



ATTORNEYS AT LAW

Reply To  
JASON W. LOCKHART  
Direct Dial: (803)-227-2283  
JLockhart@mgclaw.com  
COLUMBIA

August 26, 2013

V. Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

RE: Rubenia B. Hammond, Appellant v. Aiken Regional Medical Center and ACE American Insurance Company c/o Sedgwick Claims Management Services, Inc., Respondents  
APPELLATE CASE NO. – 2013-000413  
Date of Accident: November 10, 2008  
WCC File No.: 0818089  
Our File No.: 20194.09159  
Claim No.: A6B6902A

Dear Ms. Allen:

Pursuant to the prior Order of the South Carolina Court of Appeals dated August 16, 2013, I am attaching a copy of the Settlement Agreement and Release which was approved by the South Carolina Workers' Compensation Commission on August 23, 2013.

If you have any questions or need any additional information to conclude your file, please advise.

Very truly yours,

Jason W. Lockhart

JWL/lwh  
cc: William E. Pagan, Sedgwick Claims Management Services, Inc.  
J. Bradley Baker, Esquire, Law Office of J. Bradley Baker, LLC

RECEIVED

AUG 27 2013

SC Court of Appeals

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 0818089

RUBENIA B. HAMMOND,

Employee,

Claimant,

vs.

AIKEN REGIONAL MEDICAL CENTER,

Employer,

AND

ACE AMERICAN INSURANCE  
COMPANY C/O SEDGWICK CLAIMS  
MANAGEMENT SERVICES, INC.,

Carrier,

Defendants.

**RECEIVED**  
SETTLEMENT

AUG 23 2013

Division of Claims  
SC Workers Comp. Comm.

SETTLEMENT AGREEMENT  
AND RELEASE

**RECEIVED**

AUG 27 2013

SC Court of Appeals

Rubenia B. Hammond, "Claimant," alleges to have sustained multiple injuries, including injuries to her neck, back, right shoulder, right arm and right hip, by accident arising out of and in the course of her employment with Aiken Regional Medical Center, "Employer," on or about November 10, 2008 when she slipped and fell on a tiled floor.

Claimant's average weekly wage is \$435.98; and the compensation rate is \$290.67.

Claimant contends that she is in need of additional medical examination and treatment; that she has lost compensable time from work and wages; that she has sustained permanent disability in excess of any ratings by treating physicians; that she has sustained bodily disfigurement; and Defendants dispute the Claimant's allegations and deny that any additional benefits are due. The parties agree that the Claimant sustained a compensable injury to the back, neck,

and right hip while in the course and scope of her employment with the Defendants on or about November 10, 2008

This case was heard by Commissioner Melody James on May 3, 2012, to address the issues set forth on the Forms 50 and 51. Commissioner James issued an order on August 13, 2012 which awarded benefits to the Claimant of 90 weeks of permanent partial disability compensation due to a 30 percent permanent partial disability to her back/spine, 39.2 weeks of permanent partial disability compensation due to a 14 percent permanent partial disability to her right hip, and lifetime causally related medical care (medication, pain management and trigger point injections) pursuant to S.C. Code Ann. Section 42-15-60 and Dodge v. Brucoli, 334 S.C. 574, 514 S.E.2d 593.

Claimant's counsel filed a Form 30, Request for Commission Review, on August 21, 2012, requesting review of the Decision and Order of Commissioner James. This case was heard by the Workers' Compensation Commission's Appellate Panel on December 18, 2012. The Full Commission issued a Decision and Order on January 31, 2013, affirming the Single Commissioner's Decision and Order in its entirety. The Full Commission Panel affirmed the Decision & Order of the Single Commissioner, who concluded that the Claimant sustained a compensable injury to the back and right hip, but did not satisfy her burden of proving a compensable injury to the right shoulder and/or right upper extremity

On February 21, 2013, Claimant's counsel filed an appeal with the South Carolina Court of Appeals requesting review of the order of the Full Commission. The parties now advise that they have reached an agreement to settle the claim for indemnity benefits in its entirety. The Defendants will continue to provide lifetime authorized causally-related medical benefits to the Claimant as provided in the Commission's previous orders dated August 13, 2012 and

January 31, 2013, respectively.

Claimant has been treated and/or evaluated by Douglas Holford, M.D., who has rated the Claimant's permanent impairment at 10 percent of the spine on September 18, 2009, Tara Marchand, OTR/L, who has rated the Claimant's permanent impairment at 5 percent of the whole person on December 7, 2009, John M. Downey, D.O., who has rated the Claimant's permanent impairment at 42 percent of the cervical spine on July 18, 2011, and also by Aiken Regional Medical Center, Charlton Pickett, M.D., Jimmy V. Lemke, M.D., Julian C. Hutchins, Jr., M. D., David M. Jester, M.D., Georgialina Physical Therapy Associates, and Mac Andrew Bowman, M.D., none of whom have rated the Claimant's permanent impairment.

