Tolan testified there is no damage to the bicep; and that the bicep tendonsis was part of the repair to the shoulder. Dr. Tolan testified Claimant's bicep was intact. (Deposition of Dr. Tolan, pp. 6 and 9-13, and Claimant's APA #3, p. 57). Claimant admitted he has no bicep pain. (Hearing Transcript p. 50, ll. 22-23).

14. Aside from Claimant's self-serving statements, no other physician provided any medical impairment rating to the left arm in this case. The only medical evidence is that of the narrative report and Form 14B completed by Dr. Tolan, and Dr. Tolan's deposition testimony. In addition to the 25% medical impairment rating, Dr. Tolan restricted Claimant to no overhead work; no lifting/pulling/pushing more than 40 pounds. (Deposition of Dr. Tolan, p. 8; Defendant's APA pp. 4 and 7-8).

15. Claimant admits he still works out at the gym. According to the post-surgery medical evidence, Claimant is documented as "performing strenuous activities such as working out at the gym" to the point where "he will have increased soreness in his shoulder." Claimant's working out at the gym on his own accord is mentioned separately from "work strengthening by physical therapy as ordered by the authorized treating physician." (Claimant's APA pp. 89-90). As an aside, Claimant also admitted during his second deposition taken on September 2, 2021, which was approximately one month prior to the hearing, that he works out at the gym. (Claimant's 2021 deposition, pp. 7-8).

16. Claimant's request for payment of temporary total disability compensation benefits from June 17, 2021 through June 27, 2021, is denied. First, the suspension of temporary

*total disability compensation benefits from June 17, 2021 through June 27, 2021, was predicated solely upon Claimant's unjustified refusal to accept medical care and treatment. Second, Dr. Tolan testified work conditioning or hardening is considered a medical component of medical treatment with respect to an individual's overall treatment regimen. (Deposition of Dr. Tolan, p. 9). Third, Dr. Tolan testified his physician's assistant is qualified and authorized to order and prescribe work conditioning and work hardening. (Deposition of Dr. Tolan, p. 13). Claimant refused reasonable and necessary medical treatment, designed to lessen his disability.*

17. *Claimant's deposition testimony as to why he did not complete work conditioning/work hardening is inconsistent with his statements to IHS and Dr. Tolan. (Claimant's depo 2021, pp. 15-16; and Claimant's APA pp. 95 and #101).*

18. *Claimant testified at various times he would experience an increase of pain in his left shoulder during work conditioning and work hardening. However, Claimant admitted he never felt the therapist made him exceed his restrictions or performed activities beyond his capabilities. Claimant confirmed he would have asked the therapist to cease the work conditioning exercises had he felt his restrictions were being exceeded or that he was incapable of performing various exercises. (Claimant's depo pp. 16-17 and Claimant's APA p. 90).*

19. *Claimant stated he refrained from engaging in work conditioning simply because he had not been cleared to return to work by his surgeon rather than the physician's assistant. Claimant's irrational refusal to engage in work conditioning is reflected verbatim in the evidence submitted. The evidence further reflects Claimant did not complete work conditioning for a specific time and left abruptly ceased participating in work conditioning because of a family emergency. (See attachment to Defendant's Form 21).*

20. *The medical evidence documents the fact Claimant had returned to the gym performing "strenuous activities" in May 2021. (Claimant's APA pp. 89-90).*

21. *Despite Claimant's testimony that IHS medical providers ceased his work conditioning or work hardening regimen, the undersigned Commissioner is unable to find any evidence that IHS instructed the termination or suspension of the work conditioning program; or that there was a justifiable refusal to engage in work hardening/work conditioning from June 17, 2021 through June 27, 2021.*

22. *Claimant has engaged in two post-accident activities which reflect his desire to work in a capacity other than as a production associate. First, after the accident, Claimant enrolled in an online computer coding class. Subsequently, Claimant started a home health care business, which employs ten contract workers. Claimant testified he completes paperwork necessary to maintain the business. Claimant further testified his fiancé assists with the home health care business. (Claimant's depo, pp. 29-30 and Claimant's 2021 depo, pp. 5 and 9-15).*

