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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC File No. 2207041

Appellate Case No. 2025-001248

Walter Hoover, Claimant, Appellant

v.

Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, of which Starr Specialty Insurance Company is the Respondent.

RESPONDENTS' MOTION TO CORRECT THE RECORD ON APPEAL

COMES NOW Respondent, Starr Specialty Insurance Company, by and through its undersigned counsel, hereby requests that the Record on Appeal for the above-captioned be corrected. This Motion is made pursuant to Rule 240 and 260 of the *South Carolina Appellate Court Rules*. This Motion is supported by the pleadings in this case and by any memorandum of law, supporting argument, and/or other exhibits that may be filed hereafter.

RESPECTFULLY SUBMITTED,



Claudia J. Piechota
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd.
North Charleston, SC 29464

Office: (843) 310-0485
Fax: (843) 589-9000
cpiechota@hplplaw.com
Attorney for the Respondents
SC Bar No. 104228

Walter Hoover
6194 Dogwalla Road
Whitmire, SC 29178
Tel: (803) 394-3047
Pro se Appellant

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v.

Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, of which Starr Specialty Insurance Company is the Respondent.

MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION TO CORRECT THE RECORD ON APPEAL

Claudia J. Piechota
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd.
North Charleston, SC 29464
Office: (843) 310-0485
Fax: (843) 589-9000
cpiechota@hplplaw.com
Attorney for the Respondents
SC Bar No. 104228

Walter Hoover
6194 Dogwalla Road
Whitmire, SC 29178
Tel: (803) 394-3047
Pro se Appellant

February 3, 2026

Respondents, Tractor Supply Company and Starr Specialty Insurance Company, by and through its undersigned counsel, respectfully submit this Memorandum of Law in support of Respondents' Motion to Correct the Record on Appeal pursuant to Rules 240 and 260 of the South Carolina Appellate Court Rules.

FACTUAL AND PROCEDURAL SUMMARY

By way of background, on November 28, 2023, this matter was heard in front of the Single Commissioner. The Decision and Order issued on February 14, 2025, ordered that (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was noncompliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Respondents and purposefully acted belligerently; (3) Respondents were entitled to terminated all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim through medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for overpayment of TTD benefits during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023. Appellant timely filed an appeal of the Single Commissioner's Order but failed to timely file and serve his appellant brief by the required timeline. The claim was removed from the review hearing docket; however, Appellant subsequently filed a Motion to Reinstate his claim. The Motion was granted and the matter was heard in front of the Full Commission. The Full Commission's Decision and Order, issued on June 12, 2025, fully affirmed the Single Commissioner's decision.

On June 20, 2025, Appellant filed a deficient Notice of Appeal with the South Carolina Court of Appeals. On July 2, 2025, Appellant attempted to correct the deficiencies and refiled his Notice of Appeal; however, he was then advised by the South Carolina Court of Appeals of continuing deficiencies. The appeal was ultimately filed and on August 21, 2025, Appellant served his initial appellate brief. Respondents then filed a Motion to Dismiss based on Appellant's continued non-compliance with South Carolina Court of Appeals Rules. Respondents timely filed their initial brief and the Motion to Dismiss was subsequently denied. On December 1, 2025, Appellant filed a Motion for Extension of Time to File Appellant's Brief. In the Motion, Appellant requested "an extension of thirty (30) days from the date Appellant receives the certified Record on Appeal, or, in the alternative, **ten (10) days from receipt of the certified Record on Appeal**, or such other time the Court deems appropriate." Appellant's Motion was granted, extending his deadline for his reply brief until January 6, 2026. In the Order, the Clerk of Court noted that "no further extension will be granted absent extraordinary circumstances." On December 15, 2025, Appellant then filed his initial reply brief, arguing that (1) benefits were terminated without compliance with statutory procedure, (2) Respondents terminated benefits without Form 15, Form 17, or Statutory Notice, (3) the Full Commission failed to conduct De Novo review and ignored Appellant's pending Form 50. Appellant makes no citations to any records or prior pleadings, orders, etc. throughout his initial reply brief.

On January 12, 2026, Appellant advised the South Carolina Court of Appeals that he had served Respondents with the Record on Appeal. However, on January 21, 2026, Appellant was notified that service of the Record on Appeal was deficient and that "any deficiency must be corrected within ten (10) days of the date of this letter, or this matter will be dismissed." (Exh. A). On February 2, 2026, at 5:14 PM, Appellant notified the Court of Appeals that his proof of service

was corrected. (Exh. B). Despite correcting this deficiency, the Record on Appeal submitted by Appellant failed to incorporate matters included in Respondents' Designation of Matters. (Exh. C). Appellant's Record on Appeal (Exh. D) omitted the Transcript of Hearing before the Appellate Pannel (Exh. E) as well as Respondents' full APA Submissions. (Exh. F). Respondents will be unfairly prejudiced by the exclusion of these matters as this Court cannot conduct a meaningful review of all issues presented.

Based on the arguments set forth below, the Record on Appeal must be corrected to include all matters listed in Respondents' Designation of Matters.

ARGUMENT

I. The Record on Appeal should be corrected to include all matters designated in Respondents' Designation of Matters.

Under the South Carolina Appellate Court Rules, the appellant bears the burden of serving the Record on Appeal. SCACR 210(a). The Record on Appeal must include matters as included in the Designation of Matters. SCACR 210(c). This includes "what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal." SCACR 209(b). Further, the appellate court "will not consider any fact which does not appear in the Record on Appeal." SCACR 210(h).

In the present case, Respondents very clearly delineated which matters to be included in the record on appeal. Among those matters were the transcript from the Full Commission Hearing and Respondents' APA Submissions. Appellant's Record on Appeal completely omits the Full Commission transcript and only includes a portion of Respondents' APA Submissions. It is Respondents' belief that this exclusion was intentional. The missing APA submissions include exhibits demonstrating Appellant's noncompliance as well as his continued aggressive and

threatening behavior towards the parties involved. Both the Full Commission Hearing transcript and the missing APA submissions are cited throughout Respondents' initial appellate brief. Omission of these matters will unfairly prejudice Respondents as this Court can only consider those matters in the Record on Appeal. The Cout will not be able to thoroughly review all issues presented by Respondents unless the Record on Appeal is corrected.

Appellant's Record on Appeal fails to comply with South Carolina Appellate Court Rules 209 and 210. Therefore, Appellant's Record on Appeal should be corrected to include the Full Commission Hearing transcript as well as Respondents' full APA Submissions. Furthermore, Respondents respectfully request that Appellant correct these deficiencies in the Record on Appeal within ten (10) days so that Respondents can properly file their Final Brief with citations to the Record on Appeal pursuant to SCACR 211.

CONCLUSION

Based on the foregoing arguments, Respondents respectfully request that Appellant's Record on Appeal be corrected to include all matters designated in Respondents' Designation of Matters.

RESPECTFULLY SUBMITTED,



Claudia J. Piechota
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd.
North Charleston, SC 29464
Office: (843) 310-0485
Fax: (843) 589-9000
cpiechota@hplplaw.com
Attorney for the Respondents

SC Bar No. 104228

February 3, 2026
Charleston, SC

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC File No. 2207041

Appellate Case No. 2025-001248

Walter Hoover, Claimant, Appellant

v.

Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, of which Starr Specialty Insurance Company is the Respondent.

PROOF OF SERVICE

I hereby certify that I have served the Respondents' Motion to Correct the Record on Appeal upon the parties below by placing a copy of it in the U.S. Mail, sufficient post pre-paid, on February 3, 2026, addressed as follows:

Walter Hoover, *pro se* Appellant
6194 Dogwalla Road
Whitmire, SC 29178
whoover@gmail.com



Jennifer R Vanscyoc, Paralegal
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd
Mount Pleasant, SC 29464
jvanscyoc@hplplaw.com

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 21, 2026

Walter R. Hoover, Jr.
6194 Dogwalla Road
Whitmire SC 29178

Re: Walter R. Hoover, Jr. v. Tractor Supply Company
Appellate Case No. 2025-001248

Dear Mr. Hoover:

Upon reviewing your proof of service of the record on appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service must include the name and address of the party(ies) served.

Very truly yours,

Jenny A. Kitchings

CLERK

cc: Claudia Julia Piechota, Esquire

From: Walter Hoover,Jr
To: Court Of Appeals Filings
Subject: Corrected Proof of Service - Walter R. Hoover, Jr. v. Tractor Supply Company- 2025-001248
Date: Monday, February 2, 2026 5:14:00 PM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good afternoon,

Attached please find a corrected Proof of Service in the above-referenced matter.

The correction addresses service information that was inadvertently incomplete in the prior submission.

Service was previously completed as reflected in the corrected Proof of Service, and the corrected Certificate of Service itself was mailed to counsel for Respondent on Friday, January 30, 2026.

Please let me know if any further action is required.

Thank you for your time and assistance.

Respectfully,

Walter R. Hoover, Jr.
Pro Se Appellant
6194 Dogwalla Road
Whitmire, SC 29178
Telephone: 803-394-3047
Email: whooverjr@gmail.com

RECEIVED
Sep 18 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC File No. 2207041

Appellate Case No. 2025-001248

Walter Hoover, Claimant, Appellant

v.

Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, of which Starr Specialty Insurance Company is the Respondent.

RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent respectfully proposes that the following matter be included in the Record on Appeal pursuant to the provisions of Rule 209, SCACR.

1. Order of the South Carolina Workers' Compensation Commission,
2. Order of the South Carolina Workers' Compensation Commission
3. Transcript of Hearing before the Single Commissioner;
4. Transcript of Hearing before the Appellate Panel;
5. Appellant's Pre-Hearing Brief and APA Submissions; and
6. Respondents' Pre-Hearing Brief and APA Submissions.

September 18, 2025.



Claudia J. Piechota

Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd.
North Charleston, SC 29464
Office: (843) 310-0485
Fax: (843) 589-9000
cpiechota@hplplaw.com
Attorney for the Respondents
SC Bar No. 104228

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Walter Hoover, Claimant, Appellant

v.

Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, of which Starr Specialty Insurance Company is the Respondent.

CERTIFICATE OF COUNSEL

I hereby certify on this 18th day of September, 2025, that Respondent Designation of Matter to be included in the Record on Appeal contains no matter which is not relevant to the appeal.

September 18, 2025.



Claudia J. Piechota
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd.
North Charleston, SC 29464
Office: (843) 310-0485
Fax: (843) 589-9000
cpiechota@hplplaw.com
Attorney for the Respondents
SC Bar No. 104228

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Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, of which Starr Specialty Insurance Company is the Respondent.

