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SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals
In The Supreme Court

WORKERS COMPENSATION COMMISSION PANEL:

Cynthia C. Dooley, Chair
T. Scott Beck
Melody L. James

WCC No. 1923480

Appellate Case No. 2023-001264

Takara L Stewart

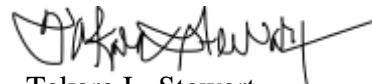
Claimant/Appellant,

South Carolina CVS Pharmacy, LLC,
Employer and
XL Insurance America Inc.,
Carrier

Defendants/Respondents

Final Brief

November 20, 2024



Takara L. Stewart
108 E York Street
Suite 236
Savannah, Georgia 31401
(984) 215-1812
Pro Se

The State of South Carolina
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In The Supreme Court

Appeal from the South Carolina
Workers' Compensation Commission

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I. FINAL BRIEF

STATEMENTS OF THE CASE

I, Takara Stewart (“Claimant”) sustained a compensable physical-mental injury and a compensable mental-mental injury for which the January 19, 2023 order granted temporary total disability and medical benefits. This is an appeal for the July 10, 2023 order of Commissioner’s Dooley and T. Scott Beck which reversed the January 19, 2023 order of hearing Commissioner A. Taylor. Claimant (Appellant) was not present for the May 8, 2023 appellate panel oral argument, may it please the commission to state the facts of this claim. I have been denied compensation on the basis of bias speculation, unsupported defense narration purported with inconsistent sequencing of events and socioeconomic mockery and respectfully an inconsistent Workers Compensation Commission solidarity per justifiable remedy in claimant processing. All arguments presented have been presented and or submitted to the lower courts. The defense is determined to strike the truth which is supported by the sexual assault being captured on video surveillance. Ms. Yarbrough has no defense and by default she has gone through extreme desperate lengths to leverage her Esquire title to have her indefensible defense supported. At this point, the legal system is extremely questionable, civility is selectively privileged, and the continuity in justice being upheld is contingent upon status and or rank. This is America! I was sexually assaulted at the third (3rd) degree which was initially reviewed and found compensable through the workers compensation commission by way of Commissioner Aisha Taylor. Upon receiving notification of my motion being denied and having to resubmit the initial brief, the respondents submitted a one-thousand

dollar (\$1000.00) settlement bribe on May 21, 2024 at 10:48 p.m. in efforts to dismiss CVS from liability, which I find highly contradictory to their indefensible defense. My arguments are coherently just and relevant as presented to the lower courts, despite the motion to present supporting evidence being denied all of which is also another desperate attempt of Ms. Yarbrough on behalf of CVS.

II. ARGUMENTS

Pursuant to Rule 211 of the South Carolina Appellate Court Rules, the statements of the case are essential for understanding the basis of the appeal. I am not a lawyer yet the initial brief has been stated coherently, coordinated with the transcripts as reference to the arguments aforementioned. I am the appellant. The victim of the CVS, workplace third degree sexual assault for which the statements are evidentiary and or factually inclined as I am the primary party involved alongside the assailant, by name Elizabeth Johnson Rawlinson, who was apprehended for sexual assault. (R. Claimants APA #2, #9) There is no basis for respondents defense hence the frivolous, bias speculation and unsupported defense narration purported out of inconsistent sequential events of the sexual assault and socioeconomic mockery strategically compiled by defense with an intent to overthrow justice for workplace sexual assault subjected to during CVS supervisory employment. The night of December 26, 2019, as the only form of premise security at the time of the attack, the video surveillance confirms the workplace sexual assault. (R. Defendants Exhibit G). What is defense if the narration isn't concise nor consistent with the footage and the sequence of events as personally endured by the appellant? The statements of the case merely detail, to a minimally necessary degree, per understanding of the record on appeal. (R. June 3, 2021; S. C. Tr. P. 17-31)

i. Bias Speculation

The respondents were tactless yet meticulous in defense using indefensible descriptions of the customers' sexual attack as merely a "*touch, pat or pad*" of the posterior. (R. F.C Hearing Tr. Pg. 3:1-25, Pg.4:1-25). While tightly groping-fingers intimately unwanted on the inside of my posterior, pulling and tugging on the right cheek of my posterior in a forward and backward motion the assailant stated "that's a big ole butt, you got a big ole butt" in the midst of the tugging in disbelief, as if it wasn't real and implanted silicon should and would fall from behind depicting the extent of the tug and force for a potential tear of the posterior muscle. The actual depiction of the perpetrators hand placement and immoral sexual behavior is not portrayed in its entirety on the video footage due to the camera placement at the time of the recording and the assailants body positioning. (R. Defendants Exhibit G). It was painfully uncomfortable, socially abnormal and privileged. An insensitive, bias speculation insinuating the attack was nothing per Ms. Yarbrough's statements and or indefensible opined impressions of the case are as follows:

(a) "*She did not even cry after the incident nor did she speak about it with her supervisor or any of her coworkers that day*". (R. May 8, 2023; F.C. Reversed Decision and Order; Defendants Statement of the Case; Pg. 1 ¶ 2). This statement is highly contradictory with the Deposition of Robyn Hanna (Supervisor and or Store Manager). (R. APA #10). Ms. Hanna was notified, on December 30, 2019, which was the next shared shift. (R. F.C. Hearing Pg. 4:17-20) (R. APA #2). Mrs.