23. *Claimant takes no medications for his work-related condition. Claimant does not take any prescription or over the counter medications for pain or discomfort.*

24. *Based upon the foregoing testimony, Claimant's age, education, work history, Claimant has a 30% disability to the left shoulder pursuant to Section 42-9-30(14). Claimant's 30% disability award is based primarily on the restrictions with respect to no overhead work and the secondarily lifting restrictions. Dr. Tolan's 25% medical impairment rating in arriving at the 30% disability award was also taken into account and afforded appreciable weight.*

25. *Claimant failed to prove by preponderance of the evidence that he sustained an injury to his left arm or that the left arm has been impacted by the admitted shoulder injury. To this end, the situs of the injury as far as residual loss of use of permanency is of the left shoulder.*

*This finding is based upon Dr. Tolan's medical reports and deposition testimony. (Claimant's APA pp. 94-95; and Defendant's APA pp. 2 and 4).*

26. *Claimant did not display or complain of a tremor affecting the left arm or hand at the hearing. No physician has rated or assigned a medical impairment to the left arm. The only medical impairment rating is to the shoulder as assigned by Dr. Tolan.*

26. *Claimant's 30% disability to the left shoulder is inclusive of any effect upon any other alleged body parts, such as the arm and hand.*

27. *Claimant is entitled to receive lifetime hardware maintenance. However, if the hardware is bio-absorbable, Defendants shall be liable therefore until such time that it has been absorbed. Because no other future medicals are recommended by any physician, no other medical treatment is ordered. (Defendant's APA p. 8).*

28. *There is no dispute Claimant reached maximum medical improvement on August 13, 2021. As a result, Defendants are entitled to credit for the overpayment of temporary total disability compensation benefits paid subsequent to August 13, 2021.*

#### **CONCLUSIONS OF LAW**

1. *S.C. Code Ann. § 42-9-30(14) (2021) governs the payment of permanent partial disability to the left shoulder.*
2. *S.C. Code Ann. § 42-9-260 (2021) governs determination of temporary total disability compensation benefits once an injury worker attains maximum medical improvement and the payment of permanent partial disability compensation benefits.*
3. *S.C. Code Ann. §§ 42-15-60 & 80 (2021) governs medical treatment and Defendants' responsibility for such as set forth on the Form 14B. These sections also address the*

*employer's right to suspend benefits for unjustified refusal to accept medical care and treatment.*

4. *S.C. Code Ann. § 42-9-2010 (2021) [sic] governs credit for the overpayment of temporary total disability compensation benefits.*

**ORDER**

***IT IS HEREBY ORDERED*** Defendants shall pay to Claimant 30% disability to the left shoulder as a result of his admitted work-related left shoulder injury that occurred on November 19, 2021.

***IT IS FURTHER ORDERED*** the Defendants shall only be responsible for repair, replacement and/or maintenance for the Arthrex implants. However, because Arthrex implants are bio-absorbable hardware, Defendants are only liable for maintenance, replacement and repair of such until such time the device is absorbed.

***IT IS FURTHER ORDERED*** that no future medical treatment is ordered.

***IT IS FURTHER ORDERED*** that Defendants shall take credit for the overpayment of temporary total disability compensation benefits from the date of maximum medical improvement or August 13, 2021.

Defendants shall pay to Claimant permanent partial disability compensation benefits consistent with this Order less payment of attorney's fees and costs and after receiving credit for the overpayment of temporary total disability compensation benefits from August 13, 2021.