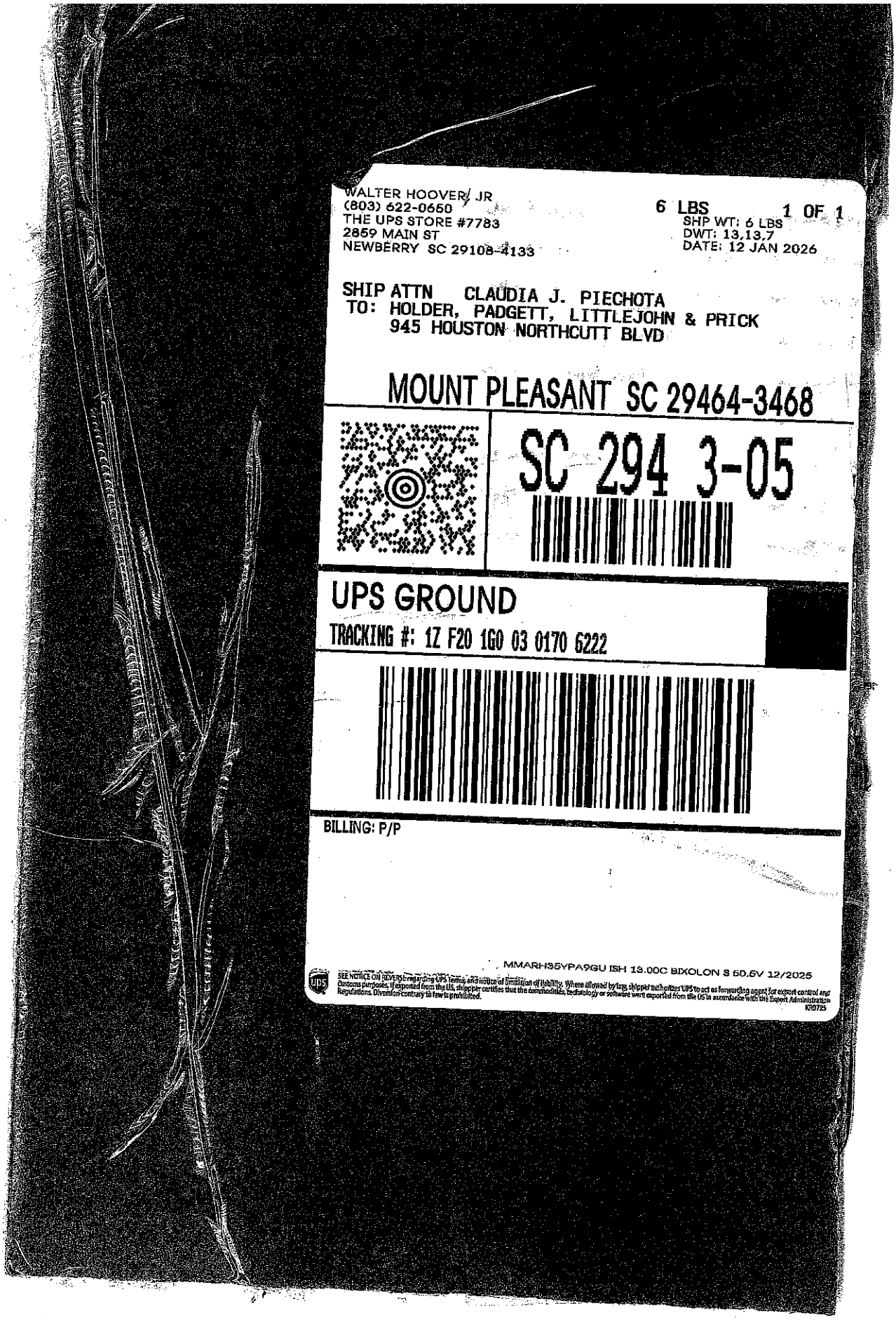
PROOF OF SERVICE

I hereby certify that I have served the Respondent's Initial Appellate Brief and Designation of Matter upon the parties below by placing a copy of it in the U.S. Mail, sufficient post pre-paid, on September 18, 2025, addressed as follows:

Walter Hoover, *pro se* Appellant
6194 Dogwalla Road
Whitmire, SC 29178
whooverjr@gmail.com



Jennifer R Vanscyoc, Paralegal
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd
Mount Pleasant, SC 29464
jvanscyoc@hplplaw.com



WALTER HOOVER, JR
(803) 622-0650
THE UPS STORE #7783
2859 MAIN ST
NEWBERRY SC 29108-4133

6 LBS 1 OF 1
SHP WT: 6 LBS
DWT: 13,13,7
DATE: 12 JAN 2026

SHIP ATTN CLAUDIA J. PIECHOTA
TO: HOLDER, PADGETT, LITTLEJOHN & PRICK
945 HOUSTON NORTHCUTT BLVD

MOUNT PLEASANT SC 29464-3468

SC 294 3-05

UPS GROUND

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APPENDIX TO THE RECORD ON APPEAL

IN THE SOUTH CAROLINA COURT OF APPEALS

Walter R. Hoover, Jr.,
Claimant/Appellant,

v.

Tractor Supply Company, Employer,
and
Starr Specialty Insurance Company, Carrier,
Respondents.

Appellate Case No. 2025-001248

Appeal from the
South Carolina Workers' Compensation Commission

APPENDIX TO THE RECORD ON APPEAL

Submitted by:

Walter R. Hoover, Jr.
Appellant, Pro Se
6194 Dogwalla Road
Whitmire, South Carolina 29178
whooverjr@gmail.com

Date: 01/12/2026

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Date: 01/12/2026

Dear Clerk of Court:

Please find enclosed the **Appendix to the Record on Appeal** in the above-captioned matter.

The Appendix consists of materials reproduced from the record transmitted by the South Carolina Workers' Compensation Commission. No documents have been added, omitted, altered, or reordered by Appellant, other than the application of appendix pagination for reference.

Certain documents appear incomplete, duplicated, or segmented. These conditions reflect the state of the record as transmitted by the Commission and are identified in the Table of Contents solely for clarity and ease of review.

Appellant **objects to any assertion or objection that the Appendix is inaccurate, incomplete, or improperly compiled**, as the contents reflect the record provided by the Commission and any deficiencies originate therein.

This submission is provided to assist the Court's review of the record on appeal.

Respectfully submitted,

Walter R. Hoover, Jr.

Walter R. Hoover, Jr.
Appellant, Pro Se
6194 Dogwalla Road
Whitmire, SC 29178
whooverjr@gmail.com

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Walter R. Hoover, Jr., Appellant
v.
Tractor Supply Company, Employer, and
Starr Specialty Insurance Company, Carrier, Respondents

Appellate Case No. 2025-001248

RECORD ON APPEAL

VOLUME I OF II

APPENDIX TO THE RECORD ON APPEAL

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A53 Appellant's Email Submission of Form 59 to SCWCC (April 29, 2024)

A54 Certificate of Service – Appellant's Motion to Reinstate (SCWCC, May 6, 2024)

A55 SCWCC Administrative Order Dismissing Request for Commission Review (May 2, 2024)

A56 Appellant's Form 59 – Informal Brief (April 29, 2024)

A57–A58 Respondents' Letter to SCWCC Judicial Department Regarding Appellant's Brief Filing Deadline (May 2, 2024)

A59 Respondents' Form 18 – Periodic Report (November 25, 2025)

A60–A61 Appellant's Request for SCWCC file (Email, August 8 - 14, 2025)

A62–A64 Appellant's Notice of Appeal to the South Carolina Court of Appeals, with Form 7 - Proof of Service (June 20, 2025)

A65–A85 South Carolina Workers' Compensation Commission Full Commission Decision and Order (Hearing: April 14, 2025; Order Date: June 12, 2025)

A86 Respondents' Form 18 – Periodic Report (May 22, 2025)

A87–A117 Respondents' Amended Brief to the Full Commission (April 4, 2025)

A118–A151 (Duplicate) Respondents' Amended Brief to the Full Commission (April 4, 2025)

A152–A153 Notice of Appellate Hearing with Certificate of Service from SCWCC, dated February 24, 2025

A154–A156 SCWCC Full Commission Order on Motion for Appellate Review to Be Reviewed on the Record (January 13, 2025)

A157–A159 South Carolina Workers' Compensation Commission Full Commission Administrative Order on Motion for Additional Evidence (January 13, 2025)

A160 South Carolina Workers' Compensation Commission Transmittal Letter Providing Copy of Appellant's Motion for Additional Evidence (November 7, 2024)

A161 South Carolina Workers' Compensation Commission Notice of Postponement (November 7, 2024)

A162 South Carolina Workers' Compensation Commission Hearing Reset Notice (October 29, 2024)

A163 South Carolina Workers' Compensation Commission Hearing Reset Notice (October 28, 2024)

A164 South Carolina Workers' Compensation Commission Notice of Appellate Hearing (September 13, 2024)

A165–A167 Email Correspondence Submitting Appellant's Pre-Hearing Brief to the South Carolina Workers' Compensation Commission (September 9–11, 2024)

A168 South Carolina Workers' Compensation Commission Notice of Postponement (September 11, 2024)

A169 South Carolina Workers' Compensation Commission Hearing Reset Notice (September 3, 2024)

A170 South Carolina Workers' Compensation Commission Hearing Reset Notice (July 19, 2025)

A171–A201 Respondents' Brief to the Full Commission (June 7, 2024)

A202–A224 Respondents' Response to Appellant's Motion to Include Additional Evidence (December 17, 2024)

A225–A231 Respondents' Motion for Appellate Review Hearing to Be Reviewed on the Record (December 20, 2024)

A281 Respondents' Form 18 – Periodic Report (May 24, 2024)

A282 Notice of Appellate Hearing with Certificate of Service from SCWCC (May 23, 2024)

A283–A285 SCWCC Full Commission Administrative Order Granting Motion (May 20, 2024)

A286–A296 Respondents' Written Response to Appellant's Motion to Reinstate (Continuation; followed by Exhibits A–D at A297–A442) (Incomplete: beginning portion)

A297–A299 Exhibit A – Appellant's Form 30 (January 10, 2024)

A300–A302 Exhibit B – Respondents' Letter to Dismiss Claim (May 2, 2024)

A303–A307 Exhibit C – Appellant's Motion to Reinstate (April 29, 2024)

A308–A442 Exhibit D – Respondents' Single Commissioner Pre-Hearing Brief, APA Submissions, and Exhibits (Incomplete: beginning portion) (May 16, 2024)

Senior Nurse Case Manager
Catastrophic Case Manager/Certified
Frye Case Management & Consulting, LLC
dfrye@fryecasemgt.com
Mobile: 336 212 7222
Fax 888 812 8220



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From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye; Tanna Discher
Subject: Re: Hoover (004169-065746-WC-01)
Date: Sunday, October 15, 2023 9:22:58 PM

Is there a reason you have not contacted me like you are supposed to, until now? Its been since before our hearing. I've sent several unanswered emails... what's the deal?

And further, why did you nor Dianna not notify me of my appointment with Dr. Boyd at Lexington Brain and Spine on September 21st? Isn't that your job?

