

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
Full Commission Appellant Panel

Case No. 2012-210487

Emma Hamilton, Employee/Claimant.....Appellant,

v.

Martin Color-Fi, Inc., Employer, and  
Liberty Mutual Insurance Company, Carrier.....Respondents.

RETURN TO PETITION FOR REHEARING

**RECEIVED**

JUL 15 2013

**SC Court of Appeals**

The Appellant set forth in her Petition for Rehearing four grounds as the basis for this Court to reconsider its decision, opinion No. 5144, filed June 19, 2013. None of Appellant's grounds for rehearing are sufficient for this Court to grant the Petition for Rehearing, and the petition should be denied.

The Appellant argues in her Petition for Rehearing that the Court overlooked her argument that the Respondents were not entitled to a "stop payment hearing" because the authorized health care provider did not find that the Appellant reached maximum medical improvement (MMI). The Court addressed this issue in the "II. MMI" section of the opinion. The Court considered this argument extensively, and the argument raised by the Appellant was rejected. The Court has properly determined that the Appellate Panel did not err in finding the

Appellant had reached MMI. Furthermore, the Appellant's argument that the opinions and/or reports of Dr. Green and Dr. Fulton should not be considered with respect to whether the Appellant had reached MMI was specifically addressed by the Court, and this argument was expressly rejected.

The Claimant's second ground for rehearing that there is no competent evidence supporting a finding of MMI was also considered extensively by the Court, and this argument of the Appellant was again rejected. Sections "I. Stop Payment" and "II. MMI" of the Court's opinion discussed extensively the evidence presented by both parties regarding the issue of MMI; therefore, the Court did not overlook this ground for rehearing as argued by the Appellant.

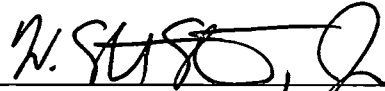
The Appellant's third ground for rehearing that she did not receive necessary medical treatment as guaranteed by § 42-15-60 of the Code of Laws of South Carolina (1976 as amended) is likewise an insufficient ground for rehearing. This issue was extensively considered throughout the opinion, especially in the "III. Necessary Medical Treatment" section of this Court's opinion.

The fourth and final ground the Appellant raises in her Petition for Rehearing is that the Appellant maintains she was found not to be credible by the Commission without any proof. Once again, this argument was raised by the Appellant and specifically addressed by this Court in the "IV. Hamilton's Credibility" section of the opinion. It is a well-established principle that the final determination for credibility of witnesses and the weight to be given to evidence is reserved to the Full Commission. This issue was not misunderstood or misapplied by the Court in its opinion.

In summary, the Appellant's Petition for Rehearing seeks only to have the same arguments reheard rather than present arguments that were overlooked or applicable laws that

were misapplied by the Court. Accordingly, Respondents request that the Court deny the Appellant's Petition for Rehearing.

RESPECTFULLY SUBMITTED,



W. Strat Stavrou, Jr., Esquire  
Candace G. Hindersman, Esquire  
Willson Jones Carter & Baxley, P.A.  
4500 Fort Jackson Blvd.  
Columbia, SC 29209  
Attorneys for Respondents

July 12, 2013

Other Counsel of Record:  
Joseph T. McElveen, Jr.  
Bryan Law Firm of SC, L.L.P.  
P.O. Box 2038  
Sumter, SC 29151-2038  
Attorney for Appellant