*No penalties, interest or hearing costs are assessed.*

***AND IT IS SO ORDERED.***

### III. ISSUES ON APPEAL

Appellant filed a Form 30 appeal to the Hearing Commissioner's Decision and Order on January 26, 2022. Appellant raised the following grounds for consideration on appeal:

1. "Claimant did not seek treatment for left hand pain – incorrect".
2. "Dr. Tolan ordered work harden"[sic] – false – BMW stopped work harden [sic].  
"Claimant did not decide on his own not to do work harden [sic]."
3. "Physician Assistant vs doctor opinion considered."
4. Dr. Tolan did surgery on arm and shoulder vs court order says for shoulder only.  
Dr. Tolan stated during deposition the bicep and shoulder was injured.
5. "Work out on own was not strenuous."
6. "Dr. Tolan recommendation was requested by insurance vs the PA opinion."
7. Claimant is requesting rating be increased to at least 45 based on inaccurate handling of the case and the ongoing pain and suffering from the loss of use of the left arm and shoulder.

During oral argument, Appellant failed to address the above issues and issues raised in the reply brief. Thus, those grounds raised above are deemed abandoned. *See Johnson v. Sonoco products Co.*, 381 S.C. 172, 672 S.E.2d 567 (2009) and *Pratt v. Morris Roofing, Inc.*, 353 S.C. 339, 577 S.E.2d 475 (Ct. App. 2003).

Appellant only addressed the contention raised in his appeal that the Hearing Commissioner erred in granting Respondents credit for the overpayment of temporary total disability compensation benefits and for permitting Respondents to terminate temporary total disability compensation payments during his refusal of medical treatment. Therefore, only this issue was preserved on appeal.

#### IV. DECISION OF THE APPELLATE PANEL

The Appellate Panel hereby affirms the findings of the Hearing Commissioner and makes the following findings of fact:

##### FINDINGS OF FACT

1. Appellant is a thirty-six year old male, who is right hand dominant.
2. Appellant is a high school graduate. Appellant subsequently attended college for approximately two years studying courses in business management. Appellant is also a certified forklift driver. (Appellant's 2020 deposition, page 7, ll., 12-22).
3. Appellant's employment history reflects he has worked in the manufacturing industry; moved furniture; worked in the construction industry, which involved pulling cables and shoveling dirt; and worked as a forklift and tugger driver. (Hearing Transcript pp. 19-21).
4. On November 19, 2019, Appellant was employed with BMW Manufacturing Corporation, the Employer, as a tugger driver. (APA #3, p. 10 and Appellant's 2020 depo. pp. 15-17).
5. Appellant injured his left shoulder on November 19, 2019, when another tugger struck the tugger he was operating. (Hearing Transcript p.30, ll-14). Aside from the admitted left shoulder accident, Appellant also alleges he injured his left arm, or in the alternative, his left arm is negatively impacted by the admitted left shoulder injury. Appellant is right hand dominant. (Hearing Transcript p. 47, ll. 24-25 and p. 48, l. 1).
6. On June 30, 2020, Dr. Stefan J. Tolan performed arthroscopic left shoulder surgery. Dr. Tolan performed the surgery to repair a torn rotator cuff, which included a biceps tenodesis. The aforesaid surgery also included the use of Arthrex implants. (Claimant's APA #3, pp. 30-33, 61, 72, 80, 84 and 87-88).

7. Dr. Tolan's post-operative diagnosis was that Appellant had suffered from a type 4 SLAP tear, full thickness rotator cuff tear, subacromial impingement syndrome and acromioclavicular joint arthrosis. (Appellant's APA #3, p. 31).

8. After undergoing surgery, Dr. Tolan prescribed an extensive amount of physical therapy sessions in order to fully rehabilitate Appellant's shoulder.

9. The physical therapy reports reflect the physical therapy sessions were beneficial in improving Appellant's range of motion and strength and reducing pain.

10. Dr. Tolan opined Appellant attained maximum medical improvement on August 13, 2021. (Deposition of Dr. Tolan, pp. 4-5; and Defendant's APA #1, p. 4, dated August 13, 2021).