On Sun, Oct 15, 2023, 7:22 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Mr. Hoover-
>
> Dianna Frye will continue to be on your claim. This is something you can bring up at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
>
> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CIP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com
>
> **From:** Walter Hoover,Jr <whooverjr@gmail.com>
> **Sent:** Thursday, October 12, 2023 10:03 AM
> **To:** Claudia Piechota <cpiechota@hplplaw.com>; dianna frye

2

<dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

3

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye; Tanna Discher
Subject: Re: Hoover (004169-065746-WC-01)
Date: Monday, October 16, 2023 10:22:23 AM

Checking back. I need answers.

On Sun, Oct 15, 2023, 9:21 PM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Is there a reason you have not contacted me like you are supposed to, until now? Its been since before our hearing. I've sent several unanswered emails... what's the deal?
>
> And further, why did you nor Dianna not notify me of my appointment with Dr. Boyd at Lexington Brain and Spine on September 21st? Isn't that your job?
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> >
> > w. hplplaw.com | e. cpiechota@hplplaw.com

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Sent: Thursday, October 12, 2023 10:03 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
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> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye; Tanna Discher
Subject: Re: Hoover (004169-065746-WC-01)
Date: Monday, October 16, 2023 12:43:05 PM

...but isn't that part of your JOB? That is my question!

Is it????

On Mon, Oct 16, 2023, 11:14 AM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Again, Mr. Hoover, you can address all of this at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
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> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
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>
> w. hplplaw.com | e. cpiechota@hplplaw.com
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> **Cc:** dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Tanna Discher <Tanna_Discher@gbtpa.com>
> **Subject:** Re: Hoover (004169-065746-WC-01)
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> >
> > o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CIP
> >
> > w. hplplaw.com | e. cpiechota@hplplaw.com
> >
> > **From:** Walter Hoover,Jr <whooverjr@gmail.com>
> > **Sent:** Thursday, October 12, 2023 10:03 AM
> > **To:** Claudia Piechota <cpiechota@hplplaw.com>; dianna frye

7

<dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye
Subject: Re: Hoover (004169-065746-WC-01)
Date: Monday, October 16, 2023 1:23:12 PM

Excuse me? What is your problem?

YOU, YOURSELF, cc'd her in an email at 7:22pm last night. I did not and have not cc'd her, Claudia.

I have simply used the "Reply All" button, so before you get hateful and flapping your gums at me, you need to check yourself young lady.

On Mon, Oct 16, 2023, 12:59 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Mr. Hoover-
>
> Please stop ccing my client, Tanna. She is represented by me, and you are not to have direct communication with her. Again, you are welcome to address all of this at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
>
> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com

9

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Monday, October 16, 2023 12:43 PM
To: Claudia Piechota <cpiechota@hplplaw.com>
Cc: dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Tanna Discher <Tanna_Discher@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

...but isn't that part of your JOB? That is my question!

Is it????

On Mon, Oct 16, 2023, 11:14 AM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Again, Mr. Hoover, you can address all of this at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
>
> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CIP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com
>
> **From:** Walter Hoover,Jr <whooverjr@gmail.com>
> **Sent:** Monday, October 16, 2023 10:22 AM
> **To:** Claudia Piechota <cpiechota@hplplaw.com>

Cc: dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Tanna Discher <Tanna_Discher@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Checking back. I need answers.

On Sun, Oct 15, 2023, 9:21 PM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Is there a reason you have not contacted me like you are supposed to, until now? Its been since before our hearing. I've sent several unanswered emails... what's the deal?
>
> And further, why did you nor Dianna not notify me of my appointment with Dr. Boyd at Lexington Brain and Spine on September 21st? Isn't that your job?
>
> On Sun, Oct 15, 2023, 7:22 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:
>
> > Mr. Hoover-
> >
> > Dianna Frye will continue to be on your claim. This is something you can bring up at your upcoming hearing.
> >
> > Thank you,
> >
> > CLAUDIA J. PIECHOTA
> >
> > Holder Padgett Littlejohn + Prickett, LLC
> >
> > CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
> >
> > Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
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> > o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
> >
> > w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, October 12, 2023 10:03 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota
Subject: Hoover (004169-065746-WC-01)
Date: Tuesday, October 17, 2023 5:00:02 PM

I want the Nurse Case Manager removed from my Claim immediately! I feel that she is working against me and it is my right to have her removed.

I want her removed today, Claudia.

EXHIBIT E
HEARING TRANSCRIPT

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 2207041

Walter R. Hoover,	)
	)
Claimant,	)
	)
v.	)
	)
Tractor Supply Co.,	)
	)
Employer,	)
	)
and	)
	)
Starr Specialty Ins. Co.,	)
	)
Carrier/Defendants.	)
	)

COMMISSION HEARING

****

Tuesday, November 28, 2023
1:35 p.m. - 2:08 p.m.

The Commission Hearing was heard before Commissioner R. Michael Campbell, II, at the Ninety Six Police Department, Court Room, 100 N. Church Street, Ninety Six,, South Carolina on the 28th day of November, 2023, before Amber Scarborough, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES

Claudia Julia Piechota, Esquire
HOLDER, PADGETT, LITTLEJOHN & PRICKETT, LLC
945 Houston Northcutt
Charleston, South Carolina 29464
Attorney for the Carrier

Also present:
Walter Hoover, Pro Se
Amy Lea

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EXHIBITS

(Claimant's Exhibit Numbers 1 and 2 were marked for identification purposes prior to the hearing and introduced into the record as follows:)

Claimant's Exhibit Number 1 4
(Video evidence, subpoena, emails, letter dated September 21, 2023, letter dated October 16, 2023)

Claimant's Exhibit Number 2 4
(Time line of treatment, SC Internal Medicine documents, Payment and Benefits)

(Claimant's Exhibit Numbers 1 and 2 were retained by the Commissioner.)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the Administrative Procedures Act and the South Carolina Rules of Civil Procedure.

(Claimant's Exhibit Numbers 1 and 2 were marked prior to the hearing.)

CALL TO ORDER:

COMMISSIONER CAMPBELL: Today's hearing date is November 28th, 2023. This is Workers' Compensation case file Number 2207041. The Claimant is Walter R. Hoover who is Pro Se. Employer was Tractor Supply Company. The Carrier is Starr Speciality Insurance Company, represented by Claudia Piechota.

MS. PIECHOTA: Piechota.

COMMISSIONER CAMPBELL: The date of accident was May 25th, 2022. There was an average weekly wage and the comp rate are to be determined. APAs have been submitted. Are there any objections to APAs, jurisdiction, venue or any other items?

OBJECTION:

MS. PIECHOTA: I object to any additional APAs that they have handed forward today which was everything they've submitted.

COMMISSIONER CAMPBELL: Okay. And, I'll let you respond to the objection Mr. Hoover that other that -- with what has been submitted into evidence today. You have submitted up to me

some documents and videos. Is it video or audio?

REPLY TO OBJECTION:

MR. HOOVER: Videos.

COMMISSIONER CAMPBELL: Video.

MR. HOOVER: Audios and videos.

MS. LEA: One came over as an audio and that was actually a delivery to Dr. Gunter's office, subpoenas that were never returned to us.

COMMISSIONER CAMPBELL: Okay.

MS. LEA: But the copy of the subpoenas are there.

COMMISSIONER CAMPBELL: And I as we discussed in our pre-hearing conference I'm allowing this in for rebuttal evidence to what is reflective in the medical records ---

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: --- that you are saying is contrary to what is stated in the medical records, is that correct?

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: And I'm letting it in for that narrow scope. And then I believe you had also have submitted to me some documents regarding employment that you have stated that it was authorized, that there is a dispute over

whether that was authorized treatment or an authorized employment as well as mileage, is that correct?

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: Okay, all right. And I said, as I stated as part of the pre-hearing conference that I am going to allow those record in and just give them the weight that I feel that they deserve, okay?

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: All right. Without further objection the Commission file becomes a part of the record with the exception of self-serving declarations and unstipulated medical reports.

We are here today on the Form 21 that you have filed and the Form 50 that you have filed. So if you would, I believe the Form 21 was filed first, so if you would, please put your position on the record and let us know what you're seeking here today, ma'am.

CARRIER'S POSITION STATEMENT:

MS. PIECHOTA: Commissioner, Defendant's seek today a determination of maximum medical improvement, disability if any, any future medical treatment and any permanent work restrictions and we're

doing that pursuant to 42-15-60. As you will see throughout the records on page, on Defendant's APA page 100, Dr. Tavel back on February 14th, 2023, anticipated that Claimant would be at MMI for three to six months. Then, if you continue to Defendant's page 89, Dr. Gunter's office detailed on February 28th, that patient called the office rude, yelling and calling the staff out of their name, referred to staff as the "B" word and had because, one, he wanted pain medication and patient threatened to come in the office and let us have it. Then he will continue on Defendant's page 90, Dr. Gunter's office documented on March 6th, 2023, there seems to be some disagreement between the patient and his family and my office regarding the interactions. Certainly does not appear possible to continue to care for this patient as it appears to be too much discord within the relationship between the practice and the patient. The patient left abruptly after hearing the news. So I didn't get much opportunity to expand on the concept. I did briefly discuss with the young lady that was there with him and they

asked to see if I would refer them to Southeastern Spine Institute. Commissioner, you will continue on page -- Defendant's page 127 on March 7th, 2023, an email from the nurse case manager stating that Mr. -- Dr. Gunter's office was under the impression that Claimant's girlfriend was impersonating a nurse case manager. Then you will continue on Defendant's page 93 on April 25th, 2023, he treated with Dr. Tavel. He continued to state that he was only interested in moving with surgical intervention when no one had recommended it. Then you will continue on Defendant's 144 on May 11th, 2023, Dr. Tavel's office emailed us saying that he was releasing and discharging patient from his practice due to aggressive behavior. And then if you will again continue on Defendant's 137, I had a nurse case manager quit working with Mr. Hoover because he made threatening comments towards them. You will see throughout Exhibits D and E, Commissioner, he has consistently called our office, GB's office, making threatening and disrespectful comments to not only myself, my staff, GB's staff, etcetera. Even after all that, in good

faith, Defendant's has sent into Dr. Girault on June 22nd, '23. You will see on Defendant's page 106 and 107, again Dr. Girault would not treat Claimant because he was combative when he first arrived telling, which he stated, me what to do and what she or should not do. Dr. Girault also found that at the end of the visit his girlfriend was recording the visit without permission. Had she asked she could record, they probably would have allowed it but they were never asked if they could record it. Then we have now tirelessly sent him to numerous doctors. Claimant has made a scene, would not even allow the nurse case manager at his most recent visit with Dr. Boyd. You will see that evidence on page 114 and 163 and 171. So we're asking a determination of maximum medical improvement and disability if any. An alternative, Commissioner, we're asking that you find that he was medically non-compliant from February 14th, 2023, to his recent appointment with Dr. Boyd on November 13th, 2023. So that total overpayment equates to $30,107.06. On top of all of that, if you find that he is still entitled to medical benefits

and temporary benefits we're requesting a reduction in his compensation rate based on the payroll records that you will see evidence on Defendant's page 1 and 15 and there's a identical chart in there as well which shows 22 weeks of payroll records it equates to $542.73 average weekly wage with a $361.84 comp rate. So that total overpayment based on comp rate -- incorrect -- correct comp rate totals to $12,970, that is if you find he was medically compliant. If you find he is not medically non-complaint for that total period it's $30,107.06. Thank you, Commissioner.

