

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Circuit Court

Alison Renee Lee, Circuit Court Judge

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Case No. 2011CP4003561

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Gertrude Shiver

Appellant,

v.

Palmetto Health Richland, et.al

Respondent,

BRIEF OF APPELLANT

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TABLE OF AUTHORITIES

CASES

1. I couldn't find any cases that dealt with the injured employee coming before the Worker's Compensation Commissioner for a requested hearing of a matter and the Commissioner was angry with the claimant and instead of conducting the requested hearing, retried a prior case against the claimant where decisions had already been made.
2. I couldn't find a case where the Worker's Compensation Commissioner refuses to award the claimant any type of benefit because the claimant had written a book to include her accidents and work related injuries and how she had been treated by her employers.
3. I couldn't find any cases where a claimant was mistreated by the hearing commissioner when she came for a hearing and the intended case was never heard.
4. No cases were found where the Hearing Commissioner tells the opposing attorney not to give the injured claimant anything when he has offered her something.

STATUTES

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## INTRODUCTION

I am appealing this Order from the Circuit Court because the finding of facts is not correct and I am still being denied worker's compensation benefits because of a book that I wrote. I appealed my case to the Circuit Court because this is what the Judiciary Department of the Worker's Compensation Commission told me to do, because as an injured worker I have been denied worker's compensation benefits as well as a due process of law because of a book that I wrote. I wanted the Appellate Court to know that this is not a frivolous case. It was never intended to be a case at all. Commissioner David Huffstetler and the three man panel are refusing to give me anything for my injuries. Commissioner Huffstetler told Attorney Lana Sims at the hearing in September of 2007, "Don't give her nothing!"

I am an injured worker with some documented disabilities. My prior injuries and my myofascial injuries were aggravated by the falls and other accidents that I had at Palmetto Health Richland and I have an injury to my left foot from Trident Hospital which is a compound injury with the Achilles tendon injury at Palmetto Health Richland. The nurse practitioner, Coleen Collins at Health Work didn't take care of my orthopedic injury to my Achilles tendon.

Key Risk Management, Inc. and Palmetto Hospital Trust Services had approached me first and wanted to give me a monetary amount for my injuries. We had met before the hearing, but Zurich Insurance Company was not present. This insurance was also responsible for some of my injuries and I thought it was only proper and legal that they should pay some too. I could never find an attorney to give me guidance or to represent me. One of the insurance adjuster informed me that the South Carolina Workers' Compensation Laws were designed so that the injured worker could represent themselves.

I went to the Workers Compensation Commission and Commissioner Huffstetler with the intention of him helping me make a determination of how much Zurich should contribute to my injuries, especially my left foot. I didn't know at the time of the hearing, that I had already been set up with the Worker's Compensation Commissioner by Attorney Michael E. Chase and everyone knew what I had written in my book. Attorney Michael E. Chase was the only one that had been given a book at that time since he had threatened me at the deposition. He had planned a scheme where I would not get anything for my injuries as well as to get rid of all of my claims "with prejudice", and to take my injury to my right wrist out from under worker's compensation. He also had it fixed so that I would not receive my Paid Time Off Days from Palmetto Health Richland after he had me fired.

At the hearing, Commissioner Huffstetler changed the focus of the hearing from what I had gone there for as well as why I had requested the hearing. Instead, he was angry at me about my book and what I had said about Attorney Thomas M. White. He also went and retried a 1997 case against me where the nurses had falsely accused of me of abusing patients and where a decision was made about my right shoulder. He never addressed the case for which I went there for. He was very angry at me for writing a book. The book contains notes about my prior injuries and work related accidents and what had happened to me with them. My notes didn't start out as being a book, and I never intended for it to be a book. I was talked into putting it into a book by the publisher. As part of my sickness, I communicate by writing.

After reading my book and causing me to be fired from Palmetto Health Richland, Attorney Chase orchestrated a scheme with Commissioner Huffstetler where I would not receive any monetary amount from my worker's compensation injuries from either of the insurance companies as a punishment for writing a book.

He even went back and put into my records that I had been fired from several jobs for mistreating patients. He did this by standing over me waving his had after he had gotten me confused and by directing Commissioner Huffstetler to ask me if I had ever been fired from any jobs for mistreating patients. This matter had already been decided in a 1997 case. Attorney Chase had read in my book where I was afraid of some white men. That is why he stood over me waving his hands.

At the hearing, Commissioner Huffstetler never asked me about the injuries that were before him nor about the amount of monetary amount Zurich should pay or what the other insurance companies had agreed to pay. He was really angry at me for writing a book and what I had said about Attorney Thomas M. White. He could have let another Worker's Compensation Commissioner hear the case.

The falls and accidents that I had incurred aggravated prior injuries that I have. The nurses and physicians at Palmetto Health lied on my medical records. I had multiple falls because of a lack of orthopedic care to my Achilles tendon when it was first injured and my left foot. As for the injury to my right wrist, it was injured in July of 2006, and it is a worker's compensation injury. There are some lies in the medical record that I did not tell Dr. Noojin about the injury on the first day that I went to him.

All of the things that have been done wrongfully against me were done as a result of anger and retaliation for writing a book. I was denied worker's compensation benefits because of a book that was written. The seven accidents were a continuum which Commissioner Huffstetler broke up into separate into separate claims. I know worker's compensation is a no fault remedy for injured worker's, but a book should not be allowed to be used to deny an injured worker compensation benefits.

SOME  
STATEMENTS OF ISSUES ON APPEAL

1. The intended case which I requested a hearing for was never held at the Worker's Compensation Commission level because of Commissioner Huffstetler anger at me.
2. Commissioner Huffstetler reheard part of a previous decided Worker's Compensation Case of 1997 at the worker's compensation level where decisions had already been made.
3. Commissioner Huffstetler denied me some Worker's Compensation benefits because he was angry at me because of my book, "The Fall of a Nurse, What is wrong with Gerly", and the matter of Attorney Thomas M. White making me sign the Order of 1995 which he took out all of my injuries.
4. Judge Lee didn't reinstate my case to where it was before Commissioner Huffstetler broke up the case into its individual claims. I had been offered some monetary reward. The claims were all part of a continuum; not to be broken apart and partially handle individually.
5. I didn't receive a ruling where I could possible bring a lawsuit against Coleen Collins, Nurse Practitioner for not taking care of my Achilles tendon.
6. I never received a check from the insurance company for temporary total benefits for the **WCC. No. 0217755 (DOA 3/23/02)**.