Hanna wasn't very knowledgeable in regards to providing support, in lieu of the assault Mrs. Hanna stated "had I been here when she did that to you, I would have said something to her" and then provided information about the CVS Employee Assistance Program (EAP). Mrs. Hanna's defense testimony later contradicts her previously expressed sympathy and encouragement. (R. APA #10). Suppressed emotions are a thing and reluctantly I have had a very tumultuous childhood, initiating my introduction to unhealed trauma. Is it okay to scream or will I be scolded for what is supposed to be a freedom of expression? Can I tell what happened to me on the mountaintop or will it be surmised as "*being grown or manish*"? I have always been mocked for being genetically full-figured. Anti-social or uncommunicative, withdrawn, angry, self-conscious because of the premature sexual grooming and overly hyper sexualized mocking were all byproducts of childhood trauma. This "*closed persona*" has been directly shaped by my trauma hence the improper depictions of emotions. Long and silent sufferings are illustrative of the past and present trauma that has been resurfaced by way of employment through CVS. Not being taken seriously is painful. It's as if you're not taken serious until there is some sort of horrific event that transpires as a result of those sufferings. You're forced to remain in the shadows of insensitive mocking: "*you're one of how many, no one actually cares, you're a liar, it never happened, why you never said anything, alleged assault, alleged injury, alleged pre-existing condition and or you are not suffering from post-traumatic stress disorder*", disregarding the obvious cry for help. The desire to be selfish, there is no room to be selfish in motherhood. A lack of childhood

nurturing, parental selfishness and projected adult responsibilities would inevitably groom one into the characterization of being emotionally withdrawn.

As with the sexual workplace assault, none of it was ever welcomed!

(b) “...*My impression is she smiled, she continued to vacuum the floor. She performed her remaining job duties. Closed the store. Did not even stop what she was doing. She continued to vacuum.* (R. F.C. Tr. Pg. 4:6-25) Yes, and within that bias impression which couldn't be any further from fact, did it not logically occur to the respondents to consider the heavy CVS obligations per the indefensible narration? Providing security for the store as there were no additional security enforcement available, including but not limited to completing closing tasks and closing the store. Struck with a wave of fear that is perceived outwardly and mocked by defense as little to nothing. Suppressed fear, anxiety, the fight or flight response was definitely activated but yet there's a huge responsibility of closing the store, including thoughts of returning home to my daughter. With pressurized self-control, one of two big responsibilities that were contingent solely on performance, managing to close the store successfully which created no further liabilities for the CVS employer. There was no time to really allow oneself to *feel the effects of what transpired from the result of the highly unusual and extraordinary sexual attack.* To be subjected to cruelty by way of CVS employment is by far the most unusual and highly extraordinary experience ever endured. An assault without causation and heavily defended per remedy. One of two (1 of 2) liabilities: sexual assault on an employee or an unsecured building as a result which seemingly the sexual assault on the employee is the lessor of the

liabilities as the store was secured in the midst of the effects of the sexual assault being experienced. I have never experienced this before yet I was engulfed in an enormous amount of anxiety and fear. I was assaulted and there was no one there to protect me. There was no CVS security. I was there, the last open operating hour of the store, alone.

(c) A profound depiction of bias and circular speculation exemplified through the statement “*she appeared hurt on the camera*”. (R. F.C. Tr. Pg. 4:11-12). Was there an expression on camera or not? The defense narration is not supported, yet the camera displays the incident and the perpetrator.