COMMISSIONER CAMPBELL: Okay, all right. Thank you. And Mr. Hoover before I have you put your position on the record, let me go ahead and swear you in, sir. Please raise your right hand.

MR. HOOVER: (Claimant complies).

COMMISSIONER CAMPBELL: Do you swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

MR. HOOVER: I do.

COMMISSIONER CAMPBELL: Thank you, sir. Also, I do know as a part of our pre-hearing conference we

had discussed this, but also as part of the Commission file, that you have previously been represented and additionally time had been granted to you to seek representation and you are proceeding, that you are proceeding here today on your own, representing your own -- yourself, is that correct?

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: Okay. All right. So at this point if you want to tell me what it is you're seeking here today and what you would like for me to do for you, I'm happy to hear it.

CLAIMANT'S POSITION STATEMENT:

MR. HOOVER: Well, I'm seeking to discontinue myself of the Workers' Comp because the system has failed. And going over everything that she brought up outside of the phone call -- the phone call that Dr. Gunter's office, the lady said that I called her a bitch on the phone. I asked her -- she hung up on me twice. I called back the third time, I said this should be pretty easy now, it's being recorded. She said how can I help you, sir. Then we started talking about why you hung up on me and I said,

well, you know, you shouldn't have done that. She said we have these call recorded too. I said okay, well, if you got the calls recorded you have them for Dr. Gunter when I get there. They haven't produced them. We subpoenaed them. They still haven't produced them. She saying I called her that. I did not call her that. So, if she can't produce what she's saying I did, that should be thrown. But everything else that she's gone over is in the videos and in the paperwork and I'm seeking what her and I discussed before, to close and get out of it and take care of myself.

COMMISSIONER CAMPBELL: Okay, all right. And I know as a part of the pre-hearing conference there was some treatment that you had discussed that ... So you're asserting you're not at MMI, right -- that you're not at MMI?

MR. HOOVER: Yes.

COMMISSIONER CAMPBELL: And that you're wanting additional treatment but not necessarily the treatment that has been recommended, is that correct?

MR. HOOVER: Yes, sir, not through the Workman's comp. I would like a non-biased doctor that

has nothing to do with Workman's Comp.

COMMISSIONER CAMPBELL: And I believe you had mentioned to have a pain -- being sent to a pain management doctor?

MR. HOOVER: Yes, sir. The one closest to where I'm at versus three hours away.

COMMISSIONER CAMPBELL: Okay.

MR. HOOVER: And, I mean there's plenty of them here. We've called. We know they're taking patients. We've called and asked, so I was concerned as to why would I have to travel three hours to get that.

COMMISSIONER CAMPBELL: Okay.

MR. HOOVER: I mean that, that just doesn't make sense and it's -- and everything it's like it's an intentional delay and that's why I want to discontinue myself because I don't feel like I'm getting -- I feel like the system is washing me through based on the pattern and if you look at it everything happens at the same point so it's not a coincidence. So, I mean, as of right now, a year later, I'm still sitting here. No help, everything that you do to keep me out of -- I mean from not calling me back. The nurse case manager, her job is

suppose to stay in contact with me. Her job is suppose to stay in contact with me. Neither one of them do that. Every time I call to get a response to get somebody we have to wait 'til we go to Commission. And, every thing, this being combative, has to do with this steroid shot. And once again, if you're allergic to something you should not have to go over this. It should be one time on the paper, allergic. Nothing else needs to be said and that is just about everybody walking but me.

COMMISSIONER CAMPBELL: Okay. And, I also want to mention just so that I capture this for the record cause I don't want to like anything left out, but I know that you were also seeking some payment of some treatment, that there's a dispute regarding as to whether it was authorized and the mileage that was involved -- -

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: --- with that, is that correct?

MR. HOOVER: And my primary care, Amanda Dudley -- when we started they told me I had to go to a primary care doctor first and this is at the

Urgent Care. I didn't have a primary care doctor so I went to get Amanda. Well, before I went there I was suppose to call the Workers' Comp people. I called them, they said you have to authorize ever doctor visit that you go to. So I went there and told them about it and they wouldn't see me until it was authorized. So I called -- they authorized it because I was standing there and they seen me that day. So about not paying it, if I have to get it authorized through them they should pay it. And, we set up the mileage from Davis to everything we've done. They broke it down differently. We broke it down again. They sent half of the money. The other half hasn't even been brought up again when we ask about it. This is not even an issue.

COMMISSIONER CAMPBELL: Is that all the issues that you ... So just ---

MR. HOOVER: Yeah ---

COMMISSIONER CAMPBELL: --- in a nutshell is, and I'm not trying to put words in your mouth, but I try to do this for pro se Claimants that just to summarize; you don't believe you're at MMI, you want additional treatment, you want to be

released from Workers' Comp to go seek your own treatment ---

MR. HOOVER: I would like to settle the Workman' Comp.

COMMISSIONER CAMPBELL: Okay.

MR. HOOVER: I would like to settle.

COMMISSIONER CAMPBELL: Okay. And you want the mileage and the unauthorized, or the treatment that you say had been authorized that they dispute. You had also raised as part of the pre-hearing conference, you had also raised an issue with case manage -- the nurse case manager. Do you want to put that as a part of your position, sir?

MR. HOOVER: Well, it states in there it's up to me if she does nor not. It's my discrepancy. And if she's not doing her job I won't need her there so that's why I said that. And to not call me, to not let me know, especially not to call me when I got a doctor's appointment that I've been waiting on for four months. It was assured to me that would not happen by the Commissioner prior to you, but it happened anyway. Not to respond to me at all, that's blatant.

COMMISSIONER CAMPBELL: Okay.

MR. HOOVER: That's not a mistake.

COMMISSIONER CAMPBELL: And as we also discussed as part of our pre-hearing conference, 'cause I was trying to get access and I was unable to do it here, the prior orders in the Commission file from prior to today. Of course, that's a part of the Commission file and I will go back and review those in their entirety as well, okay.

MR. HOOVER: And one last thing is the communication about the doctors. The first doctor I went to, Dr. Davis, she told me that Dr. Davis refused to see me again.

COMMISSIONER CAMPBELL: Who is she?

MR. HOOVER: I mean -- I'm sorry. Ms. Claudia said that Dr. Davis refused to see me, that I was fired from the patients from all the doctors. We called Dr. Davis. I'm an active patient of him right now.

MS. LEA: And that's recorded. They didn't ---

MR. HOOVER: And it's recorded.

COMMISSIONER CAMPBELL: Ma'am, you can't -- okay.

MR. HOOVER: And we've got that. So I mean there is -- there's flat out lies. I mean it's lies.

It's all lies. I mean when somebody tells you that the doctor fires you, you can't go to him no more and you call him they go, oh, we didn't fire you, you know, we don't know what they're talking about. Somebody's lying and it ain't hard to figure out who.

COMMISSIONER CAMPBELL: Okay -- all right. And I'll ---

MR. HOOVER: That's the other issue.

COMMISSIONER CAMPBELL: Okay. And I'll let you respond or anything else that you would like to add at this time, ma'am.

CARRIER'S REPLY:

MS. PIECHOTA: Commissioner, Defendants have no bad faith with scheduling the doctors appointments. Doctors take a while to review all the records and get them back on the schedule, so that was the delay between his last hearing and then getting this to Dr. Boyd. And then the nurse case manager, we do respectfully request that a nurse case manager do stay on if you do find he is not at MMI, just to help with scheduling so we are able to get him further treatment properly. And, we're not asking the nurse case manager to be in the appointment with him just

to have that, you know, before and after to talk with the doctor's office and get everything scheduled.

COMMISSIONER CAMPBELL: Okay.

CLAIMANT'S REPLY:

MR. HOOVER: Her job is to let me know about these appointments. So if she's not letting me know but she's going to let everybody else know, that's not good.

COMMISSIONER CAMPBELL: You're referring to the nurse case manager?

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: Okay. All right.

MR. HOOVER: Exactly.

COMMISSIONER CAMPBELL: And -- okay. And I know that there are no other witnesses that have been listed or that are here, so would you like to call and take testimony or ...

MS. PIECHOTA: Yes, I have a couple quick questions.

COMMISSIONER CAMPBELL: Okay, sure. Can you come around here and watch this step and have a seat in the witness stand for me. And just have a seat right there and make yourself comfortable. And I know -- and you're still under oath and you're doing a great job so far, but please

continue to speak up, speak clearly for us so that we can all hear your responses to the questions but most importantly that this lady sitting right here next to me that she can get them for the record. If you're asked a yes or no question, please give us a verbal yes or no answer. You can shake your head yes or no like I do all the time but make sure ---

MR. HOOVER: I got you.

COMMISSIONER CAMPBELL: --- we have a verbal yes or no answer and try and stay away from things like uh-huh and huh-huh, just because that's easily misinterpreted on the record. So if you can help me out with that I'd appreciate it.

MR. HOOVER: Yes, sir.

COMMISSIONER CAMPBELL: Okay. All right. Your witness.

MR. HOOVER - DIRECT EXAMINATION BY MS. PIECHOTA:

Q: Thank you. Mr. Hoover, did you have a prior low back injury back in 2019?

A: I did.

Q: And who did you treat with for that?

A: Southeastern Spine Institute.

Q: Okay. And what type of treatment did you undergo. Was it some physical therapy, some

injections?
A: None of the above. I had surgery.
Q: Okay. Was the surgery successful?
A: It was 100 percent.
Q: Is that why your continuously requesting to go back to Spine -- Southeastern Spine Institute?
A: No, ma'am. Upon leaving the Spine Institute the doctor that did the surgery said if you have any problems with your back in any way, shape or form contact us. That's why I was eager to go back there. They knew me. They did the surgery. They're under Workman's Comp. I did what I was told.
Q: Have you contacted Southeastern Spine Institute since this work injury?
A: I have not.
Q: During that injury back in 2019, were -- did you injure the same part of your back?
A: No. According to Dr. Davis that did the MRI, the first MRI I got, I asked him and I believe it's in the notes, I said I think I messed up my surgery and he said no, your surgery is fine. He said but you had these other two spots in your L4 and L5 that need to be addressed. That was the first diagnosis I've

had after the first MRI.
Q: Do you have any idea why in 2019 your medical records from Dr. Richardson say mention L4 and 5 and mild disc bulging at all?
A: Well, when you're 55 years old, yeah, it's going to be a little something.
Q: Okay. Um ---
A: But there was no problem.
Q: And then did you continue to treat with Southeastern Spine Institute for a while thereafter?
A: I did what they told me to do and they released me at 100 percent and released me back to work.
Q: Okay. All right. After this work accident ---
A: It wasn't a work accident.
Q: Oh, I'm sorry this accident here ---
A: I'm sorry.
Q: Now we're talking about your work accident on May 25th, 2022. You picked up a dog crate and you injured your back, is that ---
A: No. We were moving dog kennels, but first I was drug out of my position. I wasn't suppose to be there at all. And the assistant manager made me come over and help them lift it. And, as I was telling him we need a forklift to do

this, he's pulling them down. So where I was standing I had no choice but to catch them or just get chewed up by 'em. So I went to try to catch them and where I was standing, half on the pallet and half on off, is the whole reason we're here. And, I was not supposed to be there. I wasn't supposed to be called on for there, but the reason that happened is because our acting manager was out on medical leave and the assistant manager was trying to quote, tidy up the place for when the boss gets back.