IRREGULARITY OF CASE FROM THE WORKER'S COMPENSATION  
COMMISSION AND CIRCUIT COURT

1. Commissioner Huffstetler retried a Worker's Compensation Case that was heard around December of 1997 that was already decided. This was not the intended case for the hearing in front of the Commission in 2007 that I requested. Commissioner Huffstetler is not a Worker's Compensation Attorney.
2. Commissioner Huffstetler used this 1997 Case in Order to get rid of all of my seven claims with prejudice. The 1997 Case was not part of this Case that was up to be heard.
3. Judge Lee is not a Worker's Compensation Judge.
4. The recording of me being fired from 3-4 jobs for abusing patients need to be removed from all records at the Worker's Compensation Commission.
5. I never got compensated for the days that I was out sick with the accident of **3/23/02, WCC No. 0217755**, where I fell out of the chair and injured my back. I never received a check from the insurance company for temporary disability.

6. The intended Case for Trident Hospital was never held. Commissioner Huffstetler was supposed to have started where Commissioner Mickle left off in 2000.

7. Commissioner Huffstetler did not help determine how much each insurance company owed me for my injuries.

8. Commissioner Huffstetler denied me Worker's Compensation Benefits because of what was decided in a 1997 hearing. He was very angry at me for writing a book and for saying that Attorney Thomas M. White made me sign an Order.

9. I was prejudiced against by the Worker's Compensation Commission.

The case of Shiver v. Trident Hospital and Palmetto Richland was supposed to have been heard under Commissioner David Huffstetler on September 4, 2007.

Instead, the rehearing of a December 1997 case that had already been decided was heard. Commissioner Huffstetler is not a Worker's Compensation Attorney. He was angry at me for writing a book and having so many claims against Trident Regional Medical Center and talking about Attorney Thomas M. White and what he had done with the **WCC No.9503744 (DOA 1/23/1995)**.

He changed the case and the focus of the hearing for 2007. He was supposed to have decided how much of my injuries each insurance company was responsible for. Then there was the matter of nurse practitioner Coleen Collins, taking care my injured Achilles tendon in **WCC No. 0126962 (DOA 1/15/01)**. The insurance companies of Palmetto Health Richland had offered me a sum of money for my injuries. When Trident Hospital was brought in because their insurance company, Zurich, was responsible for part of my injuries, Commissioner Huffstetler told me that I wasn't going to get nothing. I did not go before the Commissioner Huffstetler for him to specifically determine total and partially total disability of the injuries.

At the hearing of 2007, Commissioner Huffstetler kept after me about some papers that I had in my hand that contained notes that I had written so that I could

participate accurately in the hearing. After getting me confused and upset, he allowed Attorney Michael Chase to stand over me waving his hand while he asked me if I had been fired for some jobs for abusing patients. When I tried to explain about me being fired from Trident Hospital for alleged abusing of patients, it was place in the record that, "She has testified that she has been fired from 3-4 jobs for abusing patients." There was a case heard at the Worker's Compensation Commission around December 3, 1997, when Trident Hospital was being represented by Attorney Douglas E. Pratt-Thomas where some nurses had submitted to the Worker's Compensation Commission some write-ups about me being abusive to patients. After the decision at the Worker's Compensation Commission, the nurses subsequently move the write-ups to the Board of Nursing where I was again cleared. The matter of Attorney Thomas M. White was also dealt with at this hearing of 1997.

At the time of my accident, Attorney Thomas M. White was the only attorney an injured nurse from Trident Hospital could get to represent her with a worker's compensation case. He would sign the documents after a certain episode of care and include the phrase, "Dismissed with Prejudice." The nurse never receive anymore care after her initial care even if she was misdiagnosed or continued to have pain, especially in her neck, shoulders, and back. If the nurse continued to complain of problems or pain, she would be given a psychological diagnosis.

This rehearing on a previous decided case of 1997, was the one that was carried forward up from the Worker's Compensation Commission until this appeal before the court, not the intended case of Shiver V. Palmetto Health, et.al, where the 1995 case of Trident Hospital had been carried over from and Order of Commissioner Mickle and Attorney Douglas E. Pratt-Thomas that occurred in 2000.

Commissioner Huffstetler used this 1997 case to deny me benefits, and now the Circuit Court has too, especially my left Achilles tendon injury with the compound injury of 1995 to my left foot, ankle, and heel. Benefits for the aggravation of my left shoulder and cervical area and back were denied. There was no discussion of the breast reduction that I had in 1997 to relieve the pain and pressure in my right shoulder and arm. I could never get an orthopedist to take care of my right shoulder and to order a MRI to determine what is exactly wrong with my shoulder (Possibly a rotator cuff tear) and the problems with my penmanship.

Judge Lee didn't really change anything from the Worker's Compensation Commission and Commissioner Huffstetler.

#### STATEMENT OF THE CASE

This was never the intended case that was heard on September 27, 2007. I had requested and intended for a case where the Worker's Compensation Commissioner would help decide how much each insurance company would pay toward my injuries. I had been offered some monetary amount by two of the said insurance companies ( I guess as a settlement) but Zurich was not included at that conference.

My injuries were more or less aggravation of prior injuries except for the wrist injury of July 2006 that occurred while I was using the hole puncher and my falling because I never received proper care for my Achilles Tendon injury that was provided by Coleen Collins, Nurse Practitioner. In addition, I was never given a doctor by Palmetto Health Richland when I asked for one.

I didn't know that I had been set up by the defense Attorney Michael E. Chase and that Commissioner David Huffstetler was very angry at me for writing a book and saying that Attorney Thomas M. White had made me sign the Order of 1995. All

that I said and wrote in my book was true. Instead of the intended case being carried out, Commissioner Huffstetler with the help of Attorney Michael E. Chase retried a 1997 case where decisions had already been made. They were trying to destroy me. I was really being punished for writing a book and telling about what others had done against me. Instead Commissioner Huffstetler and Attorney Michael E. Chase turn things around against me. Attorney Michael Chase put back into the record that I had been fired from 3-4 jobs for abusing patients. Commissioner Huffstetler told the attorneys and insurance adjusters not to give me anything. He was very angry with me about my book and what had gone on between me and Thomas M. White in the past.

I tried to stop this case and redirect it back for the intended purpose but I couldn't. I am not an attorney and I don't understand legal matters. I followed Commissioner's Huffstetler verbal order and appeal to the Circuit Court. The case was then sent back to the Worker's Compensation Commissioner but they still would not award me anything for none of my injuries. As a matter of fact, the Commissioner as well as the three man panel was against me receiving anything for my injuries.

I appealed to the Circuit Court to see if I wouldn't be prejudiced there against receiving anything for my injuries or for the days that I was out for my back. I never received any temporary benefits from the insurance company. Attorney Michael E. Chase caused Palmetto Health Richland to fire me because of my book and he also caused K-Mart to fire me.

No one was focusing on my injuries that I did receive or the aggravation of my prior injuries. The intended worker's compensation case that I had requested was

never heard. I was being punished for writing a book and telling what Thomas M. White had done to me and my injuries in the past.

I am appealing to the Appellate Court so that the right and intended case can be heard before a Worker's compensation Commissioner who is a worker's compensation attorney and I can receive something for my injuries as had previously been offered.