Ms. Yarbrough’s frivolous and erroneous defense speculation is a direct implication of the respondents unsupported defense narration of the sexual attack and eager anticipation to purposely defend neglecting to consider the victim and all the trauma ensued as a result of the workplace sexual attack. The record on appeal would be null and void if the assailant (customer) never made the willful decision to sexually attack the posterior of management during the CVS scheduled shift.

ii. Unsupported Defense Narration Purported with Inconsistent Sequencing of Events and Socioeconomic Mockery

Ms. Yarbrough’s dramatized, inconsistent sequencing of events in efforts to sway the Full Commission Appellate Panel is desperately absurd. The bias speculation and unsupported defense narration continues as there are several instances where she protracts the sequence of sexual assault attack events, corroborates and pays

for a psychiatrist's opinion, socioeconomic mockery regarding the finances of a working class single mom and an old resume found on the web to question credibility in some desperate way of minimizing the sexual attack, effects of the sexual attack including but not limited to the repressed trauma and or current trauma that ensued afterwards. All of which, collectively, are motives to remiss and deflect justice moreover for a liability that has been confirmed. There has been countless compensatory offers to date to release CVS of the sexual assault liability. Of all the offers presented to date, none were psychologically inclined and or sufficient in regards to the well-being of the claimant and or on behalf of the record on appeal which further implicates the respondents in their unsupported defense. If there are and or were offers to dismiss liability, which liability is being offered compensation to dismiss: the physical-mental or the mental-mental liability? CVS's desensitization and three mocked offers are as follows: (1) Seven thousand dollars (\$7000.00), (2) a fifteen hundred dollar (\$1500.00) D/D clincher based settlement and (3) five thousand dollars (\$5000.00) all of which were presented to keep confidential in efforts to release CVS from all further liabilities subsequently avoiding further court processing fees alongside a mocked defense narration per the unforgettable assault experienced during the course of employment with CVS. This is an admission of liability and should be upheld justly; molestation during the course of employment which would deem contradictory to defense implications of falsification of injuries. (R. F. C. Hearing Tr. Pg. 11:10-25). What I experienced was not a hoax! Employees are not expendable, need I remind you the storefront is null and void without the

employees. The offers ridiculed me of what I actually experienced and furthermore contends there is factual and or legally admissible evidence regarding my claimed injuries as an employee of CVS. (R. F. C. Hearing Tr. Pg. 10:1-25).

(a) *“She told her supervisor a couple weeks later and when she did that the supervisor said she wasn’t crying or frantic.”* (R. F.C Tr. Pg. 4:17-25). Robyn Hanna was notified on December 30, 2019, the next shared shift, which intelligibly comes out to be four days. The incident occurred on December 26, 2019. A couple weeks versus four days substantiates Ms. Yarbrough’s purported defense narration.

(b) *“She didn’t call out of work or miss any time due to stress, anxiety, depression, trauma, or any psychological issues until March 14, 2020.”* (R. May 8, 2023; F.C. Reversed Decision and Order; Defendants Statement of the Case; Pg. 2 ¶ 4). Highly subjective defense narration, mere talk, hearsay and insensitive mockery for what was endured on behalf of the CVS workplace, sexual assault attack. The sufferings are still very much present, I lost and suffered a great deal. Through the CVS EAP program, referred to by Mrs. Robynn Hanna (Supervisor), I was connected to Linda Davis, MA, LPC, and SAP, which provided my initial introduction to counseling. Counseling with Linda Davis was no relief, inconsistent and significantly impacted and or interrupted by and at the peak of COVID-19. Linda Davis cancelled all remaining appointments due to COVID-19 isolation, stating “she wishes me the best and she hopes I get all the help I deserve”. (R. APA#3). I have been coping the best way I know and or trying to positively managing my trauma (i.e., focusing on, protecting my daughter from

my harsh realities and providing her a safe livelihood with hyper awareness and open communication to prevent the same narrative); taking my mind away from my repressed trauma was my ideology of healing but hasn't been deemed proper in review of psychologist consultations attempted through CVS EAP, psychology prescriptions of my attending physician, and personal efforts of seeking help through Brenda Graham of Savannah, Georgia and various submitted documented assistance. (R. APA #3, #4, #6, #11). The CVS assailants' immoral sexual behavior places me back in a spiraling-dark tunneled mind frame, all my years have been intentional, positively trying to overcome through aspirations to inevitably change the narrative. (R. Defendants Exhibit I). The CVS assailants' painful physical assault, created mental anguish, was shockingly unexpected, this incident has affected me physically and mentally.

(c) *“....reasonable degree of medical certainty as to whether the complaints that she made to you when she saw you were the result of that aggravation.” The answer is “Yes, she is.....” Dr. Hicks who gave that testimony is a general practitioner. We had a -- a board certified psychiatrist evaluate her and he opined that she doesn't have post-traumatic stress disorder. She has depression related to life stressors and not the work place incident. She doesn't have psychiatric issues related to the workplace incident. So, therefore, there's no physical mental injury.”* (R. F.C Tr. Pg. 8:3-25). Dr. Jon snipes was intentionally hired, payment for services rendered, by CVS's defense attorney on the basis of negligibly corroborating a defense theory. (R. Defendants' APA #13 Pg. 45-55). I have never met with this man in my life, he doesn't know anything about my character.