11. Dr. Tolan, the authorized treating physician, assigned Appellant a 25% medical impairment to the left shoulder. (Deposition of Dr. Tolan, pp. 5, 8, and 9-10; Defendant's APA, pp. 4 and 8). Appellant's surgery is generally described in the narrative treatment records as "shoulder surgery" or "shoulder arthroscopy". (Claimant's APA pp. 30, 33, 61, 72, 80, 84, and 87-88).

12. Despite Appellant's allegation the left shoulder injury also impacted the arm, there is no objective evidence to support such other than Appellant's self-serving statement. In fact, Dr. Tolan was presented with the opportunity to assign an impairment rating for Appellant's arm during his deposition testimony. Dr. Tolan's narrative medical report states that there is "no additional impairment to the left arm." Additionally, on the Form 14B, Dr. Tolan only lists the left shoulder as being injured as a result of the work-related accident. Dr. Tolan did not include Appellant's left arm as another body part that had been affected by the admitted left shoulder injury. (Deposition of Dr. Tolan, pp. 5 and 10-11; Defendant's APA p. 4).

13. Dr. Tolan testified there was an injury to Appellant's biceps tendon and that the insult of the biceps is included in his Class 2 rating under the 6<sup>th</sup> Ed. of the Guides, which enhanced and increased Appellant's medical impairment rating from Class 1 to Class 2. Dr. Tolan testified there is no damage to the bicep; and that the bicep tendonesis was part of the repair to the shoulder. Dr. Tolan testified Appellant's bicep was intact. (Deposition of Dr. Tolan, pp. 6 and 9-13, and Claimant's APA #3, p. 57). Appellant admitted that he has no bicep pain. (Hearing Transcript p. 50, ll. 22-23).

14. Aside from Appellant's self-serving statements, no other physician provided any medical impairment rating to the left arm in this case. The only medical evidence is that of the narrative report and Form 14B completed by Dr. Tolan, and Dr. Tolan's deposition testimony. In addition to the 25% medical impairment rating, Dr. Tolan restricted Appellant to no overhead work; no lifting/pulling/pushing more than 40 pounds. (Deposition of Dr. Tolan, p. 8; Defendant's APA pp. 4 and 7-8).

15. Appellant admits he still works out at the gym. According to the post-surgery medical evidence, Appellant is documented as "performing strenuous activities such as working out at the gym" to the point where "he will have increased soreness in his shoulder." Appellant's working out at the gym on his own accord is mentioned separately from "work strengthening by physical therapy as ordered by the authorized treating physician." (Claimant's APA pp. 89-90). As an aside, Appellant also admitted during his second deposition taken on September 2, 2021, which was approximately one month prior to the hearing that he worked out at the gym. (Appellant's 2021 deposition, pp. 7-8).

16. Appellant's request for payment of temporary total disability compensation benefits from June 17, 2021 through June 27, 2021, is denied. First, the suspension of temporary

total disability compensation benefits from June 17, 2021 through June 27, 2021, was predicated solely upon Appellant's unjustified refusal to accept medical care and treatment. Second, Dr. Tolan testified work conditioning or hardening is considered a medical component of medical treatment with respect to an individual's overall treatment regimen. (Deposition of Dr. Tolan, p. 9). Third, Dr. Tolan testified his physician's assistant is qualified and authorized to order and prescribe work conditioning and work hardening. (Deposition of Dr. Tolan, p. 13). Appellant refused reasonable and necessary medical treatment, designed to lessen his disability. As such and assuming *arguendo*, even if Respondents had continued to pay temporary total disability benefits from June 17-21, 2021, the undersigned Commissioners would have ordered the termination of the indemnity benefits and afforded Respondents credit for the overpayment of such.

17. Appellant's deposition testimony as to why he did not complete work conditioning/work hardening is inconsistent with his statements to IHS and Dr. Tolan. (Appellant's depo 2021, pp. 15-16; and Appellant's APA pp. 95 and #101).

