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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

T. Scott Beck, Commissioner and Chairman for the Panel
R. Michel Campbell, Commissioner
Gene McCaskill, Commissioner

Appellate Case No.: 2022-000581
Case No.: W.C.C. File No.: 1611416

Jon A. Hinson, Employee,

Respondent

v.

BS Telecommunications, Employer, and Old Republic Insurance Co.,
Carrier, Defendants, of which BS Telecommunications is the

Appellant.

MOTION FOR COSTS, ATTORNEYS FEES AND POST JUDGEMENT INTEREST

August 1, 2025

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MOTION FOR MEMORANDUM IN SUPPORT

Comes now Claimant/Respondent, by and through his undersigned attorney, and moves under SCACR Rule 222 for allowable costs only, and under S.C. Code §42-3-175 for an award of additional attorney's fees; and under S.C. Code §34-31-20(B) for the imposition of post-judgment interest per S.C. Code Ann. §34-31-20 (B), based on the following:

1. Respondent seeks allowable costs only under SCACR 222 based on the Sworn Itemized Statement of Costs attached hereto.

2. According to S.C. Code Ann. §42-3-175(A)(1),

If a claimant brings an action before the commission to enforce an order authorizing medical treatment or payment of benefits and the commission determines that an . . . adjuster without good cause, failed to authorize medical treatment and/or pay benefits when ordered to do so by the commission, ...the adjuster must pay the claimant's attorneys' fees and cost of enforcing the order. The commission may impose sanctions for wilful disobedience of an order...

3. On April 2, 2021, Claimant filed a Motion To Compel payment of medical expenses, attorney's fees and costs, and impose sanctions in accordance with 42-3-175.

4. Per the Single Commissioner's Order of July 13, 2021, Claimant's Motion was granted and Defendants were ordered to pay: the medical expenses of \$3,620.00; Claimant's attorney's fees of \$1,400.00; \$50.00 in costs; and, sanctions of \$500.00 per day, totalling \$193,000.00.

5. Defendants appealed and did not pay the medical expenses, attorneys fees, costs, or sanctions as ordered.

6. Claimant's attorney was required to prepare and file an Appellant's Brief in opposition to the Defendants' appeal to the Full Commission.

7. Claimant's attorney was required to prepare for oral arguments, and travel to the Full Commission hearing in Columbia to participate in same.
8. In light of the Full Commission's Order of April 20, 2022 all portions of the Single Commissioner's Order relevant to Claimant were affirmed and the only modification to the Single Commissioner's Order was a reduction to the amount of the sanctions imposed of \$500 per day to \$30.00 per day, totalling \$11,580.
9. Defendants appealed again to the South Carolina Court of Appeals, and did not pay the medical expenses, attorneys fees, costs, or sanctions as ordered.
10. After the briefs were submitted, the matter was transferred to the South Carolina Supreme Court per Rule 204. Oral arguments were held before the Supreme Court on June 3, 2025.
11. The Supreme Court issued its decision on July 2, 2025, affirming the Full Commission.
12. Remittitur was issued by the Supreme Court on July 18, 2025.
13. Claimant now seeks an award of additional attorney's fees and costs per §42-3-175(A)(1) for the additional time he was required to expend enforcing the Single Commissioner's Order. See attached Sworn Itemized Statement of Costs with Attorneys Fees Attached, incorporated herein as if restated verbatim.
14. According to SC Code Ann §34-31-20(B):

A money decree of judgment of a court enrolled or entered must draw interest according to law. The legal rate of interest is equal to the prime rate as listed in the first edition of the Wall Street Journal published for each calendar year for which the damages are awarded, plus four percentage points, compounded annually. The South Carolina Supreme Court shall issue an order by January 15 of each year confirming the annual prime rate. This section applies to all judgments entered on or after July 1, 2005. For judgments entered between July 1, 2005, and January 14, 2006, the legal rate of interest shall be the first prime rate as published in the first

edition of the Wall Street Journal after January 1, 2025, plus four percentage points.

15. Claimant also seeks the imposition of post judgment interest to be applied to the unpaid \$3,620.00 in medical expenses, \$1,400.00 in attorney's fees, and \$50.00 in costs since the July 13, 2021 Order; and the imposition of post judgement interest on the \$11,580.00 in Sanctions since the April 20, 2022, Full Commission Order.

CONCLUSION

Based on the foregoing, Claimant seeks an order awarding allowable costs only per SCACR 222; awarding additional attorneys' fees and costs per S.C. Code §42-3-175; and, awarding post judgment interest on the previous amount of medical expenses, attorney fees, costs and sanctions imposed in accordance with S.C. Code §34-31-20(B).

Respectfully submitted,

August 1, 2025

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