There was no rapport established with Dr. Snipes. I knew Dr. Snipes was virtually appointed and or paid to try and complete an assessment of my current condition by way of a video call in support of the defense narration of the respondents. Dr. Snipes' interaction doesn't compare to Dr. Ashley Hicks (Beckum), as she was able to establish a safe space to open up about the workplace assault and as a result the post traumatic episodes. Dr. Ashley Hicks (Beckum) medically certain opinion established under section 42-9-35 sufficiently justifies her opinion on the basis of aggravation of pre-existing conditions. Her opinion is more factual as she had no other underlying, defense motive outside of providing patient-centered quality care. (R. F. C. Hearing Tr. Pg. 8:15-25) (R. APA #5 Pgs. 19-24, APA #12 Pgs. 37-44). He was very hostile with questioning as a way to intimidate and manipulate me in solidifying his defense contracted services, unprepared yet inconsistent introductory brief by defense, corroborated confirming the defense centered tactics producing invalidated and incomplete documented findings. I was totally cooperative during my initial meeting with Dr. Snipes. (R. Defendants' APA #13). I never disconnected during the briefly scheduled video. This is not admissible evidence. His "psychiatrist" title does not confirm and or automatically permit or deem his findings as fact especially when Dr. Snipes had no factual recollection of the current workplace sexual assault and the correct sequence of events at the time of the defense arranged meeting. In review of S.C. Code section 42-15-60, Dr. Snipe's findings are not any more admissible than my attending physician Dr. Ashley Hicks (Beckum). (R. F. C. Hearing Tr. Pg. 10:4-25). I have had more office and virtual visit interactions with Dr. Ashley Hicks

(Beckum) in comparison to the one, contracted, virtual visit with Dr. Jon Snipes. Dr. Jon Snipe's claims are not valid, cannot be substantiated by "seeing" me on camera once, under a strategically scheduled defense appointed video and are highly offensive as a victim of such abominable injuries. (R. Defendants' APA #13 Pg. 45-55). Manipulative tactics of the defense are contemptible and should not be regarded as fact furthermore as a determinant for reversing a previously awarded order. (R. F. C. Hearing Tr. Pg. 8:1-14).

(d) *"In terms of the Claimant's credibility, it is all outlined in the brief. She has major credibility issues. It's easier to falsify mental injuries. Y'all are the ultimate fact finder of credibility. She lied on her employment application. She lied in her deposition. With regard to law suits that she previously was involved in, she had judgments against her regarding evictions. She lied on her tenant agreements."* (R. F.C Tr. Pg.11:10-19). I am not a liar as stated by the respondents. Are we to disregard the surveillance footage as supreme evidence and allow justice to be subjected to inconsistent, unsupported, indefensible defense narration? Do I allow defense narration to purport blasphemous defense narration as authentic personal characterization? There is no way to deny that this sexual assault took place moreover justifiable remedy to be administered as a result. I have always been gainfully employed since the age of fifteen (15). Despite the unfortunate adversity, memory, physical and mental history of being sexually taken advantage of, acquiring an instinctive yet psychologically unaccepted ability to endure. Not the healthiest way of overcoming trauma with no other option. Motherhood makes it even more instinctively profound to

persevere. There are struggles with bouts of depression and anxiety; PTSD.

Working for CVS and being the victim of a sexual assault injury has forced and or ripped open an old flesh and psyche wound. A wound that was being functionally managed before being subjected to a very unusual and extraordinary work environment; getting the right cheek of my rear-end firmly grabbed, gripped and aggressively tugged as if the intent was to tear it from my body which was painfully gross. Taking the stairs for success properly displays personal character, standing up for what is right should never be misinterpreted as some sort of ponzi scheme additionally used as reinforcement as the basis for reversing a previously proven, compensable, workplace sexual assault order. (W.C.C File No. 1923480).

(e) “.....based on Equifax reporting...that she had been making forty-five hundred dollars a month working for the Department of Defense at the same time she was requesting temporary total disability benefits.” (R. F.C. Tr.

Pg. 12:12-18). The defenses’ sequence of events is completely off, unsupported narration as I was no longer receiving Department of Defense pay; resigned August of 2018. Financial struggles increased with the decision to return to school and the change in full-time employment to the part-time CVS employment. (R. Single Commissioner Hearing Tr. Pg. 18:11-14). Equifax reporting is subjective moreover the information is outdated as there are still active credit freezes on all major credit bureaus. My employment with CVS took some getting used to, in retrospect to being a civil service employee and gross income at approximately forty-five hundred (\$4,500.00) a month, an acclimation to the change in pay while aspiring to achieve short-term career goals. Adjustments were made accordingly

