

Appellant's Reply to petition for Certiorari

The State of South Carolina
In The Supreme Court

Appeal from Richland County
South Carolina Court of Appeals

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

Case NO.

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

Respondent

v.

Dana L. Dixon
Employer

Appellant

Appellant's Reply to petition for Certiorari

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MAY 22 2023

S.C. SUPREME COURT

Dana L. Dixon
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S.C. SUPREME COURT

Respondents have stated numerous times that I received authorization on the 23 of December 2016 for my "Back". But not once have neck or jaw ever (Rp. 199-L-17-20) been mentioned aside from the form 50 (Rp) the attorney of record at the time filed. And the form 51 (Rp. 11-16) that Respondents filed on 04/02/2019, after questioning me about my work injury of 12/22/16. (Rp. 21-25)

Respondents have made the claim that I injured my back on 03/05/2017, when I was involved in a MVA. And presented 2-3 pages from the subpoenaed (Dulles Teem) medical records from Providence Northeast hospital (Cervical, thoracic) showing the results of the X-Ray (Rp. 200L-1-2) of back taken on 03/07/2017. Respondents have had my medical records (Rp. 64) since 2017, and filed them at the Commission on 02/22/2018. (Rp. 52-53) Even though Respondents have NEVER produced one document that has Worker's Compensation Commission. In order to obtain my Hippa protected medical records, Respondents REQUESTED MY MEDICAL RECORDS FOR PAYMENT PURPOSES. (Rp. 64) (Rp. 60) And they received a discount. Bill was 849.40, Respondents paid a total of \$ 299.00. Then Respondents files 4 subpoenas for Baptist, Providence, Richland (65-66) Providence ME for medical records. After my deposition (74-77) and filed a form 51 (Answer) to start this claim. (Rp. 11-16)

The pages from Respondents subpoenaed records of Providence N.E. states "NECK pain" and "you were seen in the E.R. on 03/07/2017, For NECK pain" (Rp. 90-97) at the time of my E.R. visit I did not have an authorization number or any forms stating W.C. that's why I signed. (Rp. 9-10)

And as Respondents have listed on their forms (Rp 11-16) I had not received authorized medical treatment since 12/23/2016. And even at Palmetto Health Richland, I never received an X-Ray, if I had, the Respondents would have used it as their APA/Exhibit. Respondents issue with the finding (Rp. 83) of the results of X-Ray of 03/07/2019, that they have listed in the instruction Orders, Briefs, Decisions and Orders, claiming the entire time I injured my back following the MVA on 03/05/2017, but the medical record lists reason for my visit was neck pain. Nothing more. (Rp. 97)

So due to me still working on light duty (Rp. 28) following an on the job injury, and having a doctor appointment and physical therapy appointment on 03/06/17 (Rp. 102, 103) for that injury, the doctor nor the therapist made any notations of me mentioning my back. The X-Ray results would be from work related injury of 12/22/2016, since Respondents listed their Pre-Hearing (Rp. 17) Brief with medical records ending in 2018, that showed (Rp. 124) I had not been to the hospital or E.R. since 12/23/2016. Aside from me receiving medical treatment from Dr. Saunders, at C.W. Williams Community Health (Rp. 113) Center in Charlotte, N.C. where I received an order for an MRI (Once I moved to N.C. in 02/2018) for shoulder (01/31/17 D.O.I) and Gabapentin for back pain. I mentioned this on 02/22/2019, Deposition (Inquisition), but the Respondents never subpoenaed those medical records even before coming to Charlotte N.C. for the subpoenaed deposition. The notice of the Deposition⁺ was filed on ^{Subpoena} 02/12/2019, giving them enough time before the hearing date 3-7-19 and Deposition date - 2-22-19.

Respondents have not submitted one document with an authorization number for this claim. But the exact respondents (Employer) were able to submit authorization numbers (Rp 42-46) 1 month and 8 days later, starting with my first doctor visit and ending upon my discharge.

But with this claim, respondents want it to appear as though they gave authorization for (12/23/16 actual date of injury) treatment the early morning of 12/23/2016, at Palmetto Health Richland, and due to the supervisor never returning the call or coming to the unit and no one ever contacted me til this day, (aside from questions at deposition) how was authorization given has always been my question.

On respondents incorrect first report it lists "IW" (but no name) states first time working on this unit" and that is because my first day of employment began 12/02/2016, with an all day orientation, that was on a Friday. I had the week end off. Then on Monday 12/05/2016 thru 12/09/16 had 1 week of orientation at Craft Arrow Campus (R.p.34) from 8:00am to 5:00pm. Had the 10+11 off. Then on 12/12/2016, is when I was to report to my assigned unit, and for a week I had to participate in a scavenger hunt to locate equipment that would be required in case of an emergency and the mandatory forms was signed once completed. And on Monday 12/19/2016, was when I began working with the residents, on my assigned unit. On 12/22/2016, (working overtime) I was told I had to report to another unit that I knew nothing about, to do a one on one with a male resident, I was not told about Mr. King, Volatile behavior, until after my injury. And that was

he is here at C.M. Tucker for Killing his father"

And the only other person I seen on that unit was the nurse, so the "IW" would be the nurse. And because the nurse was passing out medicine and on the other end of the hall, I left with out authorization or informing the nurse.

Respondents have also mentioned in the submitted briefs and Decisions and Orders, that "I was release with no further recommendation of medical treatment, and I received only a medical excuse, and that is absolutely untrue. (R.p. full comm 6. Lines 12-16. The Physician's Discharge Summary was given to me, that instructs me to contact my doctor immediately, and it's mentioned on Respondents APT #2 (Rp. 8, 858) and on several pages in subpoenaed medical records. Respondents forms 51 and 58, states: "Claimant has not received authorized ^{medical} treatment since 12/23/2016" (Rp. 11-16).