Attorney Chase also interfered with my care at the orthopedic, Dr. Noojin, where he deliberately wrote in the notes that I didn't tell him about the injury to my right wrist that happened at Palmetto Health Richland, and where Attorney Chase has lied and put the injury to my right wrist on the church so that I would not be compensated for it.

The 1995 claim against Trident Hospital was never heard and the claims against Palmetto Health Richland were never really heard. Commissioner Huffstetler dismissed all of my claims with prejudice because he was angry with me.

The wrong case has been carried from the Worker's Compensation Commissioner to the Circuit Court.

#### HISTORY OF THE CASE

THIS CASE THAT WAS PARTIALLY HEARD WAS A REHEARING OF A 1997  
CASE THAT HAD ALREADY BEEN  
DECIDED THAT INVOLVED TRIDENT HOSPITAL

When I went to the Worker's Compensation Office for my hearing that I had requested, on September 27, 2007, I didn't know that I had been set up by Attorney Michael E. Chase. When I got to the hearing room, there was a cameraman there and various members from the insurance companies. Everyone there was white except me. When Commissioner Huffstetler came into the room, he was very angry. He

asked, "Why did you write a Book." He also was angry at me for having some more claims against Trident Hospital. I told him that it was too much for me to remember. I was expecting him to decide how much each of the insurance companies should pay me for my injuries. The case involved about seven claims where each one involved injuries compounded on each other. I didn't understand worker's compensation, but I had been offered some money by each insurance company except Zurich, and I thought the Worker's Compensation Commission could help in determining how much each company should pay toward my injuries. I didn't know that I had been set up so he could get rid of all of my claims. I have some disabilities.

He was also angry at me for stating that Thomas M. White had made me sign the Order of 1995 where he took out all of my injuries except the right shoulder and right foot. After I told him that Thomas White had made me sign the Order, He said, "Tom White has come before me." He didn't believe anything that I said but he wasn't in Charleston in 1995 when I was dealing with Attorney Thomas M. White. Commissioner Bryan Lyndon was.

He proceeded to break up the case into individual claims and talked about one claim after another. This way I could be deprived of getting anything for my injuries. I had not done anything right with any of my claims. Attorney Lana Sims tried to help me but nothing was registering at that time. He told Attorney Lana Sims, "Don't give her nothing!" I had some papers in my hand that contained notes to myself because I have trouble remembering, especially in a stressful environment. He kept after me for having the papers in my hand after he had gotten me confused and I didn't understand what he was talking about. Half of the time, I didn't understand what he was talking about. I had been before several other

Commissioners and I had never been treated the way that he was treating me. He was very angry and rushing through the hearing.

At the time of the hearing he was also asking about my sickness. My sickness has never been officially diagnosis. I didn't understand where he was going to. My sickness didn't have anything to do with my claims at that time. I knew that in 1997 with that claim with Trident Hospital, a psychologist had written up some lies on me and given me the wrong diagnosis. He had submitted the papers for the 1997 hearing before the nurses started the process of firing me. They fired me unjustly. I didn't understand why Commissioner Huffstetler was asking about my mental state. I didn't ask for a hearing to be humiliated by the Commissioner.

After this, Attorney Michael E. Chase got up and stood over me waving his hand. He had read in my book where I was afraid of some tall white men because I was almost kidnapped by a tall white man when I was a child. In addition, I grew up during the Civil rights area when white man abused black women and children. He told Commissioner Huffstetler to ask me if I was ever fired from any job for mistreating patients. I was confused at that time and I didn't know why he was asking me this question. When I tried to explain about the time the nurses from Trident Hospital had lied on me, then Attorney Chase said, "She has testified that she has been fired from 3-4 jobs for abusing patients." Commissioner Huffstetler got up and rushed out of the hearing room. Attorney Chase stood over me and told me that I was going to get fired from K-Mart.

The matter of me being fired from a job for abusing patients didn't have anything with these claims. I wasn't fired in 1995 for abusing patients at Trident Hospital, and I had never worked as a nurse at Palmetto Health Richland. I was very

much confused and I didn't know where he was coming from. I didn't request a hearing for this type of treatment from a Worker's Compensation Commissioner.

I knew that in 1997, the nurses had given some write-ups to E. Douglas Pratt-Thomas to submit as part of a worker's compensation claim against me. They later reported me to the State Board of Nursing with the write-ups when this scheme didn't work at the Worker's Compensation Commission.

I didn't understand why Attorney Michael E. Chase had brought this up with Commissioner Huffstetler at the worker's compensation hearing when I had come there for Commissioner Huffstetler to reside over how much each insurance company should pay toward my injuries that were compounded on each other.

I had already been through much stress and anxiety trying to get my name cleared with the Board of Nursing where the nurses from Trident Hospital had tried to get my license taking away from me so that I would not be able to make a livelihood after they fired me in 1998 with all of my on the job injuries. They were making fun of the injury to my right shoulder and penmanship.

After the hearing, I did get fired from K-Mart. I was unable to find steady or adequate employment or no employment at all until around the later part of 2011. Commissioner Huffstetler told me that I had about 10 days I think to appeal to the Circuit Court. I went and did this. I had only wanted him to help with the assigning of the percentage each insurance company would pay for my injuries. This didn't happen because he was only interested in getting rid of all of my claims with prejudice.

They have it down in the worker's compensation office where I have been fired from several jobs for abusing patients. Also with the injury to my right wrist which happened at Palmetto Health Richland, Attorney Chase twisted the facts

around and lied that the injury happened at Red Hill Baptist Church and that I did not tell Dr. Noojin about the injury on the first day that I came to his office.

When it was time for me to go to meet with the three man panel at the worker's compensation office, I was sick with a fever, cough, hoarseness, and soreness of my throat. Also, I was having diarrhea. I could barely be understood when I talked. This was more than just a cold that I had. I had been trying to change the case around and get it back on the track that it was original supposed to be on when the insurance agents and attorneys first went to the Worker's Compensation Office. I had been offered something for my right shoulder in 2000, and the insurance company had offered me some money for my injuries. Instead, Commissioner Huffstetler told them not to give me anything because of the fact that I had written a book about how I have been treated with my on the job injuries and the fact that I talked about Attorney Thomas M. White.

I didn't have any orthopedic medical records because I could never get an orthopedic physician to take care of me when they found out that I was injured at Trident Hospital and I couldn't get a referral. I had breast reduction surgery in 1997 to alleviate some of the pain and pressure in my shoulder. I still have pain and muscle spasms in the right shoulder and right arm. If I had another injury to my right shoulder, perhaps then I could have gotten further treatment and a MRI to see if I indeed had a rotator cuff tear.

After the hearing it was the defense attorney, Michael E. Chase who wrote up the Order against me with the words that I had been fired from 3-4 jobs for mistreatment of patients. This is the same attorney who threatened me before the deposition, got me fired from Palmetto Health Richland where they kept all of my Paid Time Off Days. He also got me fired from K-Mart. He got the physicians and

nurses to lie about me, and wrote that the injury to my right wrist was a repetitive injury and that the injury came as a result of me falling at church. I fell at the church in May of 2006, hurting my left wrist and both knees. I hurt my right wrist while using the hole puncher in July of 2006 at Palmetto Health Richland. He also threatened to take me to court when I tried to get my book back from him.