with acceptance that this was going to be a means of and or for intermittent career advancement. Of course the respondents are desperately reaching with the purported indefensible defense narration of earning (\$4,500) a month in addition to working during a workers compensation total disability reward as a way to miscommunicate finances during the time of the assault. In no way can one accept this tactless defense as justification for reversing a justifiable, compensable order per said claim. To date, in the field of dentistry for 16 plus years, most of those years performed for the Department of Defense and Department of Veteran Affairs. My past financial affairs does not substantiate my character, it illustrates the storm in the midst of finding my rainbow. I contend that I have never been evicted. I have been served dispossessionary warrants, yes, yet I have never been ordered to vacate any residence secured as a tenant. A slack attempt to purport financial struggles with the motive of slandering my character to ultimately gain the defense leverage of a Full Commission Appellate Panel reversed decision. Goals and aspirations are completely exclusive of the workplace sexual assault claim. A working class, civil citizen and single mom aspiring for change. (R. F. C. Hearing Tr. Pg.11:10-25). (R. APA #7). Federal employment is not awarded to just anyone, extensive credentialing and a thorough background check for which I passed successfully. My Federal employment was fully vested which confirms the longevity in civil service employment.

iii. An Inconsistent Workers Compensation Commission Solidarity per Justifiable Remedy in Claimant Processing

The Department of Justice and the Workers Compensation Commission has been subjected to unconstitutional, inconsistent and unjustifiable due diligence concerning preponderance of evidence for workers compensation claim number 1923480. The workplace sexual assault, workers compensation claim, was justifiably ordered and now fully reversed on inconsistent defense narration, bias speculation, unsupported defense narration purported with inconsistent sequencing of events and socioeconomic mockery, going along with the undiplomatic defense and no regard for solidarity per justifiable remedy in claimant processing. Selective intimidation and manipulative leveraging of doctors and their degree credibility is improper. The order reversed on the grounds of the insensitive and dishonorable defense characterization mockery of a working class single mom. This is the only defense that was used to reverse the previously awarded order. There are a lot of speculative hearsay that were made a part of an order, presented as fact, and used to overturn the initial ruling of single Commissioner A. Taylor. The United States Worker Compensation Commission credibility is questionable because of the manipulative assertions of innumerable quotations, effectively establish a credible ruling entail not ignoring the most credible evidence. The highest credible evidence is the actual CVS video recording of the assailant painful and ghastly assault, including but not limited to an admission of assault by the assailant yet not enough to warrant justice for what I have endured and still fighting to overcome. No one can justify how the sexual assault injury and the effects of the injury affected the injured. No one can quantify the extent of the injuries on behalf of the injured. I was physically

injured by being sexually assaulted in the CVS workplace by a customer. I am proof, as I am the victim of the workplace sexual assault. (R. F. C. Hearing Tr. Pg. 18:8-25). Those injuries opened the door of repressed, very traumatic, mental anguish of which the assailant was not considerate and or ignorant of at the time of her willful and unjust immorally sexual behavior towards me. I have had to relive this sexual assault from Dec 26, 2019 until now which has adversely effected my mental health creating an indefinite mental injury. The assault is on a vivid, constant replay in my mind. There are visuals, feelings of the firmly gripped hand on my posterior and the assailants humorless laughter as she walked out the front door of the CVS storefront are all collectively a nightmare yet to be awoken from. I'd never advocate for employment with CVS nor will I personally seek employment again. The code of ethics presented as a standard for employment is a contradiction of CVS employees' workplace handbook. I exhausted every medium known as way of remedying the sexual assault in real time in the midst of trying take care of myself so that I can make a life for my daughter, our livelihood. CVS is responsible for the unusual and extraordinary sexual assault environment I was subjected to through workplace and workplace operations negligence. CVS should be ordered and inclined to provide treatment continuity to lessen the effects of the sexual assault and the debilitating physical-mental, mental-mental injuries of S.C code 42-1-160. The CVS Employee Assistance Program failed to uphold a properly executed chain of command in offering employee assistance by way of their Employee Assistance Program. (R. APA #1 Pgs. 1-2). The appointed representative was not effective. (R. APA #3).