In consideration of the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00), Claimant does hereby release and forever discharge Defendants from any and all claims, demands, actions or causes of action under the South Carolina Workers' Compensation Act, with respect to indemnity only, on account of any and all injuries, disability, disfigurement, specific loss, death, operations, medical, hospital or like expense, continuances, recurrences, aggravations, changes of condition, ailments, illnesses, and diseases or other damages, consequences or results, past, present or future in any way connected with, or arising from the alleged injury sustained by Claimant on or about November 10, 2008, and does hereby acknowledge that Defendants have fully, finally and completely paid and discharged all of their obligations, liabilities and responsibilities under the South Carolina Workers' Compensation Act, and that the sum set forth above is being paid to, and received by, Claimant in full and final satisfaction of all claims whatsoever as a result of the alleged accident described above and that Defendants shall not be liable for any additional payments whatsoever as to indemnity only.

Notwithstanding the above, the above paragraph and settlement figure closes out all

liability for indemnity payments only. Claimant acknowledges that he is entitled to no further temporary total, temporary partial, permanent partial, or permanent total disability payments as a result of this claim. However, Defendants acknowledge their liability for the Claimant's authorized causally-related future medical treatment pursuant to Section 42-15-60 for Claimant's admitted injuries as set forth above. Claimant's medical care under Section 42-15-60 shall remain open for Claimant's lifetime. At stated, this portion of the claim remains open and is not resolved through payment of the above-referenced lump sum settlement amount. The parties acknowledge the Claimant's entitlement to all additional, authorized casually related medical treatment of the back, neck and right hip, and will provide the Claimant with prescription medications as necessary and written by an authorized treating physician.

Defendants have paid and will continue to pay causally related, authorized medical expenses for treatment associated with Claimant's admitted injuries to the back, neck and right hip for Claimant's lifetime in such amounts as may be approved by the South Carolina Workers' Compensation Commission.

The parties agree that the aggregate of the proposed settlement is the sum of Forty Five Thousand Dollars and No Cents (\$45,000.00), and Claimant/Employee requests this Commission to approve the allocation of the aforementioned proposed settlement as follows:

Ten Thousand Six Hundred and Three Dollars and Eighty-Six Cents (\$10,603.86) to J. Bradley Baker, LLC as attorneys' fees; Two Thousand Three Hundred Ninety Six Dollars and Fourteen Cents (\$2,396.14) Dollars to J. Bradley Baker, LLC, as reimbursement of costs and expenses; Thirty Two Thousand Dollars and No Cents (\$32,000.00) Dollars to the employee as compromise settlement of future disability benefits commencing as of August 15, 2013 for a period of 18.60 years or 967.20 weeks, the life expectancy of the employee, at the rate of Thirty

Three Dollars and Eight Cents (\$33.08) Dollars per week pursuant to the South Carolina Life Expectancy Table in §19-1-150, 1976 Code of Laws of South Carolina, as amended, and as interpreted by the South Carolina Supreme Court in the decision of James v. Anne's Inc. 386 S.C. 326, 688 S.E.2d 562 (2010) and Orr v. Utica Mohawk Mills, 277 S.C. 226, 87 S.E.2d 593 and the case of Sciarotta v. Bowen, 837 F.2d 135 (3<sup>rd</sup> Cir. 1989).

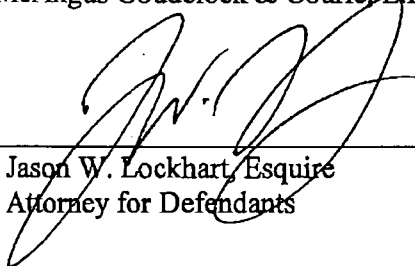
Claimant and her attorney represent that Claimant has been fully advised of her rights under the South Carolina Workers' Compensation Act and that they are of the opinion that the proposed settlement is reasonable and fair. Claimant's attorney represents that he has reviewed the settlement and has explained the terms fully to Claimant and Claimant voluntarily and without coercion agreed to the terms.

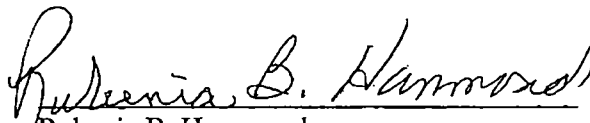
Claimant hereby relinquishes and releases each and every claim which she or anyone on her behalf now has, or may hereafter have, so that she shall not have any other or future claim or demand of any kind or nature as a result of the alleged accident described above.

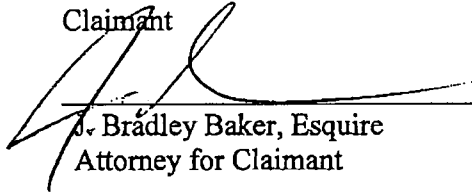
The parties are hereby filing this SETTLEMENT AGREEMENT AND RELEASE with the South Carolina Workers' Compensation Commission as required by S.C. Code Ann. § 42-9-390.

WE CONSENT:

McAngus Goudelock & Courie, L.L.C.

  
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Jason W. Lockhart, Esquire  
Attorney for Defendants

  
\_\_\_\_\_  
Rubenia B. Hammond  
Claimant

  
\_\_\_\_\_  
Bradley Baker, Esquire  
Attorney for Claimant

Columbia, South Carolina  
Date: 8-22-13