HISTORY OF MY CASE THAT I REQUESTED THAT WAS DELIBERATELY  
NOT HEARD

1995 Trident Hospital and Palmetto Health Richland 2001-2007

On September 27, 2007, I went to the Worker's Compensation Commission so that the Commissioner could determine how much Key Risk Management Services, Palmetto Hospital Trust Services, and Zurich American Insurance Company should pay toward compensating me for my injuries. Members from the above parties, except Zurich American Insurance Company had met earlier where I was offered some money for my injuries. I couldn't come to an agreement because Zurich was also responsible for my injuries, including the falls that I was having because of lack of care as an injured worker.

I have some documented impairments. All of my injuries which are mostly whole body injuries were compounded one upon the other from Trident Hospital and Palmetto Health Richland and several car accidents. The car accidents had all been settled and the worker's compensation injuries were left. As a matter of fact, the majority of injuries had occurred first as a result of work related accidents at Trident Regional Medical Center.

The cases left were the six cases at Palmetto Health Richland and the left over **WCC No. 9503744 (DOA 1/23/1995)**. The posture of this case had come up to 2000, where Commissioner Mickle, who is a worker's compensation attorney and E.

Douglas Pratt-Thomas, had agreed to give me some compensation for my injuries. I didn't accept the money because they wanted to clinch up the injury to my lower back which involved a herniated disc that came as a result of lifting a patient at Trident Hospital. I received an Order from Commissioner Mickle where I could file this case whenever I wanted too.

The **WCC No. 9503744 (DOA 1/23 1995)**, had included injuries to multiple body parts. The insurance company Alexis Risk Management Services representative Robin Beaver had me kicked out of worker's compensation because of a letter I had written to the State Board of Nursing. After this, my private insurance was taking care of my medical needs until I could find another physician because I couldn't go back to Trident Industrial Medicine for care. I still needed care for my injured right shoulder, thoracic area, feet, side, wrist, knees, etc. I had a full body fall after having received two prior falls at Trident Regional Medical Center. After this, after I contracted with Attorney Thomas M. White for representation. It was after I thought Attorney White was representing me that he developed an Order that was signed by E. Douglas Pratt-Thomas and Commissioner Bryan Lyndon. E. Douglas Pratt-Thomas was well aware that Thomas M. White had made me sign the Order without explaining anything to me or allowing me to finish reading it. After Attorney White was supposed to be representing me, he started to have problems with my private physician and insurance company. He was often frustrated and he then started to take his frustrating out on me. He had cursed and yell at me. I tried to get rid of him several times; but during the time that I had my gynecological surgery, he called to my apartment and influenced my sister so that he could stay on as my attorney.

The orthopedic physician that he sent me to, Dr. McCoy, would not do anything for the injury to my feet or right shoulder, etc. He was very angry with me. He pushed my arm up behind my back hurting my chest area.

After my gynecological surgery, Attorney White used to have me meet him downtown in his office where he would often close the door. He used to be angry and frustrated for some reason. The last time that I had contact with him was when he had me to meet him in his downtown office where I had to squeeze my body between a table and chair. There he threw the temporary total check at me and he was looking at the floor grinning. He then asked me if I had loved my doctor. I replied that I did. After this episode, I asked the Worker's Compensation Commission to remove him from my case. I never had any more contact with Attorney White.

I was still having pain and problem lifting with my right shoulder and arm, but no orthopedic physician would help me. Since I couldn't get an orthopedic physician either another attorney to help me, I had a breast reduction surgery done by Dr. Margaret Metcalf to relieve some of the pain and pressure on my shoulders. After the procedure, I still had pain and sometimes muscle spasms in the right arm and shoulder area. I was unable to get an orthopedic physician to do anything about the continued pain, etc. I used medications to help control the pain. I could not get a physician so that I could a rating or diagnosis of my right shoulder.

During the time that I lived in Charleston, Attorney Thomas White was the only attorney that would help an injured nurse when she was injured at Trident Hospital. Some nurses would often complain that they had a hard time trying to get any more care for their injuries, especially, the neck, shoulder, and back. They never got anymore care even if they were misdiagnosed. This "dismissed with prejudiced" that were included in the settlement notes prevented them from getting anymore care.

Some of the nurses were given psychological diagnoses when they continued to complaint of pain, etc. I never injured my right foot and shoulder anymore. I had injured my left foot and ankle in the two falls of 1997. I injured my back in 1997.

In 2000, at the worker's compensation hearing involving my back, Commissioner Atkins, told me to refile my 1995 claim. Commissioner Atkins is a worker's compensation attorney. After the refilling of my claim, I had the run in with Commissioner Mickle and Attorney E. Douglas Pratt-Thomas. She told me that I needed to get an MRI and a diagnosis for my right shoulder and that I had to pay for it myself. I tried to get in with several orthopedic doctors but I was told that I had to get a referral from Trident Regional Medical Center, which I couldn't get. If I had gotten a second injury to my right shoulder, I might have gotten a MRI. I had changed careers from nursing and I was in Health Information Management where I wasn't using my right shoulder to lift heavy objects and I didn't have to turn and lift patients. I wasn't standing on my feet as much either.

I have permanent injuries to my right shoulder and both feet but no physician will give me a diagnosis. There are only a few physicians that I can go to for care without being abuse. The problem stems from the fact that Trident Hospital and Providence Hospital was sister hospitals when Columbia HCA was here in Columbia. Information travels from physicians to nurses etc., and physicians in Columbia have abused me for what went on in Charleston.

I have permanent orthopedic injuries, and Palmetto Health Richland only offered me a nurse practitioner for my injuries. The practitioner is not an orthopedic practitioner. With the **WCC No. 0126962 (DOA 1/15/01)** when the white male employee pushed the metal cart into my Left Achilles Tendon and left heel, this was a compound injury with my already injured ankle and foot. I was not sent to an

orthopedic physician even though I told the nurses and gave them a form when I was hired that I had some disabilities. I have a permanent injury even though no orthopedic will give me a rating. I was being taken care of by a nurse practitioner, Coleen Collins, until she turned me loose. She wasn't a nurse practitioner that specialized in orthopedics. I was never given an orthopedist when I asked for one. I had to return to Health Works where I was seen by Dr. Durkins, the Medical Director, and a neurologist. Nothing that he did worked for me. He sent me to two orthopedists, but Dr. Belding didn't do anything for me. Dr. McBryde did order an MRI but he didn't do anything else. I still continued to have falls.

I visited Dr. David Minter in Augusta, Georgia on 10/15/03 to see if anything could be done about my falls and he ordered me an ankle brace and sent me back to Dr. McBryde. It was only after I visited the Miller Orthopedic Clinic in Charlotte and got some special made orthotic that I begin to do better with the falls and injury to my left foot.