The time I was out of work was substantiated, documented by my reputable and credible, licensed attending physician which was accepted thereafter documented by my CVS employer from May 18, 2020 to November 5, 2020 which is compensable pursuant to the S.C code 42-9-10 as previously ordered in the amount of \$4,224.01. (R. APA #8 Pg. 36). (R. F. C. Hearing Tr. Pg. 17:5). The awarded contents of the initial order and the defense mocked settlement offers, in no way, constitutes adequate compensation for my physical and mental injuries. I have been painfully mocked with the reversal of the initial order including the privately emailed defense mocked settlement offers, all of which have been insensitive and regarded as highly irremediable. No justly calculated steps in acquiring relapse relief necessary to officially start coping as I have had to live through the physical injury with no remorse from CVS employment. Healing is a lifelong process, the severity of how I suffered, the extent of suffrage deserves respect and is not to be diminished.

iv. South Carolina Code 42-1-160

Appellant sustained physical-mental injuries by accident on December 26, 2019 as a direct and proximate result of a willful physical and sexually based assault. Supported by *Landford vs Clinton Cotton Mill 204 S.C 423 (1944)* defining willful assault which is comprised of an injury by accident. Regardless of severity, the workplace sexual assault may have not resulted in an MRI, CAT scan and or other medical imaging nevertheless all of which are not required per burden of proof as the willful-unwanted, videotaped immoral touching of the

perpetrator constitutes an injury by accident within the meaning of the Workers Compensation Act. One does not have to accrue unnecessary medical bills, on part-time income, to substantiate workplace sexual assault. Is that the only medium to warrant justice? Why has this claim resulted in (5) five years of litigation in efforts to seek justice for a video graphed sexual assault? I, Takara Stewart, suffered a physical-mental, mental-mental injury as a direct result of being sexually assaulted while performing my supervisory job description for CVS. There are no specifications within that job description that entails undue, harsh, hostile, sexual assault exposure as a basis of employment. The surveillance of the incident, the police report, the assailant admitting to the sexual assault, the assailant being arrested and the incident being reported within reporting timeframes to the store supervisor is documented support of this incident as its alleged as being nonexistent by Ms. Yarbrough in the Full Commission Hearing. (R. F. C. Hearing Tr. Pg. 6:1-25). No employment with CVS, to be diligently working any shift extending the unwarranted interaction with the assailant thereafter horrendously being sexually assaulted, the claim, video footage, all its contents and transpiring traumatic, PTSD contents would be nonexistent. CVS nor I intended for this physical-mental injury presented during employment to happen but unfortunately it has subsequently presenting a highly unusual and extremely extraordinary condition for one to experience during employment among any employer and the mental-mental causation remnants as it is to date. I have been left to just deal with the injury aftermath, with no genuine support in spite of my personal resilient efforts provided on behalf of CVS while upholding CVS's job

description. My socioeconomic status, working class, single mom struggles and bias speculation in regards the effects of the sexual attack is tactless and indefensible. Arguably, there is no basis for defense as I was a victim of a sexual assault liability presented on behalf of CVS employment.

III. SINGLE COMMISSIONER FINDINGS OF FACT AND CONCLUSIONS OF LAW FINDINGS OF FACT

1. I find the parties to the proceeding are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, with Takara L. Stewart being the Claimant, and SC CVS Pharmacy, LLC., being the Employer and XL Ins. America, Inc., the Carrier.
2. I find that pursuant to §42-1-40 the Claimant's average weekly wage is Two Hundred Fifty- Eight and 45/100 (\$258.45) Dollars a week resulting in a compensation rate of One Hundred Seventy-Two and 31/100 (\$172.31) Dollars.
3. I find that pursuant to §42-1-160 the Claimant sustained physical-mental injury by accident on December 26, 2019 as a direct and proximate result of a physical and sexually based assault.
4. Notwithstanding the finding of a physical-mental injury, above; I also find that, on December 26, 2019, the Claimant sustained a compensable mental-mental injury within the meaning of S.C. Code 42-1-160.
5. I find that the accident of December 26, 2019 aggravated the Claimant's pre-existing psychological condition.

6. I find that, pursuant to §42-15-20, the Employer received notice of the accident on December 26, 2019, within ninety (90) days of the accident.

7. I find that pursuant to S.C. Code §42-15-60 the Defendants are responsible for additional treatment to be rendered to Claimant, including treatment rendered by Dr. Ashley Hicks, and any counselor she recommends from the date of this Order, and continuing for such additional time as will tend to lessen the period of disability.

8. I find that Claimant was totally disabled and entitled to benefits at the weekly rate of \$172.31 pursuant to §42-9-10 for the 24.5714 week period of May 18, 2020, through November 5, 2020; totaling \$4,224.01.

IV. CONCLUSIONS OF LAW

1. Under §42-1-130, the Claimant was a covered Employee at the time in question; and under §42-1-140, the Defendant-Employer was a covered Employer under the Act.

2. Under §42-1-160, the Claimant did sustain a physical-mental injury by accident arising out of and in the course of employment.

3. Under §42-1-160 the Claimant did sustain a mental-mental injury by accident arising out of and in the course of employment.

4. Under §42-15-20, the Claimant gave proper notice of the accident to the Employer.

5. Under §42-15-60, the Employer is required to furnish future adequate and proper care, at the hands of Dr. Andrea Hicks and any counselor to whom Dr. Hicks refers the Claimant.