Q: When you went to go see Dr. Gunter, I know it's been a while March 6th, 2023, did you go in there with specific instructions as to what type of treatment you wanted?

A: I did. I did research and I inquired. I didn't demand anything. I required -- I mean, I inquired on different methods and I even asked them is this the only option and he told me in his office you have two options; surgery and physical therapy, that's it. And that was not true.

Q: And when you say you researched all these options, is your girlfriend some type of medical provider?

A: No, but my Mom was a pediatric surgeon.
Q: Okay. Gotcha. Are you personally a doctor or anything to do ---
A: I'm not. But I know my body ---
COMMISSIONER CAMPBELL: Yeah ---
MR. HOOVER: Oh, I'm sorry. I'm sorry.
MS. PIECHOTA: Yeah, just for the record. Are you in any way a medical professional or anything like that?
A: No, ma'am.
Q: When you saw Dr. Gerault on June 22nd, 2023, did you again walk in there requesting specific type of treatment?
A: I did not the video will show it. We had a great rapport. And like I said, if there's anything in there that's just anything, I mean, we laughed and joked the whole time. You'll see the video. I don't understand. I need to know where the part came in about being such a bad person over a steroid shot with all these doctors when I got a video of me getting down to the point, you know, there is no snarling, no arguing, no -- I mean, everything is great, ice cream and cotton candy when I'm there, but when I leave I'm a devil. I mean, people hate

me, I don't understand that, over a steroid shot.

Q: During your most recent appointment with Dr. Boyd was there some discord before you walked in there between you and the nurse case manager?

A: There was.

Q: Why?

A: Because it's my -- it's up to me if I haven't -- that's my decision, not Workman's Comp or anybody, it's my decision. And, when your job is to contact me about my doctor's appointment, my well-being, my life that I'm here right now that is already progressing over to other parts and you don't do your job I don't need you nowhere around me. I don't care who you are, I'm sorry.

Q: And during that time was there again threatening ---

A: I didn't threaten anybody with anything, never happened. Never threatened anybody with anything.

Q: How are you doing today?

A: Hurting just the same as I was a year ago when I talked to you in Jerry's office.

Q: And where are you hurting currently?
A: The same spot, my lower back, right-hand side and has progressed over and upon the doctor's notice you will see that it is going to progress other places. Now my left heel, it hurts all the time now because of the way I'm having to compensate and walk through the pain that I haven't been treated for.
Q: Were you having this -- these same prognosis and the fact that your pain would eventually come back after that 2019 surgery?
A: Absolutely not. I was 100 percent. I mean, I played football, baseball. The two kids we ride motorcycles. I played full contact tackle football at Airport High School with high school kids at 53 years of age after the surgery. There was nothing wrong with me. The doctor we went to last time I was telling about the numbness in my foot. He listed it as pre-surgery and that's not correct. I told him in there I was 100 percent before my first surgery. I couldn't feel the bottom of my foot for five years when it was done. When I say I'm 100 percent, I was 100 percent. I got back in shape, lost the weight, got back in perfect

shape; baseball, softball, football, soccer, camping, climbing, rock climbing, riding motorcycle. There was nothing wrong with me 'til 5/25 of '22.

Q: Since 5/25/22 have you rode your motorcycles, picked up your kids, anything like that?

A: No. I do good -- on a good day, on a real good day I can get on the lawnmower and ride up on the back door to the shed and that's only because Dr. Davis told me he said as much as you want to hurt, that's as much work you can do. He said the damage is done. You're not going to hurt any more part of your back, but as much pain as you want to endure, that's how much work you're going to have to be able to do. So, we don't have a farm but I got responsibilities I got. It just hurts.

Q: I gotcha. And, I'm just trying to figure out so he can make a decision, so Commissioner Campbell can make a decision as to if he is going find you at MMI exactly what, you know, he finds.

A: I mean, I got screwed over. Can't do nothing like this.

Q: Are you able to, you know, ---

A: I can do what I need to do, but you don't understand when the pain sets in while you're working and you know you can't stop. I mean, I can't stop.

Q: Gotcha. So what are you doing working when that pain sets in?

A: I mean, it could be anything. It could be washing the dishes. There's two kids in that house. I mean, anything. We got chickens, we got dogs. I mean, I can't mow my grass. Does that make sense to you? We bought a house. We moved out of the city because it's trash. We bought a place in the country. I'm an intelligent guy, I ran my dad's businesses for 27 years. I was going to get into retail. We bought everything we have and we don't owe anybody anything. We were just going to chill in the country. I got the knowledge, I have the tools and I've got to know how to do anything construction-wise except for electrical. We bought a house. We're going to fix it up. And then this happened, so whatever it -- and when I say bought a house, we have a house that's deteriorating. It's not just going be, it's now. It needs to be fixed now.

I can't do that no more. And, I mean, even if so far as he said as much pain as you want to endure yourself that's how much you can work. Okay, well, my option is to get surgery, go through therapy, then get medicine for the therapy and the surgery because it's going to hurt. I hurt now. They're going to limit my mobility after surgery. Why can't I get my medicine and go on with my life is my thing. Y'all act like -- excuse me when I say y'all, people act like I'm out this for the drugs. I was a bartender for 27 years. I partied on three continents on this earth. If I want drugs I can get drugs. If that's all it is, we would not be sitting here today. It's not -- I'm six foot 235 pounds. I am far from a drug addict. Now, once again, if I want them they're a phone call away. I want to go to the doctor. I want somebody to fix me. I don't want to argue about it. I don't want to she said, he said. All this stuff we're doing right now. I'm still sitting here and I'm not fixed. This has been a year and it's, I mean, you can label it whatever you want to but it's manipulation and it's lying, bottom line. And

if anybody can show me any way, shape, or form how somebody did not lie, did not do their job, or just avoided the fact, the reason I'm sitting here right now, I'll leave and won't say nothing else. But it all boils down to somebody did not do their job and lied. That's it.

Q: So going back what exactly -- can you just walk me through what you do on a typical day when you are at home?

A: At home?

Q: Yeah.

A: Well, when I get up, that's about the best time of the morning 'cause I stand up and I've been sleeping. If I sleep three hours I'm good. Most of the time is when she wakes up I'm bent over the couch because of the pain from laying. The pain doesn't -- the pain is not excruciating 'til I'm sitting still, 'til I'm stationary. If I'm walking it hurts. It's a normal hurt, but I know if I have a walk out to the shed and get a pair of pliers it's going to hurt, no problem. I got that. If I got up to go to the bathroom to get a towel it's going to hurt. Well, I know if I got to go sweep that

floor in the bathroom then it's going to hurt a whole lot worse and a whole lot longer, but it still has to be done. I know it's going to hurt and it's just certain things you do it hurt worse, but you can -- you can relate that what you're doing. If I have to bend over four times to pick up something it's going to hurt four times as worse then when I pick up once. Irregardless, the pain is there. And like he said, as much as you do that's as much pain that you're going to do. So -- and I'm scared to walk because you don't know when it's going to hit. I mean, it's like a toothache. You don't know when it's going just pile drive you. I can step wrong, pivot wrong, bend wrong, and it's going to hit, but the pain is there now, right now, but it gets excruciating at certain points when I do stuff.

Q: Are you able to drive? Are you able to take your kids to and from school?

A: I don't have kids. She has kids but, yes, I can drive.

Q: Okay.

A: I mean, I can -- I can do whatever I want to do. I can go play basketball if I want to, but

I'm going to be laying down for four days and not be -- I won't be able to do anything. That's the whole point. There ain't no more damage that could be done but the pain you have now is going intensify with whatever stretch you put on it.

Q: You stated earlier that even if you are recommended for surgery that is something you are not interested in, correct?

A: No, I did not say that. I would take surgery but I'm not going to take one surgery -- when I do the research I -- like the doctor said, and I believe it's in one of these videos, you know your body better than any doctor or anybody else. So, if I have surgery and it's an option that I get to pick, I'm all for it. Then if there's a mistake made it's on me, not on anybody else. I won't be able to cry about it to nobody.

Q: All right. So is it your testimony and correct if I'm wrong, that you want to do your treatment independently without Workers' Comp?

A: No, I want to settle with Workman's Comp and then get on with my life.

Q: On a scale of one to ten, one no pain at all

and ---

A: Ten. Same and everybody asks me that 30 times a day and it's not going to change. But, now I could get up and do five jumping jacks and that ten will go from 10 to 25. Once again, however much I exert myself that's how much the pain intensifies. The pain is there now. It stays there.

Q: Have you gone on any vacations since your work accident or anything like that to aggravate or anything that could have aggravated your ---

A: No. For the first six months I sat at the house because I was scared to move because I couldn't get an appointment for somebody to tell me exactly what was wrong with me.

Q: All right, Mr. Hoover. That's all the questions I have for you today. Thank you.

CLARIFICATION:

COMMISSIONER CAMPBELL: So let me just follow up. If I were to order you to go to another doctor and that doctor recommends that you need surgery are you going to accept that surgery?

A: Absolutely. If he can do the nerve -- I would rather stay away from the hardware because that was an option the first surgery that I had at

the Southeastern Spine Institute and the doctor told me, quote, he says as long as you're playing hard like this don't get any metal in your body. He said you're active, you're in great shape. He said you don't seem like you want to slow down and I don't. I still got a lot of stuff to do. Now, I know I'm limited but I would like to get as close as I can. And if the nerve, where they cauterize the nerve, that's no hardware. I'll do it right now. I'll leave right here and go do it right now if I could do that.

COMMISSIONER CAMPBELL: Okay. And just to elaborate on one of the questions, is there anything, any other activities that in your current condition that you, whether it be work related or on personally day-to-day basis that this injury has prohibited you from being able to do?