With **WCC No.0217755 (DOA 3/23/02)** when I fell out of the chair, I never received a check from Palmetto Health Trust for temporary total benefits for the days that I was out for my back. I continued to have problems with my back because I had aggravated the prior back injury of 1997. When I returned to Dr. Gregory Jones because he told me on discharged before to return to him for any flared ups, there I meet Dr. Timothy Zgleszewski who Dr. Jones was training. He didn't know anything about me or my condition at that time. Under plan, he wrote, "After reviewing Ms. Shiver's current clinical scenario and physical examination, it is my opinion with a reasonable degree of medical certainty that she has suffered a moderate lumbar strain/lumbar contusion based upon the mechanism of her injury and based upon her current symptomatology." Then he writes, "The lower extremity symptomatology has

not worsened since that injury, and therefore, there is no aggravation of that preexisting condition with this most recent injury in March of 2002.” Here, he is talking about my left leg after the male employee; James McDonald had hit me with the metal supply cart on 1/15/01. The first quote is concerning my back. My left leg in the area of the Achilles tendon and above was still hurting, but it hadn’t gotten any worse with this accident of 3/23/02. As my back condition worsened, I developed some pain in my buttocks and thigh on the left side. I had another MRI done which showed L4-5 and L5-S1 annular tears/protrusions, rule out symptomatic disc lesion(s), S/P recent work related fall 3/23/02 ( with history of prior stable L4-5 disc protrusion/shallow HNP left paracentral with annular tear, symptomatic S/P work-related MVA 10/11/97, flared/worsened S/P MVA 11/25/00.) I received some steroid injections for my back on 9/19/02, 10/17/02, and 11/14/02. Dr. Jones wrote, “ It is my opinion that patient can be considered at MMI regarding injuries sustained on the job to lumbar spine 3/22/02, and based on **AMA Guides to the Evaluation of Permanent Impairment, 5<sup>th</sup> edition**, patient has likely suffered no additional impairment to lumbar spine relating to those injuries, to a reasonable degree of medical certainty. It was an aggravation of my prior condition.

With **WCC No.0227098 (DOA 10/24/02)** the white supervisor dropped a heavy chart on the left side of my neck and shoulder as I was sitting at my co-worker’s desk working. I was sent to the emergency room by my immediate supervisor, Beverly Fulton and once again I was told to follow up with my physician. I developed some throat pain and hoarseness with voice change; I received some cervical epidural blocks. I received some injections for my left neck and shoulder. I was placed on Xanax prn for anxiety as I was having some anxiety. There was an aggravation of my neck injury. Dr Jones wrote, “She is really the classic “egg - shell”

patient in that she has had multiple injuries in the past, and even minor injuries to these regions can cause fairly significant flares in this patient.” Dr. Jones wrote that, “Although patient does have residual anterior shoulder and left upper chest wall pain and discomfort which has appeared as “new” myofascial injury following 10/24/02 accident on the job, this would require assessment for myofascial pain, and based on recommendations per **AMA Guides to the Evaluation of Permanent Impairment, 5<sup>th</sup> edition** interpretation, it is inappropriate to add further impairments for this type of injury, particularly when impairments have addressed myofascial injuries in this region previously.” I had a prior impairment rating to the cervical area of 8%. He also wrote, “I can address issues regarding future care via Life Care Plan if this becomes necessary.” I also visited a ENT physician where she gave me a diagnosis of “Hoarseness probably secondary to muscle tension dysphonia.” The hoarseness lasted about 2 ½ months.

With the **WCC No. 0322274 (DOA 1/21/03)**, I fell on the wet floor in the hallway near the medical records department as I was going to punch out. Ms. Mary Kay Parham accused me of seeking narcotics for pain and using alcohol. My manager Annette Sullivan gave me a disciplinary action report. I was marched over to Health works where I had to do a breath analysis for alcohol. I tried to blow air but I could not blow enough. I was still sick with the hoarseness and throat pain that I had gotten on December 25, 2002, and my voice had not returned yet. Since I couldn’t performed the breath analysis test, I was humiliated when they told me that I had to catch a taxi home or have someone pick me up since I was under suspicion for alcohol and narcotics. I had to sign a statement that released Palmetto Health Richland from all liabilities before they would let me go to get some X-rays done at Baptist Hospital. I was told by the nurse practitioner to seek care from my own

physician. Dr. Hook was notified earlier about my fall right after it happened. The office was called and a message relayed to Dr. Hook about my fall. I may have been diagnosed with a UTI but I wasn't having any symptoms of a UTI. I went to Baptist ER also for a visit. I was on pain medications. I continued to have severe left sided pain and suprapubic pain. I also had some bruised ribs. My abdominal and CT scan was normal, although I continued to have pain.

With **WCC No. 0321756 (DOA 10/23/2003)**, I tripped over a telephone cord at work. I was sent to the emergency room physician by the nursing supervisor, Pam Schglione because the nursing supervisor, Lenora Bell would not send me there to get check. Palmetto Health wouldn't let my immediate supervisor who worked in the medical record department send me to the emergency room to get check. Afterward, I went to Health Works on 10/24/2003, where Mrs. Holland, LPN, taunted me, "If you go to your own doctor, worker's comp. is not going to pay for it." The emergency room physician had instructed me to go to my own doctor. They were doing this ever since Coleen Collins did not take care of my Achilles tendon properly. I followed up with my doctor as the emergency room physician had instructed me to. Dr. Hook treated me until I finally had to return to Dr. Jones because of the flaring up of my low back pain and the left sciatica. I received some steroid injections for my back. On July 7, 2004, Dr. Jones indicated, "No additional impairment rating assessed today's date, date of maximum medical improvement, relating to 10/23/03 work injury to lumbar spine, as patient aggravated pre-existent pathology lumbar spine with that work injury, based on current understanding of patient's condition. I was sent to Dr. Thomas Brandt for continued pain in my left side. I had hurt my left side with the fall.

On 4/14/2004, I went to visit Dr. Odom for continued pelvic pain. The fall of 10/23/2003 had aggravated my fibroids which I didn't know that I had and my ovarian cysts. This was about the same thing that had happen when I fell at Trident Hospital in 1995. I had to have gynecological surgery again. I had to have lyses of adhesions that had developed as a result of my 1995 gynecological surgery because of the 1995 fall at Trident Hospital.

For the **WCC No. 0616756 (DOA 7/16/2006)**, I felt pain in my right wrist while using the hole puncher in the Medical Records Department at Palmetto Health Richland. I hadn't had any pain in my right before now. It was at night around 11 p. m. when it happened. Toni Pait, my immediate supervisor was notified by e-mail and she was also notified of me going to an orthopedic for some other orthopedist problems. She was in agreement with me going and she didn't tell me not to go. She knew how I was being treated by Palmetto Health Richland and Health Works with my prior falls and injuries at the hospital. I wasn't being given an orthopedic physician when I had documented impairments and many other orthopedic problems. Dr. Noojin office was located on Palmetto Health Richland campus at that time. He is considered one of Palmetto Health physician. The injury to my right wrist didn't fit the description of a repetitive trauma. The pain just started at the time that I was using the hole puncher.