18. Appellant testified at various times he would experience an increase of pain in his left shoulder during work conditioning and work hardening. However, Appellant admitted he never felt the therapist made him exceed his restrictions or performed activities beyond his capabilities. Appellant confirmed he would have asked the therapist to cease the work conditioning exercises had he felt his restrictions were being exceeded or that he was incapable of performing various exercises. (Appellant's depo pp. 16-17 and Claimant's APA p. 90).

19. Appellant stated he refrained from engaging in work conditioning simply because he had not been cleared to return to work by his surgeon rather than the physician's assistant. Appellant's irrational refusal to engage in work conditioning is reflected verbatim in the

evidence submitted. The evidence further reflects Appellant did not complete work conditioning for a specific time and left abruptly ceased participating in work conditioning because of a family emergency. (See attachment to Defendant's Form 21).

20. The medical evidence documents the fact Appellant had returned to the gym performing "strenuous activities" in May 2021. (Claimant's APA pp. 89-90).

21. Despite Appellant's testimony that IHS medical providers ceased his work conditioning or work hardening regimen, the undersigned Commissioners are unable to find any evidence that IHS instructed the termination or suspension of the work conditioning program; or that there was a justifiable refusal to engage in work hardening/work conditioning from June 17, 2021 through June 27, 2021.

22. Appellant has engaged in two post-accident activities which reflect his desire to work in a capacity other than as a production associate. First, after the accident, Appellant enrolled in an online computer coding class. Subsequently, Appellant started a home health care business, which employs ten contract workers. Appellant testified he completes paperwork necessary to maintain the business. Appellant further testified his fiancé assist with the home health care business. (Appellant's depo, pp. 29-30 and Appellant's 2021 depo, pp. 5 and 9-15).

23. Appellant takes no medications for his work-related condition. Appellant does not take any prescription or over the counter medications for pain or discomfort.

24. Based upon the foregoing testimony, Appellant's age, education, work history, Appellant has a 30% disability to the left shoulder pursuant to Section 42-9-30(14). Appellant's 30% disability award is based primarily on the restrictions with respect to no overhead work and the secondarily lifting restrictions. Dr. Tolan's 25% medical impairment rating in arriving at the 30% disability award was also taken into account and afforded appreciable weight.

25. Appellant failed to prove by preponderance of the evidence that he sustained an injury to his left arm or that the left arm has been impacted by the admitted shoulder injury. To this end, the situs of the injury as far as residual loss of use of permanency is of the left shoulder. This finding is based upon Dr. Tolan's medical reports and deposition testimony. (Claimant's APA pp. 94-95; and Defendant's APA pp. 2 and 4).

26. Appellant did not display or complain of a tremor affecting the left arm or hand at the hearing. No physician has rated or assigned a medical impairment to the left arm. The only credible medical impairment rating is to the shoulder as assigned by Dr. Tolan.

26. Appellant's 30% disability to the left shoulder is inclusive of any effect upon any other alleged body parts, such as the arm and hand.

27. Appellant is entitled to receive lifetime hardware maintenance. However, if the hardware is bio-absorbable, Respondents shall be liable therefore until such time that it has been absorbed. Because no other future medicals are recommended by any physician, no other medical treatment is ordered. (Defendant's APA p. 8).

28. There is no dispute Appellant reached maximum medical improvement on August 13, 2021. As a result, Respondents are entitled to credit for the overpayment of temporary total disability compensation benefits paid subsequent to August 13, 2021.

### CONCLUSIONS OF LAW

1. S. C. Code Ann. § 42-9-30(14) (2022) governs the payment of permanent partial disability to the left shoulder.

2. S.C. Code Ann. § 42-9-260 (2022) governs determination of temporary total disability compensation benefits once an injury worker attains maximum medical improvement and the payment of permanent partial disability compensation benefits.

3. S. C. Code Ann. §§ 42-15-60 & 80 (2022) governs medical treatment and Defendant's responsibility for such as set forth on the Form 14B. These sections also address the employer's right to suspend benefits for unjustified refusal to accept medical care and treatment.