A: Nothing that I want to do, but the extent of what I do is limited now. Like if I want to do -- if I wanted to go hunt, I'm an avid hunter, been hunting all my life, if I want to go hunt now -- two years ago, I have a three hundred dollar climber, I've got top notch gear, I'd be 60 foot in a tree sitting there waiting on him.

Now if I decide that I'm going to hunting I don't even know if I could pull the trigger on the rifle. I don't even know what would happen. But if I decided, I know right now sitting in here that I'm not climbing that tree. There's no way I'm going to be able to. I mean, I could but then I mean, you know, you're right there and you're sitting up there agonizing, agonizing. And I can do whatever I set -- whatever I want to do, but I know what my limits are as far as where the pain is. And, I mean I'm not a quitter. I'm not going to quit on anything. I will pain through it. I've been doing it for a year. And I mean if I can get the -- Dr. Boyd told me last week you keep getting it cauterized and snipped like that. They mentioned that before but they said they were not going to do it. And that was Dr. Tavel that said that. He was the one that gave me the other options outside of Gunter that told me I had two and that was it. And that was -- all this took a left where I asked Dr. Gunter, when Dr. Davis gave him the MRIs, and he said your first surgery looks great, no problem -- the L4 and L5. When we got to Dr.

Gunter's office his exact words were, forget everything you just heard from Dr. Gunter, I mean Dr. Davis, you have SI joint dysfunction. What about the L4 and L5? Once again, don't worry about that. Now if you get an MRI and a doctor tells you this is the problem and another doctor tells don't worry about it, which way you gonna go on that. I mean, I would like address the situation that he tells me as well as the other one. But to tell me oh, don't worry about that, we're going to go with this. That's two problems and you're ignoring one. You told me right off the bat you're going do that. Don't worry about that, ignore everything you just said. And when I inquired about it I was told again, don't worry about that, we're going to do this.

COMMISSIONER CAMPBELL: Okay. And as I say, I'll review the medical records and the evidence in its entirety. Do you have any follow-up questions to the questions I asked?

MS. PIECHOTA: No.

COMMISSIONER CAMPBELL: Okay. All right. Thank you, sir. And, you can step down. I appreciate your testimony. And there being

nothing further then that will conclude today's proceeding and thank everybody for being here for your time.

MS. PIECHOTA: Thank you.

COMMISSIONER CAMPBELL: And your patience.

MR. HOOVER: Thank you.

(There being nothing further, the hearing concluded at 2:08 p.m.)

CERTIFICATE

This is to certify that the within hearing consisting of thirty-seven (37) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on December 19, 2023.

Amber Scarborough
Court Reporter

Notary Public for South Carolina
My Commission Expires: June 13, 2033

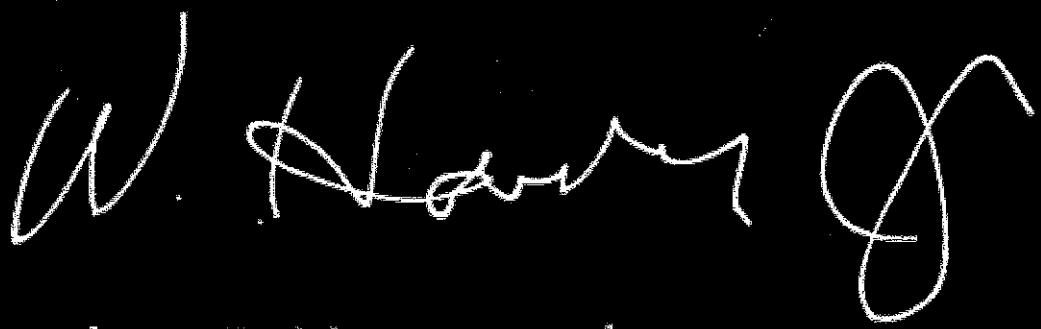
04/29/2024

Re: Walter R Hoover, Jr
WCC File#: 2207041

Dear SC Workers Compensation Comission,

I am submitting Form 59 late. I apologize. I read the Notice of Apellate Hearing incorrectly regarding the due date.

Please accept my apologizes for the misunderstanding and consider this as my request to continue my claim.



Walter R Hoover, Jr.
2207041

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041

Date of Injury: 05/25/2022

WALTER HOOVER v. TRACTOR SUPPLY COMPANY
WCC File No. 2207041

The Commission is hereby providing you a copy of the Motion to Reinstate filed by the unrepresented claimant pursuant to R.67-211.

Amy A. Bracy

Amy A. Bracy
Judicial Director

Date: May 6, 2024

CERTIFICATE OF SERVICE

I hereby certify on May 6, 2024, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

WALTER HOOVER
whooverjr@gmail.com
6194 DOGWALLA Road
Whitmire, SC 29178

TRACTOR SUPPLY COMPANY
2808 MAIN STREET
NEWBERRY, SC 29108

Claudia Piechota
cpiechota@hplplaw.com
Holder Padgett Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464

By: Eugenia C. Hollmon, Judicial Department

54

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041

Date of Injury: 05/25/2022

ADMINISTRATIVE ORDER

WALTER HOOVER v. TRACTOR SUPPLY COMPANY
WCC File No: 2207041

The Request for Commission Review in the above captioned case is dismissed. The appellant brief was due on or before April 18, 2024. Brief not timely filed pursuant to R.67-705 H(3).

Amy A. Bracy
Judicial Director

Date: May 2, 2024

CERTIFICATE OF SERVICE

I hereby certify on May 2, 2024, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

WALTER HOOVER
6194 DOGWALLA Road
Whitmire, SC 29178

TRACTOR SUPPLY COMPANY
2808 MAIN STREET
NEWBERRY, SC 29108

Claudia Piechota
Holder Padgett Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464

By: Eugenia C. Hollmon, Judicial Department

55

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5675

WCC File #: 2207041
Carrier File #:
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter R Hoover, Jr SSN: 247295421
Address: 6194 Dogwalla Rd
City: Whitmire State: SC Zip: 29178
Home Phone: 803 394 3047 Work Phone:

Employer's Name:
Address:
City: State: Zip:
Insurance Carrier:

Preparer's Name: Law Firm: Preparer's Phone #:

DIRECTIONS: Please print or type. Answer the following questions about your claim to the best of your ability. If you cannot answer a question, leave it blank. Use additional sheets of paper, if necessary. Please use short statements.

Questions

Did the Commissioner fail to consider important reasons for award of compensation? If so, what reasons? Yes.
All evidence submitted was an accurate depiction of appointments, appointment dates and appointment times mentioned.

Did the Commissioner incorrectly decide the facts? If so, what facts? Yes
All facts/evidence submitted should be reconsidered as adequate evidence was submitted for the initial hearing.

Do you think the Commissioner applied the wrong law? If so, what law?

Do you feel there are any other reasons why the Commissioner's judgment was wrong? If so, what?

What action do you want the Commission to take in this case? The Comission should reinstate my benefits/compensation and ensure prompt and proper medical care is given, to include all injuries mentioned from the date of the injury to current.

D Hoover Jr
Signature

4/29/2024
Date

IMPORTANT: The Commission will serve your Brief on the employer's representative. Questions about the use of this form may be directed to the Commission's Judicial Department at 803.737.5675 or judicial@wcc.sc.gov.

CamScanner

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Claudia J. Piechota

Reply to: Charleston
direct: **(843) 310-0485**
fax: **(843) 589-9000**
cpiechota@hplplaw.com

May 2, 2024

VIA EMAIL ONLY: judicialanalysts@wcc.sc.gov
Amy Bracy, Judicial Director
Post Office Box 1715
Columbia, South Carolina 29202-1715

Re: Walter Hoover, Jr., Appellant, v. Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, Of which Tractor Supply Company is the Respondent.
Appellate Case No. 2207041

Dear Ms. Bracy:

Repondants received the Form 31 Notice of Appellate Hearing sent March 19, 2024, which indicates the above-referenced matter has been set to be heard on May 20, 2024. Persuant to Regulation 67-705(A) the appellant, Mr. Walter Hoover, was *required* to file a brief including a statement of the case, questions presented, argument, and conclusion by or on April 18, 2024, which is the date listed on the Form 31, as the regulation in relevant part states, "the appellant *shall* file the brief...on or before the date on the Form 31" (emphasis added.) Since he is unrepresented, Mr. Hoover was required to mail a copy of his brief to the Commission by the filing date. The Judicial Department would have then prepared additional copies and served the brief on Respondants. Reg. 67-705(G).

The parties made no agreement of any kind to extend the time for filing with the Judicial Department prior to the filing date of April 18, 2024, persurant to Regulation 67-705(H), and as of the date of this letter, which is now 13 days after the filing deadline, Defendants have yet to receive a copy of Mr. Hoover's brief. Accordingly, it is our understanding that an appellant brief was never filed with the Commission as required by the regulations.

Persuant to Regulation 67-705(H)(3), if the appellant fails to file a brief, which appears to be the present case, the Judicial Department may remove the case from the review hearing docket by issuing an administrative order dismissing the appeal. The Respondents respectfully request an order for the same.

Sincerely,

57

HPL+P LLC
ATTORNEYS AT LAW



Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN + PRICKETT
945 Houston Northcutt Blvd.
Mount Pleasant SC 29464
(843) 310-0485
Attorney for Respondent

cc: Walter Hoover, Jr.
6194 DOGWALLA Road
Whitmire, SC 29178

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: **2207041**
Carrier File #: **004169-065746-WC-01**
Carrier Code #: **01132**
Employer FEIN #: **133139732**

Claimant's Name: WALTER R HOOVER JR
Address: 6194 DOGWALLA DR
City: WHITMIRE State: SC Zip: 29178
Home Phone: (803)394-3047 Work Phone:
Preparer's Name: TRACY HARTSFIELD Law Firm:

Employer's Name: TRACTOR SUPPLY COMPANY
Address: 2808 MAIN STREET
City: NEWBERRY State: SC Zip: 29108
Insurance Carrier: STARR SPECIALTY
Preparer's Phone #: (407) 583-3225

1. Date of injury: 05/25/2022 (m/d/yyyy)

2. Total Weeks Compensation Paid: 84 2/7

3. Type of Compensation Paid (TP or TT)/Periods of Payment:

		(m/d/yyyy)	(m/d/yyyy)
Type:	TT	From: 05/26/2022	To: 06/10/2022
Type:	TT	From: 06/12/2022	To: 01/06/2024
Type:		From:	To:
Type:		From:	To:

4. Date of First Payment: 06/17/2022 (m/d/yyyy)

5. Total Amount Paid
(a) Compensation: $ 49391.74
(b) Medical (Include Nursing, Hospital, Drugs, Etc.): $ 18951.02

TRACY HARTSFIELD
Employer's Representative

(407) 583-3225
Phone

11/25/2025
Date

Type or print all information. File this form six months after the alleged injury date and each six months until the Commission's File is closed. Form 18 must be filed whether or not compensation is ongoing. Refer to R.67-413, and R.67-804 for further information.