6. Under §42-9-10 the Claimant is entitled to temporary total benefits for the 24.5714 week period of May 18, 2020 through November 5, 2020 of the weekly rate at \$172.31; totaling \$4,224.01.

V. ISSUES ON APPEAL

The mental-mental injury was direct and proximate to the physical-mental injury sustained and exposed to while gainfully employed and carrying out a supervisor trainee position at CVS located at 3210 East Palmetto Street, Florence South Carolina 29506. It has been proven that the present physical-mental and willful workplace sexual assault was highly unusual and beyond extraordinary conditions of employment subsequently creating mental-mental injuries which compounds and inadvertently intensifies repressed childhood trauma which according to the Workers Compensation law is interpreted as a burden of proof being properly established and the previous order of Single Commissioner A. Taylor's awarded benefits are justifiably legitimate. I believe the Appellate Panel will review, correlate the actual statement and factual delegations of this claim.

1. Claimants'/Appellants' Arguments

Claimant issues on Defendants'/Respondents May 8, 2023 reversed appeal are:

- (1) How is there no commission ruling continuity per the single commissioners hearing established and based on a matter of law, factual, videotaped footage confirming the physical-mental, mental-mental injury?
- (2) Per the CVS handbook, what part of the physical, willful, unwanted workplace sexual assault has been made a condition of employment? The single commissioner's credibility was accountable in ruling, accurate in characterization, free from abuse and justifiably within single commissioner ruling discretion.

- (3) What substantiates and or confirms Appellate Panel reliability in retrospect to surveillance and indefensible defense narration per the reversed decision?
- (4) Did the Appellate Panel disregard justice and endorse inconsistent defense narration and intimidation per medical certainty of licensed medical providers, ignoring the confirmed physical assault?
- (5) How is the a matter of law mistaken and overlooked in finding that, pursuant to section 42-1-160, when the December 26, 2019 workplace sexual assault occurred it was a direct and proximate result of a willful and unwanted molestation by a customer at CVS during CVS employment?
- (6) Defenses' narration characterization of the single commissioners findings and ruling as being unreliable, insignificant, insubstantial, abused discretion and or an unjustified exercise of discretion is it not disrespectful mockery to a law abiding commissioner and of course an indirect implication of the Appellate Panel?
- (7) Doesn't the indefensible narration, inconsistent depiction of workplace sexual assault sequence of events, and accusing the single commissioner of workers compensation ruling abuse propel the law governing the complete Workers Compensation Commission including but not limited to the Appellate Panel under review for abuse of discretion?

(8) What is erroneous about the single commissioner's ruling that is portrayed on store surveillance and testified as fact by the perpetrator and claimant confirming section 42-1-160?

(9) The single commissioner ruling upholds law in finding the willful yet unwanted workplace sexual assault was severely unusual and highly extraordinary by way of employment, per commissioning solidarity did the Appellate panel abuse discretion?

(10) The single commissioner ruling upholds law in finding the willful yet unwanted workplace sexual assault of the claimant was severely unusual and highly extraordinary by way of employment and justifiably within the means of the South Carolina workers compensation act, is the Appellate Panel upheld by the same commissioning law?

(11) Did the Appellate Panel err as a matter of law in insufficiently ruling per the mental-mental injury claimant was subjected to by willful yet unwanted workplace sexual assault was severely unusual and highly extraordinary by way of employment?

(12) Did the Appellate Panel implement indefensible defense narration by way of an erroneous and unjustified ruling discretion to reverse a single commissioner's order?

(13) Did the Appellate Panel disregard the CVS surveillance footage and the warranted implications as a direct and proximate result of what the footage confirms?

(14) Did the Appellate Panel disregard the direct and proximate psychological impediments including but not limited to PTSD?

(15) Disregarding the implications of the video footage, is that conclusive and synonymous of the Appellate Panel agreeing with inconsistent, indefensible defense narration subsequently abusing discretion and dismissing justice?

(16) In retrospect PTSD being diagnosed by a psychologist, Did the Appellate Panel disregard justice and endorse inconsistent defense narration and intimidation per medical certainty of licensed medical providers, ignoring the confirmed physical assault?

(17) Does the reversed order confirm the Appellate Panels' disregard for law with the dismissal of facts surrounding the willful and yet unwanted workplace sexual assault of the claimant; severely unusual and highly extraordinary by way of employment and justifiably within the means of the South Carolina workers compensation act?

(18) Dismissing the assault on the basis of indefensible defense narration is that synonymous for Appellate Panel confirming that the workplace sexual assault and video footage never happened?