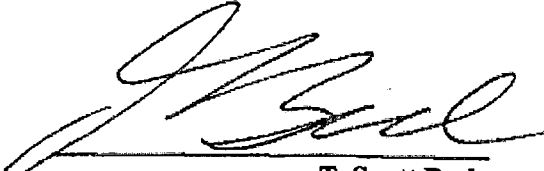
4. S. C. Code Ann. §42-9-210 (2022) governs credit for the overpayment of temporary total disability compensation benefits.

**ORDER**


**IT IS HEREBY ORDERED, ADJUDGED and DECREED** that the Hearing Commissioner's award of 30% disability to the left shoulder is hereby affirmed.

**AND SO IT IS ORDERED.**

\_\_\_\_\_  
Columbia, SC

  
\_\_\_\_\_  
**T. Scott Beck,  
Chairman**

  
\_\_\_\_\_  
**Aisha Taylor,  
Commissioner**

  
\_\_\_\_\_  
**R. Michael Campbell, II,  
Commissioner**

South Carolina Workers' Compensation Commission  
1333 Main Street, Suite 500  
P.O. BOX 1715  
Columbia, SC 29202-1715  
803-737-5675



WCC File #: 1920301  
Carrier File #: \_\_\_\_\_  
Carrier Code #: \_\_\_\_\_  
Employer FEIN #: \_\_\_\_\_

Claimant's Name: Larry Telford SSN: \_\_\_\_\_  
Address: Pelham Rd Apt 42  
City: Greenville State: SC Zip: 29615  
Home Phone: \_\_\_\_\_ Work Phone: ( ) - \_\_\_\_\_  
Preparer's Name: \_\_\_\_\_

Employer's Name: BMW Manufactory  
Address: \_\_\_\_\_  
City: Greer State: SC Zip: \_\_\_\_\_  
Carrier: \_\_\_\_\_  
Preparer's Phone #: ( ) - \_\_\_\_\_

REQUEST TO WAIVE FILING FEE

RECEIVED

APR 17 2023

SC Court of Appeals

1. Are you presently employed?  Yes  No

a. If yes, state the name and address of your employer and wages below.

b. If no, where did you last work, when did you stop working, and what were your wages?

I last work at BMW manufacturing, my last day of employment was September 2021

c. Is your spouse employed?  Yes  No

If yes, where? \_\_\_\_\_

What are your spouse's wages? \$ \_\_\_\_\_

d. What is the total income of all working members of your household?

2. How many people are dependent on you for their support (include children and relatives)?

0  
\$ 0

How much do you spend weekly for their support?

3. List any money you have received in the past year other than that listed above and state from what source that money came (gift, inheritance, insurance, other).

I received money from friends and family

4. Do you have a checking or savings account?  Yes  No

If yes, what is the balance in each account?

Checking: \$ 400

Savings: \$ \_\_\_\_\_

5. Do you rent or own your home?  Rent  Own

Rent or mortgage payment: \$ 1081.00

6. Do you own a car?  Yes  No

Payments: \$ 0

7. List the names of your creditors and amount of debt.

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my financial condition. I request that the filing fee be waived.

Larry Telford  
Signature

4-12-2023  
Date

For official use only.  Fee Waived  Waiver Rejected  Other Disposition

Chair, S.C. Workers' Compensation Commission

File this form with a Form 30, Application for Commission Review. Refer to R.67-701 through R.67-711 for additional information. File this form with a Form 50, 52, 54, Requests for Motions, Consents and Settlements. Refer to R.67-207, R.67-208, R.67-215, R.67-803 and R.67-805.

**Order Served via USPS:**

Larry Talford 230 Pelham Road Apt 42 Greenville, SC 29615	Vernon F. Dunbar McAngus Goudelock & Courie P.O. Box 2980 Greenville, SC 29602
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**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

***By Eugenia Hollmon on March 15, 2023***