On the first day that I visited Dr. Noojin, I told him that I had developed some pain in my right wrist while using the hole puncher at work which was in July of 2006. My left wrist and both knees were injured at Red Hill Baptist Church when I fell while headed into the church to put some job information on the bulletin board. The church wasn't responsible for my fall. There wasn't any wetness or water on the steps or on the porch which caused me to fall. There wasn't any unevenness on the

steps or porch. I hurt my left wrist and both knees with this accident which was in May of 2006. At the time of the hearing at the Worker's Compensation office, I didn't know that Dr. Noojin had deliberately lied on my medical records so that I would not be compensated for the injury to my right wrist. When I discovered what he had done, I tried several times to get him to correct the mistake. He would not correct the error. Under the Health Insurance Portability and Accountability Act, I have a right to have my medical record amended to reflect the truth. Someone from the Civil Rights Division in Atlanta, Georgia had to intervene to get Dr. Noojin to correct my records. I then knew that Michael E. Chase had set up the doctors and nurses to lie in the records to prevent me from getting workers compensation as well set me up with Commissioner Huffstetler to prevent me from getting workers compensation and to get rid of my claims "with prejudice."

Before I filed for the hearing, I had been approached by Key Risk and Palmetto Hospital Trust Services about accepting some money for my injuries. I don't understand worker's compensation and I had no one to give me any guidance or advice. Worker's compensation is not practice the same in Columbia as it is practice in Charleston. I was told by one of the insurance agents that South Carolina Worker's Compensation Laws were designed for the injured worker to represent him/herself. I didn't know that I was being tricked into losing my claims. I could never find an attorney to help me. I have been told that I would never find an attorney to help me against Trident Hospital in a worker's compensation case and it is next to nil to find an attorney to represent me in a worker's compensation case against Palmetto Health Richland. It is the concept of businesses contracting with as many attorneys as they want to represent them. Commissioner Huffstetler did not give me much chance to discuss anything about my injuries.

My case that wasn't heard continues for I have another injury to my right knee. It should have started from 2007 for the 1995 case against Trident Hospital, because I received an Order from Commissioner Ann Mickle that was marked, "This file be returned to central files and rescheduled for hearing upon request of either party." It was still current until September of 2007.

When I went into the hearing on September 27, 2007, I was prepared for Commissioner Huffstetler to assign a percentage of the monetary award to each insurance company for the compound injuries that I had sustained. The injury to my left foot was a compounded injury. This injury plus the injury to my right shoulder and feet had occurred with the 1995 case although I had no new injury to my right shoulder and right foot. I never got the MRI that Commissioner Mickle advised me to get because I had no money and no orthopedist would help me. Commissioner Huffstetler didn't start the hearing where Commissioner Mickle left off concerning my 1995 claim with Trident Hospital.

My case that I requested and went to the Worker's Compensation Commissioner to handle was never heard. Instead Commissioner Huffstetler changed the case to a previous 1997 case that had already been tried and decisions made. He was retrying this same case against me. He got rid of all of my claims with prejudice because he was angry with me for writing a book and saying that Attorney Thomas M. White had made me sign the Order of 1995 where he took out all of my injuries except my right foot and right shoulder.

I did fell at the hotel when I slide on a wet carpet, but it was not the source of my continued back pain when I visited Dr. Jones for aggravation of my back for the work related fall. I am a person with disabilities. I should be covered under ADA.

PERMANENT IMPAIRMENTS ALREADY ASSIGNED

1. Back(Lumbo- sacral spine) = 8%
2. Neck= 8%
3. Cervicothoracic Spine = 3-5%.

#### THE DECEMBER 1997 CASE WHERE I WAS ACCUSED OF ABUSING PATIENTS

This is the case that Commissioner Huffstetler focused on and retried on September 27, 2007, against me although a final decision had already been made. This is the case where the nurses submitted some write-ups on me to the Worker's Compensation Commission where they accused me of abusing patients. Also, the Psychologist, Ron Thompson, submitted an assessment on me where he misdiagnosed me as having conversion disorder. This case occurred after I hurt my back around October of 1997, while lifting a Jewish patient up in bed. While going through treatment, Dr. Warren, the orthopedic physician that was taking care of me would not exactly listen to my complaints after I developed back and leg pain after lifting a patient. Sometimes, I would hear a popping sound in my back. A MRI was done after Trident Hospital fired me and I was diagnosed as having a herniated disc in my lumbar spine. I was sent to the Psychologist, Ron Thompson, after I kept complaining of pain, numbness, and problems walking. The psychological assessment was submitted to the worker's compensation commission as it related to my mental status. The nurses also submitted the write-ups about me for abusing patients. Later the nurses submitted the write-ups to the Board of Nursing of South Carolina so that my nursing license would be taken away from me. I have a sickness where I can see a Spirit and a Spirit can enter my body. Also, communicating by writing is another one of the symptoms.

I was later cleared by the Board of Nursing for abusing patients after I had been wrongfully fired. No attorney would assist me with this matter either about

being wrongfully fired. During the time from 1994 until 1998, while I was working at Trident Hospital, Attorney Thomas M. White was the only defense attorney that I knew of that would handle a worker's compensation claim for a nurse against Trident Hospital. Often, the nurses would not get anymore treatment after the first episode of care for their back, neck, shoulder, arm injuries, etc. The nurses would complain but they would not get any more care after they had been paid some money for their injuries. Sometimes, the nurses' injuries would be misdiagnosed. The clause, "dismissed with prejudice" would be in the agreement. Sometimes when the nurses continued to complain, they would be given a psychological diagnosis. This is what happened to me with the injuries of 1995 and 1997.

This is the case where Commissioner Huffstetler and Michael E. Chase got the information about me abusing patients and my mental status which I didn't understand what they were talking about during the hearing. I later learned that they were using this case at the hearing to get back after me for writing a book.

#### STATEMENT OF THE CASE

This was never the intended case that was heard on September 27, 2007. I had requested and intended for a case where the Worker's Compensation Commissioner would help decide how much each insurance company would pay toward my injuries. I had been offered some monetary amount by two of the said insurance companies (I guess as a settlement.) but Zurich was not included at that conference.

My injuries were more or less aggravation of prior injuries except for the wrist injury of July 2006 that occurred while I was using the hole puncher and my falling because I never received proper care for my Achilles Tendon injury that was provided

by Coleen Collins, Nurse Practitioner. In addition, I was never given a doctor by Palmetto Health Richland when I asked for one.