Hollmon, Eugenia

From: WCC - Judicial_Analysts
Sent: Thursday, August 14, 2025 10:59 AM
To: Hollmon, Eugenia; Barrett, Jeremy
Subject: FW: [External] Re: 2207041 - Hoover

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, August 14, 2025 10:41 AM
To: WCC - Judicial_Analysts <judicialanalysts@wcc.sc.gov>
Subject: [External] Re: 2207041 - Hoover

I am Water R. Hoover, Jr (Ricky). I will be by to pick my file up shortly.

On Fri, Aug 8, 2025, 6:49 PM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Good evening,
>
> I am requesting a complete copy of the Record on Appeal that the SCWCC transmitted to the Court of Appeals, including all pleadings, motions, responses, exhibits, and orders.
> Please let me know if there is a fee for copying or electronic delivery.
>
> Thank you
> Ricky

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Hollmon, Eugenia

From: Deller, Valerie
Sent: Monday, August 11, 2025 8:58 AM
To: WCC - Judicial_Analysts; WCC-Judicial_Email
Subject: RE: [External] 2207041 - Hoover

Mr. Ricky, the WCC file you gave is not for a "Ricky". Can you tell me how you are related to this file?

From: WCC - Judicial_Analysts <judicialanalysts@wcc.sc.gov>
Sent: Monday, August 11, 2025 8:44 AM
To: WCC-Judicial_Email <Judicial@wcc.sc.gov>
Subject: FW: [External] 2207041 - Hoover

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Friday, August 8, 2025 6:49 PM
To: WCC - Judicial_Analysts <judicialanalysts@wcc.sc.gov>
Subject: [External] 2207041 - Hoover

Good evening,

I am requesting a complete copy of the Record on Appeal that the SCWCC transmitted to the Court of Appeals, including all pleadings, motions, responses, exhibits, and orders.
Please let me know if there is a fee for copying or electronic delivery.

Thank you
Ricky

CONFIDENTIAL & PRIVILEGED

The preceding email message, including any attachments, may be confidential and/or protected by the attorney-client or other applicable privileges. It is intended for the sole use of the individual or entity named above. If the reader of this transmission is not the intended recipient, please notify the sender immediately and destroy any copies, electronic, paper or otherwise, that you may have of this communication. Any unauthorized review, use, disclosure or distribution is strictly prohibited and may be unlawful.

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2207041

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED
JUN 20 2025
SC Court of Appeals

NOTICE OF APPEAL

Appellant: Walter R. Hoover, Jr.

Address: 6194 Dogwalla Road

Whitmire, SC 29178

Phone: 803-394-3047

Email: whooverjr@gmail.com

RECEIVED
JUN 20 2025

Respondents: Tractor Supply Company and Attorney Claudia Piechota, Holder, Padgett, Littlejohn and Prickett, LLC

YOU WILL PLEASE TAKE NOTICE that the above-named Appellant hereby appeals to the South Carolina Court of Appeals from the Decision and Order of the South Carolina Workers' Compensation Commission, issued on June 12, 2025, which constitutes a final decision of the Full Commission.

This appeal is taken pursuant to S.C. Code Ann. § 1-23-380 and Rule 203(b)(6) of the South Carolina Appellate Court Rules.

Respectfully submitted this 20th day of June, 2025.

Walter R. Hoover, Jr.

Pro Se Appellant

62

6194 Dogwalla Road

Whitmire, SC 29178

803-394-3047

whooverjr@gmail.com

FORM 7

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

COMMISSIONER PANEL: The Honorable Aisha Taylor, The Honorable Cynthia C. Dooley, The Honorable Gene McCaskill.

Case No. 2025-001248

Walter R. Hoover Jr., Appellant,

v.

Tractor Supply Company,
Employer and Starr Speciality
Insurance Company, Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Tractor Supply Company and Star Specialities Insurance Company by depositing a copy of it in the United States Mail, postage prepaid, on July 2, 2025, addressed to their attorney of record, Claudia Piechota, Holder, Padgett, Littlejohn and Prickett, LLC, 945 Houston Northcutt Blvd., Mt. Pleasant, South Carolina 29464.

I further certify that a copy of the Notice of Appeal has been delivered to the South Carolina Workers' Compensation Commission at 1333 Main Street, Suite 500, Columbia, South Carolina 29201 on July 2, 2025.

July 2, 2025

RECEIVED
JUL 02 2025
SC WORKERS' COMPENSATION

s/ Walter R. Hoover Jr.
Walter R. Hoover Jr.
6194 Dogwalla Rd
Whitmire, SC 29178
(Pro Se)

64

State of South Carolina
Workers' Compensation Commission

APPELLATE PANEL DECISION AND ORDER

COMMISSION PANEL: The Honorable Aisha Taylor; The Honorable Cynthia C. Dooley; and The Honorable Gene McCaskill.

SCWCC File No.: 2207041

Walter Hoover,

Claimant,

v.

Tractor Supply Company,

Employer,

and

Starr Specialty Insurance Company,

Carrier,

Defendants.

AFFIRMED

Hearing Held in Richland County, South Carolina,
on April 14, 2025
Per notice timely and properly served upon all Parties of Interest.

Appearances:	Walter Hoover, Claimant/Appellant, *pro se*.
	Claudia Piechota, Esq., of Holder Padgett Littlejohn & Prickett, LLC, represents Defendants/Respondents.
Court Reporter:	Amber Scarborough, 1230 Richland St, Columbia, SC 29201, 803-252-3445, contact@creelreporting.com.
Filed:	June 12, 2025

65

I. STATEMENT OF THE CASE

Single Commissioner

Claimant sustained an admitted injury by accident to his low back arising out of and in the course and scope of his employment on May 25, 2022. Thereafter, Claimant underwent medical treatment authorized and provided by Defendants.

On May 11, 2023, Defendants filed a Form 21, Employer's Hearing Request, to address suspension, termination, or reduction of Claimant's temporary disability payments for cause; to assert an overpayment of said temporary total disability benefits; and to request a reduction to the correct Claimant's compensation rate of $361.84.

On May 16, 2023, Claimant filed a Form 50, Employee's Request for Hearing, to determine whether he is entitled to additional benefits under the South Carolina Workers' Compensation Act ("the Act").

On June 21, 2023, Defendants filed a Form 51, Employer's Answer to Request for Hearing, to assert Claimant has been medically non-compliant and is, therefore, not entitled to additional benefits under the Act.

On November 28, 2023, a hearing was held before a Single Commissioner to determine issues set forth on the parties' Forms 50, 51 and 21.[1]

During the hearing, Defendants asserted Claimant failed to cooperate and participate in his own treatment and frustrated the efforts of the other persons involved in his claim, including the medical providers, nurse case managers, and Defense counsel, in their diligent attempts to provide him treatment under the Act. Defendants maintained Claimant acted in such a belligerent manner that Dr. Edward Tavel, Dr. Brett Gunter, and Dr. Gisele Girault all released him from their practice or refused

[1] The hearing was originally set for July 27, 2023; however, the hearing was postposed in order to allow Claimant an opportunity to obtain counsel to represent his interests. The Commission granted Claimant's two prior attorneys' requests for relief of counsel. On November 28, 2023, Claimant voluntarily elected to proceed with the hearing *pro se*.

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to provide treatment, and a nurse case manager resigned from the claim. Defendants contended that based on his continued medical non-compliance, Claimant had constructively abandoned his workers' compensation claim and was no longer entitled to benefits under the Act pursuant to S.C. Code Ann. § 42-16-60. In the alternative, Defendants requested Claimant to be found at maximum medical improvement and a determination of disability, if any; future medical treatment needs and permanent work restrictions pursuant to S.C. Code Ann. § 42-9-30.

Secondly, Defendants asserted according to payroll records, Claimant's average weekly wage totaled to $542.73, with a corresponding compensation rate of $361.84. Defendants asserted a total overpayment based on the correct compensation rate from May 26, 2022, to February 14, 2023, in the amount of $6,850.58. Thirdly, Defendants requested a credit for temporary benefits paid during Claimant's period of medical non-compliance based on his continued constructive refusal of medical treatment from February 14, 2023, to November 13, 2023, in the amount of $23,356.48. Collectively, Defendants requested a total of $30,107.06 for overpayment based on the corrected compensation rate and medical non-compliance. In the alternative, if the Commission found Claimant entitled to additional medical treatment, Defendants requested a reduction in Claimant's compensation rate based on the payroll records to $361.84. Defendants also requested a credit for overpayment of TTD based on the correct compensation rate and medical non-compliance in the amount of $30,107.06. Lastly, Defendants requested a nurse case manager remain involved with the claim.

Claimant wished to represent himself in this matter Tr. p. 11, 11. 5-8. He asserted that he was not at maximum medical improvement. Tr. p. 12, 11. 17-19. He also asserted he was entitled to additional medical treatment: specifically, a non-biased doctor and pain management doctor closer to where he lives; he further requested to choose his medical treatment and to be treated independently – outside of the workers' compensation system. Tr. p. 12, 11. 20-25; Tr. p. 13, 11. 1-12.

He additionally alleged that the nurse case manager's job is to stay in contact with him;

however, she did not, and instead, every time he called, he was told he had to wait until he goes before the Commission. Tr. p. 13, l. 25; Tr. p. 14, ll. 1-5. Because the nurse case manager, in Claimant's opinion, was not doing her job, Claimant did not need her. Tr. p. 16, ll. 13-18. Therefore, he requested a nurse case manager not be involved with his appointments. Tr. p. 16, ll. 13-25.

Claimant further alleged that his appointment with Amanda Dudley was authorized treatment, so he requested reimbursement for the same. Tr. p. 13, ll. 1-12. He additionally requested reimbursement for mileage. Tr. p. 15, ll. 12-17.

Claimant asserted that the workers' compensation system had failed him. Tr. p. 13, ll. 1-15-17. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 12-13. He felt as though everything was a non-coincidental "intentional delay" and that "the system [was] washing him through" since one year later he was still "sitting here." Tr. p. 13, ll. 14-23. He requested to settle his workers' compensation claim. Tr. p. 16, ll. 3-6.

Claimant pointed out that he had subpoenaed the recorded line from Dr. Gunter's office, which was not produced; so, anything related to what he called an individual at their office, specifically that he called her a b**** on the phone, "should be thrown." Tr. p. 11, ll. 17-20; Tr. p. 12, ll. 2-9. He noted that the allegation of him being "combative" with doctors all had to do with his allergy to a steroid shot. Tr. p. 14, ll. 5-11. Finally, he alleged that Defense counsel "lied" to him in telling him that the doctor had refused to see him, as he called Dr. Davis personally and was told he was an active patient. Tr. p. 17, ll. 11-20; Tr. p. 18, ll. 1-6. Claimant stated, "when somebody tells you that the doctor fires you, you can't go to him no more, and you call him and they go, oh, we didn't fire, you, you know, we don't know what you're talking about. Somebody's lying, and it ain't hard to figure out who." Tr. p. 18, ll. 1-6.