In Respondents Decision And Order, States the Compensation rate is \$ 299.57. So if the documents (Form 20 and Consent Order) Shows the date of 01/31/2017, as Date of injury, Why Was this Form 20 allowed instead of the One that is Correct?
(Pp 120-123)

In Respondents APA Submission, Respondents labled My APA documents as they chose. And lied about the number of Employment Records I had. I only Submitted 1 page dated 12/20/19.

Respondents Subpoenas My Medical records and request them for payment purposes, then Submit 3 (65-67) pages of the Medical record. Providence Medical record is NOT 64 pages. (Pp. 64)

- Statement Of the Case -

Neck and Jaw is listed, but I never received treatment for my neck, on the morning of 12/23/2016.

Respondent has listed "Being Struck" I was assaulted while assisting them into bed" And the transcript reference is wrong. Because I never Once Said those words.

Respondents Stated I received Medical treatment for that injury from Palmetto Health Richland E.R. and I was released from care the same day and " Claimant received no additional authorized medical care for this accident.

"Claimant was involved in a motor accident" And I was. And on this same page Respondents APT was p. 67, and it states the results of the X-rays taken at Providence Hospital. Respondents, Notice of Witnesses and Written Reports, they listed #1 APT of that of Providence Hospital, dated 04/21/2008-03/07/2017 and #2 APT of Palmetto Health Rickland, dated 12/23/2016, and Respondents never listed Providence Forest Dr. or Baptist. And on 12/23/2016, I never (p. 84) received any X-rays, MRI, or Cat scan of my back.

On the physician's Discharge Summary, and verbal instructions for me to contact my doctor immediately. (R.p. 8) but Respondents own admission

"Claimant received no additional medical care for this accident." I^d went to Providence N.E. for NECK pain (R.p. 97) not my back. So due to there not being a report of injury to my back, not even OA. the date in question 03/07/2017, then it would appear the results from the X-Ray would have come from my 12/22/2016, work injury. (R.p. 102-103)

By Respondents having me on light duty from 01/31/2016, til 03/23/2017, for 2nd work injury. I had doctor appointment on 03/06/2017, and physical therapy and not once did the Respondents use a page from Occupational Healthcare Medical record showing where I mentioned my back as their APT. (R.p. 102-103) The MVA happened on 03/05/17.

Respondent States I filed a form 20 On 02/26/2019,
But neglected to state the reason was due to
Respondents kept closing the Claims) (R.p. 81)

Respondents States they "take the position that
the Claimants request is past Statutory period
for treatment and lapse for an injury and Claimant
has provided no evidence" But the facts are on
12/23/2016 Physicians Discharge Summary, stating Contact (R.p. 85-86)
your doctor immediately (R.p. 8) And Respondents form 51
and 58, stating I had no additional Medical treatment (R.p. 11-16)
Since 12/23/2016, the SAME DAY I took myself to
Palmetto Health Richland. The Discharge Summary was (R.p. 8)
given to me when I was being discharged. And it
states what types of test might be needed, but I
was denied treatment by Respondents the same day. (R.p. 11-16)

But Respondents Claims I received medical
treatment. But was denied the recommended medical
treatment due to me being released. That should
be a cut and dry fact that I did not receive
Medical treatment if the doctor from the facility
instructs me to contact my doctor and the
fact that there wasnt any treatment for my
work injury then there would not be a statutory
period as Respondents claim, due to them denying
me medical authorized treatment on 12/23/2016,
for job related work injury, of 12/22/2016. Respondents
are claiming that I am requesting additional
medical treatment for my back, that is not the
case, I have been requesting medical treatment
since 2014, and Respondents never authorized

Medical treatment. Even if they had sent me to Palmetto Health Richland, which they did not. The doctor's Discharge Summary states for me to contact my doctor immediately, and as the Respondents have stated in their Form 51, 58, I had not received authorized medical treatment since 12/23/2016. The Discharge Summary is dated 12/23/2016. So when was 42-15-60(k) applied. I beg this Court to please review all submitted documents, to fully get the account and the handling of this case before the lower courts. I have been trying with due diligence for someone to look at the documents fairly and without bias, due to me not being an attorney.

It have been years of me trying to get authorization for medical treatment for my back and was always denied, motions have been filed by Respondents after claiming that my APALS that was stamped by W.C.C. were not before the lower court was granted. I file a motion to supplement which caused me to pay more money, it was granted and so much more. I am following the rules on the court's website now and then. So now due to years of suffering with my back injury and no medical authorization for the recommended medical treatment I am now on disability. And all I ever wanted was to be sent to a doctor and now at the age of 56, I can't work. NO C.D.L. NO C.N.A, from being hurt on a job that I loved, and a job injury that changed my life forever. So again I Dana L. Dixon, am NOT

Requesting Additional Medical Treatment, I am requesting that due process of 42-15-60 (A) be granted to me and the reversal of the lower courts be granted, from this court.

I was 49 years of age when ^{this} on the job assault happened. And if it was me requesting Just Additional Medical Treatment, I would have given up at W.C.C. hearing. But 42-15-60(A) was NEVER applied for work injury of 12/22/2016, that is the reason(s) why Respondents has NEVER provided 1 document with Workers Compensation for 2016. Respondents paid hospital bill in March 2017, after requesting medical records, and filed their very first form 51 on April 02, 2019, for this claim. So please review all submitted documents.

Kind Regards,
Dana L. Dixon.
Appellant.

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PROOF OF SERVICE OF Reply to petition for Writ of Certiorari

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

Case NO. 2023-000583

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

Respondents

v.

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Employee

Appellant

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