I didn't know that I had been set up by the defense Attorney Michael E. Chase and that Commissioner David Huffstetler was very angry at me for writing a book and saying that Attorney Thomas M. White had made me sign the Order of 1995. All that I said and wrote in my book was true. Instead of the intended case being carried out, Commissioner Huffstetler with the help of Attorney Michael E. Chase retried a 1997 case where decisions had already been made. They were trying to destroy me. I was really being punished for writing a book and telling about what others had done against me. Instead Commissioner Huffstetler and Attorney Michael E. Chase turn things around against me. Attorney Michael Chase put back into the record that I had been fired from 3-4 jobs for abusing patients. Commissioner Huffstetler told the attorneys and insurance adjusters not to give me anything. He was very angry with me about my book and what had gone between me and Thomas M. White in the past.

I tried to stop this case and redirect it back for the intended purpose but I couldn't. I am not an attorney and I don't understand legal matters. I followed Commissioner's Huffstetler verbal order and appeal to the Circuit Court. The case was then sent back to the Worker's Compensation Commissioner but they still would not award me anything for none of my injuries. As a matter of fact, Commissioner Huffstetler as well as the three man panel which included Commissioner Lyndon was against me receiving anything for my injuries.

I appealed to the Circuit Court to see if I wouldn't be prejudiced there against receiving anything for my injuries or for the days that I was out for my back. I never received any temporary benefits from the insurance company. Attorney Michael E.

Chase caused Palmetto Health Richland to fire me because of my book and he also caused K-Mart to fire me.

No one was focusing on my injuries that I did receive or the aggravation of my prior injuries. The intended worker's compensation case that I had requested was never heard. I was being punished for writing a book and telling what Thomas M. White had done to me and my injuries in the past.

I am appealing to the Appellate Court so that the right and intended case can be heard before a Worker's compensation Commissioner who is a worker's compensation attorney and I can receive something for my injuries as had previously been offered.

Attorney Chase also interfered with my care at the orthopedic, Dr. Noojin, where he deliberately wrote in the notes that I didn't tell him about the injury to my right wrist that happened at Palmetto Health Richland, and where Attorney Chase has lied and put the injury to my right wrist on the church so that I would not be compensated for it.

The 1995 claim against Trident Hospital was never heard and the claims against Palmetto Health Richland were never really heard. Commissioner Huffstetler dismissed all of my claims "with prejudice" because he was angry with me.

The wrong case has been carried from the Worker's Compensation Commissioner to the Circuit Court.

#### ARGUMENTS

There wasn't much accomplished in the Circuit Court because Judge Lee didn't ask much questions relevant to the reason why I had appealed to the Circuit Court although she had access to many documents from my file, and my book, etc. She had stated that she wasn't a Worker's Compensation Judge to a prior

claimant, so my argument will be coming from the point of the Worker's Compensation Finding of Facts, etc. and how I was treated at the Worker's Compensation level.

As an injured claimant according to the Worker's Compensation Laws, I had a right to a fair hearing and a right to request a specific hearing. An injured worker should not have to be subjected to the wrath of the Worker's Compensation Commissioner who is not a worker's compensation attorney. According to Section 42-3-20, "The Commissioners shall hear and determine all contested cases, conduct informal conferences when necessary, approve settlements, hear applications for full Commission reviews and handle such other matters as may come before the department for judicial disposition." I don't understand worker's compensation and I could never get an attorney to represent me or explain anything to me about worker's compensation, but the monetary award offered to me by Key Risk Management Services, Inc and Palmetto Hospital Trust Services is presumed to be a settlement. A qualified worker's compensation commissioner who also is a worker's compensation attorney should have been able to handle the requested case that I file for even if Zurich American Insurance Company was added on as an entity that was also responsible for my injuries.

Even if my claims were fill out wrong, I was never given the benefit of the doubt. Commissioner Huffstetler should have discovered this when he was reviewing my files before the hearing was to have taken place. He could have refused to conduct the hearing that was requested, which he did. Instead he let his personal views and opinions get in the way of him conducting a fair and impartial hearing by reverting back to a 1997 Case, which had already been decided because he was angry with me for what he had found in my files and my book and what had gone on

previously with me and Attorney Thomas M. White and Trident Hospital and the number of claims that I had against this hospital. He focus the hearing on destroying me and preventing me from receiving anything for my injuries that had occurred, instead of conducting the requested hearing. He deliberately got rid of all of my claims with prejudice. He didn't pay any attention to the fact that I was afraid of some white men when he allowed Attorney Chase to stand over me waving his hand. He didn't consider cultural and diversity issues and the physical surroundings of the hearing room. All this help create greater anxiety and forgetfulness with me. What had happen with Thomas M. White and my 1995 had already happened and what I said about him was true. No amount of denial of worker's compensation benefits or retaliation can change that.

As for the injuries to my back, neck, and side; especially my back and neck, these were aggravation of prior conditions by the fall at Palmetto Health Richland and the aggravation on my prior neck injuries was caused by the supervisor dropping a heavy chart on the left side of my neck and shoulder.

As for the fact of me going to my own doctor, this is what the emergency room physicians told me to do after they found out that my orthopedic injury to my left Achilles tendon was being cared for by the nurse practitioner, Coleen Collins who didn't specialize in orthopedic at Health Works and the fact that I kept falling. In addition, I thought that I was going to fall and break my neck with the compound injury to my left Achilles tendon and left foot and heel. As with the fall of **WCC No. 0321756 (DOA 10/23/2003)** I did end up having another gynecological surgery because of the fall. The nursing supervisors at Palmetto Health told me to go to the emergency room physicians because this was part of their policy for taking care of the injured worker after hours. According to Section 42-15-60, "If in an emergency, on

account of the employer's failure to provide the medical care as specified in this section, a physician other than provided by the employer is called to treat the employee, the reasonable cost of the service must be paid by the employer, if ordered by the commission. Commissioner Huffstetler didn't order anything, because he did not consider anything in my claims that benefited me. He was very angry about the fact that I told that Attorney White made me sign the Order of 1995.

As for me seeking help with my falling and my injury to my Achilles tendon and heel, "Generally, a workers' compensation claimant may obtain compensation only by accepting services from the employer's choice of providers; however, a claimant is not required to sacrifice much needed treatment merely to comply with an employer's choice of physicians." The orthopedics physicians that Palmetto Health Richland had provided, Dr. Belding and Dr. McBryde did not do anything for me, especially, trying to provide care to prevent me from falling. Dr Minter provided me with an ankle brace which I continue to wear today and the Miller Orthopedic Clinic provided me with some orthotics even though I didn't receive a rating when the physicians found out that one of the injuries occurred at Trident Regional Medical Center. It has been a long time now since I have fallen again. The ankle brace and orthotics worked. I continues to wear an ankle brace and to use my orthotics. Why couldn't Dr. Belding or Dr. McBryde provide me with an ankle brace and orthotics?