(19) Dismissing the assault on the basis of indefensible defense narration is that synonymous for Appellate Panel confirming that the workplace sexual assault and video footage, the mental-mental injury claimant was subjected to by willful yet unwanted physical workplace sexual assault had no direct and proximate psychological effects?

- (20) Appellate Panel confirming that the workplace sexual assault and video footage, the mental-mental injury claimant was subjected to by willful yet unwanted physical workplace sexual assault had no direct and proximate psychological effects, how is that justifiable and completely exclusive of discretion abuse?
- (21) Did the Appellate Panel err the only factual evidence, coincide with indefensible defense narration and inconsistencies of workplace sexual assault events and provide a partial ruling in regards to the mental-mental injury as a direct and proximate physical workplace sexual assault?
- (22) To what degree of PTSD, anxiety and or suppressed emotions are required to be displayed to substantiate the current and repressed PTSD?
- (23) Did the Appellate Panel abuse discretion based on the indefensible narration purported to manipulate, coerce and project intimidation through licensure of physicians and counselors?
- (24) Would it be deemed justified by the Appellate Panel to disregard implications of video footage and testimonies regarding workplace sexual assault and execute discretion on the basis of noncriminal activity and improper defense characterization of the working class?
- (25) Are the code of ethics considerably different for citizens, private and government officials?
- (26) Are not the code of ethics held at an even higher regard for government officials?

(27) Does the Appellate Panel agree or disagree that workplace sexual assault is perverse, unusual and extraordinary to be subjected to during employment?

(28) Indefensible defense narration, claimant claim mocking and insensitivity towards current past traumas are tactless, did the Appellate Panel use the inconsistent narrative to compel a reversed order?

(29) Did the Appellate panel err the medical certainty of a psychiatrist, with no previous interaction, in comparison with an attending physician as a basis for reversing a previously awarded order? (30) Was the Appellate Panel misinformed about the medical certainty of Dr. Ashley Hicks (Beckum), the rapport built with the claimant as it pertains to patient-centered treatment and the referral of psychiatric treatment?

(31) The discretion of the appellate panel is inconclusive, was the appellate panel made aware of the CVS employer zero tolerance sexual harassment and or sexual assault policy?

(32) Has the Appellate Panel disregarded commission solidarity in justly remedying the physical and willful workplace sexual assault as the current and revision of past trauma initiated the mental mental injury which is a direct and proximate result of the unwanted physical assault?

(33) Per section 42-9-35, did the Appellate Panel err or dismiss pre-existing conditions with no regard to the video confirmed assault, testimonies, medical certainty of attending physician subsequently neglecting to acknowledge the current workplace sexual assault conditions being regarded as unusual and extraordinary per employment and the implications thereof on previous trauma in

regards to a collective remedy, preferred and sustainable psychological healing as a direct and proximate result of the physical-mental workplace sexual assault?

(34) What does it take to have pre-existing conditions constituted, considered and accepted before PTSD becomes a graphic depiction of claimants' statement of the case?

(35) Did the Appellate Panel fail to recognize the physical assault on surveillance, reported on the police report and confirmed by the perpetrator thus neglecting to accept the mental-mental injury of the South Carolina code section 42-1-160?

(36) Did the Appellate Panel fail to provide justice solidarity the claimant being told she was not required to be in attendance of the May 8, 2023 hearing via zoom?

(37) Did the Appellate Panel make an inconsistent, unwarranted and unjustifiable ruling per the inconsistent defense narration as to the sexual assault events were not accurate?

(38) Who can better state the case to the Appellate Panel than the actual victim of the workplace sexual assault?

(39) Did the Appellate Panel fail to establish the continuity of treatment was impeded on by the relocation to Georgia?

(40) Did the Appellate Panel concur and enforce an order with purported, indefensible defense narration regarding claimant admittance of being physically injured?

VI. CONCLUSION

I contend for the reasons asserted, the Appellate Panel should review the reversed decision of the Workers Compensation Single Commissioners' hearing initially filed on January 19, 2023. I sustained a compensable physical-mental injury and a compensable mental-mental injury for which the January 19, 2023 order granted temporary total disability and medical benefits. This appeal was submitted to state the actual facts of the claim by the victim. I have been denied compensation on the basis of bias speculation, unsupported defense narration purported with inconsistent sequencing of events and socioeconomic mockery, and respectfully an inconsistent Workers Compensation Commission order ruled with no solidarity in justice to appropriate remedy of misconduct of claimant workplace sexual assault.

November 20, 2024

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Takara L Stewart', with a long horizontal line extending to the right.

Takara L Stewart

Pro Se

108 E York Street Suit 236

Savannah, Georgia 31401

(984) 215-1812

cc: Michelle D Yarbrough, Esq.
myarbrough@gwblawfirm.com