The injuries to my ribs etc., came as a direct consequence of me falling at Palmetto Health Richland with **WCC No. 0321756 (DOA 10/23/2003)**, that was the reason why I was sent to Dr. Thomas E. Brandt, DO. I had continued side pain which never subsided since the fall of October 23, 2003.

As for my right wrist injury **WCC No. 0616756 (DOA 7/16/2006)**, I develop pain in my right wrist while using the hole puncher at Palmetto Health Richland.

This was in July of 2006. I fell at Red Hill Baptist Church in May of 2006. I never hurt my right wrist at the church. Only both knees and left wrist was injured. Furthermore, the church didn't do anything to cause me to fall, nor was there an unevenness, wetness or water on the steps or porch. I didn't consider this a repetitive injury. This is what Attorney Michael E. Chase decided that it should be and I don't know what he told Dr. Noojin to call it. This was all done to prevent me from receiving anything for my injuries and to take my injuries out of the Worker's Compensation System because of my book. This was indeed a worker's compensation injury and I should be covered under the Worker's Compensation System. My immediate supervisor, Toni Pait, was notified via e-mail on the same night that I developed the pain in my right wrist. This was well within the 90 day period according to Section 42-15-20. I don't know the rules of an accident, but I think the last person that caused the injury takes responsibility. In this instance of my right wrist injury, Red Hill Church was never responsible because I never injured my right wrist at the Church. I had had multiple injuries to my body at Palmetto Health Hospital and Trident Hospital before.

This case could have been avoided if Michael E. Chase hadn't set me up with the Worker's Compensation Commissioner Huffstetler because he wanted to make a name for himself by reversing the accidents that he had read about in my book and to prevent me from receiving any benefits because of the book that I had written. I was prejudiced by Commissioner Huffstetler and Attorney Chase who had my 1997 case retried against me. The case and objections that I requested a hearing for was never achieved because the case that I requested was never heard. Instead a 1997, case against Trident Hospital was substituted for this 1995 **WCC. No. 9503744 (DOA**

1/23/1995). Part of the December of 1997 case was retried against me. There had already been a decision made as to this December of 1997 Case.

As for my 1995 Case, Zurich Insurance Company, then Alexsis Insurance Company never paid for some medications that were ordered for me.

I was never paid for the days that I was out sick with the aggravation of my back with the **WCC. Case No. 0217755 (DOA 3/23/02)**. I never received a check for temporary disability or anything from the insurance company.

I was prejudiced by Commissioner Huffstetler as it related to his relationship with Attorney Thomas M. White and when I tried to explain that I had been fired from Trident Hospital for alleged abusing of patients while Attorney Michael Chase stood over me waving his hands. In addition, if Commissioner Huffstetler had not been influenced by Attorney Michael E. Chase, because he wanted a case where I would result in getting nothing for none of my injuries and a case where he could reverse what had happen in the case of 1997, I think the insurance companies would have come to an agreement where I would have received something for my injuries.

I am an injured nurse by occupation and I need my feet, arms, shoulders, back and my entire body to take care of clients. Neither Commissioner Huffstetler nor Judge Lee considered me as being a claimant with documented disabilities with protection under ADA.

I can't make an attorney represent me especially, if my opponents have bought out all the worker's compensation attorneys. The Worker's Compensation Commissioners are also for my opponents.

## CONCLUSION

Regardless if I wrote a book or not, as an injured worker, I should be still covered under The Worker's Compensation Act of South Carolina and allowed to receive benefits. I didn't see anything in the law that said I cannot write a book about my life and how I have been treated under worker's compensation by my employers. A Worker Compensation Commissioner's personal views should not be used to cloud his mind and judgment when it comes to upholding the Worker's Compensation Laws of South Carolina. It was the insurance companies that first approach me with the offering of a monetary value for my injuries (I guess this was a settlement.)

Commissioner Huffstetler was very angry with me for writing a book and he used it against me when I came for a hearing or for a decision as to how much each insurance company should pay for my injuries. I had been previous made an offer by Attorney E. Douglas Pratt-Thomas and Commissioner Ann M. Mickle for the injury to my right arm **WCC No. 9503744 (DOA 1/23/1995)** which I never received any more needed treatment for.

Also, my prior injuries were aggravated especially my back and neck by the accidents at Palmetto Health Richland.

For the reasons stated that I was prejudiced for my book and what I said about Attorney White, and the requested hearing was never held and that Commissioner Huffstetler substituted a prior hearing of 1997 that had already been decided for the one held in 2007 to destroy me and my credibility, this court should reverse the judgment of the Circuit Court because Judge Lee did not come up with anything new except I didn't remember seeing the matter of me being fired from 3-4 jobs for abusing patients which had been already dealt with and decided in the 1997 hearing that Commissioner Huffstetler and Attorney Michael E. Chase brought up at the 2007 hearing against me and put the fact that I had been fired from 3-4 jobs for abusing

patients in the Order from the Worker's Compensation Commission for the 2007 hearing. They retried the 1997 hearing which had already been decided at the requested hearing for 2007. The hearing that I requested was never held because what I went there to accomplish and discussed was never dealt with. They used this 2007 hearing to discredit me as to the fact of telling the truth about Attorney Thomas M. White and what had happened to my previous injuries and the Order of 1995, which Commissioner B. Lyndon had signed. All of my injuries were taken out with prejudice and I never received any more much need care for my right shoulder injury nor a diagnosis. I never received any orthopedic care or an MRI to discover why I still have pain and muscle spam in my right shoulder and right arm and why my penmanship is affected.

This Court should reverse the judgment of the Circuit Court and restore me back to the Worker's Compensation Commission where a qualified and unbiased Worker's Compensation Commissioner who is a worker's compensation attorney can help me decide on a settlement with the three said insurance companies. In addition, my records need to be corrected at the worker's compensation level where Attorney Michael E. Chase has put back into the record that I had been fired from 3-4 jobs for abusing patients which he had taken from the 1997 case that had already been decided. Since it was decided that this was not true in 1997, the nurses then move their allegations to the Board of Nursing. Now Attorney White and Commissioner Huffstetler has gone right back and put this statement back in my records from the 2007 hearing when Attorney White stood over me waving his hand when he found out that I was afraid of some tall white men. Also, my claims need to be removed from "dismissed with prejudice status." The claims need to be dealt with as a

continuation because this is how God fixed it. My present injury to my right knee is part of the continuum.

\*Thomas M. White did made me sign the Order of 1995, where he took out my injury to my left foot and other injuries. My left foot injury was compounded with the left Achilles tendon injury at Palmetto Health Richland **WCC.No. 1226962 (DOA 1/15/2001)**. The other falls and accidents were compounded on the injuries that I had at Trident Hospital. I had gynecological surgery as a result of a fall at Trident Hospital and I had another gynecological surgery as a result of falling at Palmetto Health Richland. All 7 accidents should not have been separate and dealt with individually. They were a continuation of prior injuries. The hearing of 1997 dealt with the matter of Thomas M. White and other matters that was done against me at Trident Hospital.\*

Respectfully submitted,



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