Defense Counsel responded that Defendants have operated in good faith when scheduling Claimant's doctors' appointments. Tr. p. 18, 11. 14-15.

The Single Commissioner determined, *inter alia*:

> [C]laimant, Walter Hoover, sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022. [C]laimant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Defendants and purposefully acted belligerently. [D]efendants are entitled to terminate all benefits as of January 4, 2024. [C]laimant is not entitled to benefits under the Act due to constructive abandonment of the claim through medical non-compliance, and the claim is dismissed without prejudice. [C]laimant's average weekly wage is $542.73 and compensation rate is $361.84. [D]efendants are entitled to a credit of $30,107.06 for overpayment due to incorrect compensation rate and credit for payment of TTD benefits during the period of Claimant's medical non-compliance, which is February 14, 2023, to November 13, 2023.
>
> (Single Commissioner's Decision and Order filed on February 14, 2024, pp. 34-35.)

Appellate Panel

This matter is now before the South Carolina Workers' Compensation Commission's Appellate Panel pursuant to issues raised on appeal by Claimant. Within the statutory period, Claimant filed a Form 30, Request for Commission Review. Accordingly, the parties presented before the Appellate Panel on April 14, 2025.

II. SINGLE COMMISSIONER FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

1. These matters were set before the [Single Commissioner] pursuant to Defendants' Form 21 Request for Hearing and Claimant's Form 50 Request for Hearing.
2. This matter was held on November 28, 2023, in Newberry, South Carolina.
3. Claimant, Mr. Walter Hoover, was advised of his right to counsel and informed the Commission that he wished to proceed representing himself.
4. On May 25, 2022, Claimant sustained an admitted injury by accident to the low back arising out

of an in the course and scope of his employment when moving dog kennels.

5. Claimant has undergone various evaluations and treatment for his work-related injury, including imaging, injections, physical therapy, dry needling, and evaluations by multiple specialists including pain management providers and neurologists, as Defendants continued to tirelessly provide additional evaluations despite Claimant's repeated dismissal from medical facilities due to his belligerent behavior.

6. At the hearing, Defendants requested a determination of maximum medical improvement, extent of disability if any, future medical treatment needs, and permanent work restrictions pursuant to § 42-15-60. Defendants asserted that they had in good faith tirelessly provided medical treatment with a multitude of doctors for 9 months, including: Dr. Tavel, Dr. Gunter, Dr. Girault, and Dr. Boyd.

7. Defendants asserted based on his continued medical non-compliance, Claimant had constructively abandoned his workers' compensation claim and is no longer entitled to benefits under the act pursuant to § 42-16-60. In the alternative, Defendants requested Claimant to be found at maximum medical improvement and a determination of disability, if any; future medical treatment needs and permanent work restrictions pursuant to § 42-9-30. Secondly, Defendants assert[ed] according to payroll records, Claimant's average weekly wage totaled to $542.73, with a corresponding compensation rate of $361.84. Defendants asserted a total overpayment based on the correct compensation rate from May 26, 2022, to February 14, 2023, in the amount of $6,850.58. Thirdly, Defendants request[ed] credit for medical noncompliance based on his continued constructive refusal of medical treatment from February 15, 2023, to November 13, 2023, in the amount of $23,356.48. Collectively, Defendants requested a total of $30,107.06 for overpayment based on the corrected compensation rate and medical non-compliance.

8. In the alternative, if the Commission f[ound] Claimant entitled to additional medical treatment,

Defendants request[ed] a reduction in Claimant's compensation rate based on the payroll records to $361.84. Defendants also request[ed] a credit for overpayment of TTD based on the correct compensation rate and medical non-compliance in the amount of $30,107.06. Lastly, Defendants requested a nurse case manager remain involved with the claim.

9. Claimant requested a finding that he was not at maximum medical improvement, was entitled to additional treatment, and was entitled to treatment he alleged was authorized, and reimbursement for mileage. In addition, he requested the nurse case manager not be involved with his appointments, to choose his medical treatment, and to settle his workers' compensation claim so he could seek treatment on his own.

10. Claimant testified on his own behalf regarding his pre-existing back condition, his admitted work-related injury, the medical evaluations and treatment he has undergone for his work-related injury, the issues he has had with his physicians and nurse case managers, the issues he continues to have [as] a result of his injury, his limitations in daily life, his desire to settle his workers' compensation claim, and the medical treatment he would like to receive.

11. As there was no record of a physician finding that Claimant is at maximum medical improvement, I cannot find Claimant to have reached maximum medical improvement. Accordingly, he cannot be released from the workers' compensation system, as he has requested. Any settlement of Claimant's workers' compensation claim is the responsibility of the parties.

12. The evidence submitted by Claimant at the hearing regarding his alleged medical non-compliance, including the audio/video submissions, were not authenticated with no way of knowing if those were the only conversations Claimant had with the physicians and their staff. Accordingly, I find that it should be given little weight.

13. I find that the evidence included in the Administrative Procedure Act submissions submitted by Defendants regarding Claimant's alleged medical non-compliance should be given the greatest

weight. This includes detailed records from Southeastern Spine Institute, Lexington Medical Center, Palmetto Bone & Joint, Drayer Physical Therapy, South Carolina Internal Medicine LLC, ImageCare Associates LLC; MUSC Columbia Neurosurgery; and Pain Specialists of Charleston P.A. More specifically, this includes records from three different providers, Dr. Gunter, Dr. Tavel, and Dr. Girault, which document Claimant's release from care or refusal for continued treatment of Claimant due to his belligerent behavior towards them and their staff. On February 14, 2023, Dr. Tavel estimated Claimant would reach MMI in three to six months. Def. APA 8 p. 90. A few weeks later on April 25, 2023, Claimant attempted to control his medical treatment in stating he was only interested in moving forward with surgical intervention, though no doctor had determined that to be the appropriate plan of action at that time. APA 8 p. 102. On May 11, 2023, Dr. Tavel's office notified Defendants that they would be releasing Claimant from the practice due to his aggressive behavior. Def. [Exh. E]. Additionally, on February 28, 2023, Claimant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a "b* ***" and a "hag" and threatened to come into their office and "let them have it" because he wanted pain medication. Def. APA 7 p. 91. On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Claimant's care, as there appeared to be too much discord within the relationship between the practice and Claimant. Def. APA 7 p. 92. Dr. Gunter went on to say that Claimant left abruptly after hearing the news; however, he discussed Claimant's dismissal with the young lady present, who asked if Dr. Gunter could refer Claimant to Southeastern Spine Institute, again in attempt to control medical treatment. Def. APA 7 p. 92. On March 7, 2023, the nurse case manager notified Defendants that Dr. Gunter's office was under the impression that Claimant's girlfriend had called impersonating a nurse case manager. Def [Exh. E]. Additionally, the nurse case manager on the case resigned due to Claimant's threatening comments. Def. [Exh. E]. Thereafter, Claimant consistently called

Defendants' [offices, including Carrier's office] making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, Carrier's staff, etc.; yet Defendants in good faith provided additional medical treatment on June 22, 2023, with Dr. Girault. Def. APA [10]. Again, Dr. Girault would not treat Claimant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." [Def. APA 10]. Additionally, Dr. Girault found that Claimant's girlfriend recorded the visit without his permission. [Def. APA 10]. Finally, Defendants provided treatment with Dr. Boyd on November 13, 2023, and Claimant refused to allow his nurse case manager to attend the appointment. Def. Exh. F p. 169.

14. Accordingly, I find that Defendants met their burden of proof of constructive non-compliance with treatment, pursuant *to* § 42-15-60.

15. Further, I find that based on his medical non-compliance, there is constructive abandonment of the claim by Claimant and [he is] no longer entitled to medical or temporary benefits as of January 4, 2024.

16. The claim is dismissed without prejudice as to treatment.

17. I find that Defendants are entitled to credit for any overpayment of TTD benefits during the period of Claimant's constructive medical non-compliance from February 14, 2023, to November 13, 2023, where Claimant attended medical appointments provided by Defendants and acted belligerently towards medical staff in the amount of $23,256.48.

18. I find that based on the payroll records in evidence, Claimant's average weekly wage is $542.73 and compensation rate is $361.84.

19. I find that Defendants are entitled to a credit for any overpayment of temporary total disability benefits due to the incorrect average weekly wage and compensation rate in the amount of $6,850.58.

20. In total, I find Defendants are entitled to a credit of $30,107.06 for overpayment due to the

incorrect compensation rate from May 26, 2022, to February 14, 2023, and a credit for payment of TTD benefits during the period of Claimant's medical non-compliance from February 14, 2023, to November 13, 2023.

CONCLUSIONS OF LAW

1. That S.C. Code Ann. § 42-3-180 defines the authority of this Commission to determine all questions arising from the Workers' Compensation Act;
2. That S.C. Code Ann. § 42-1-160 is applicable in defining injury;
3. That S.C. Code Ann. § 42-15-60 sets forth periods during which medical benefits and treatment should be provided;
4. That S.C. Code Ann. § 42-17-40 is applicable in governing the conduct of hearings and the rendering of awards;
5. That S.C. Code Ann. § 42-1-40 is applicable in calculating average weekly wage;
6. That under S.C Code Ann. § 42-15-60, Claimant was constructively non-compliant with treatment during the period February 14, 2023, to November 13, 2023, when he attended appointments authorized, scheduled, and provided by Defendants and purposefully acted belligerently towards those involved in his medical care including Dr. Tavel, Dr. Gunter, and Dr. Girault and their respective staff. Specifically, on February 14, 2023, Dr. Tavel estimated Claimant would reach MMI in three to six months. Def. APA 8 p. 90. A few weeks later on April 25, 2023, Claimant attempted to control his medical treatment in stating he was only interested in moving forward with surgical intervention, though no doctor had determined that to be the appropriate plan of action at that time. APA 8 p. 102. On May 11, 2023, Dr. Tavel's office notified Defendants that they would be releasing Claimant from the practice due to his aggressive behavior. [Def. Exh. E]. Additionally, on February 28, 2023, Claimant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a

"b* ***" and a "hag" and threatened to come into their office and "let them have it" because he wanted pain medication. Def. APA 7 p. 91. On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Claimant's care, as there appeared to be too much discord within the relationship between the practice and Claimant. Def. APA 7 p. 92. Dr. Gunter went on to say that Claimant left abruptly after hearing the news; however, he discussed Claimant's dismissal with the young lady present, who asked if Dr. Gunter could refer Claimant to Southeastern Spine Institute, again in attempt to control medical treatment. Def. APA 7 p. 92. On March 7, 2023, the nurse case manager notified Defendants that Dr. Gunter's office was under the impression that Claimant's girlfriend had called impersonating a nurse case manager. Def. [Exh. E]. Additionally, the nurse case manager on the case resigned due to Claimant's threatening comments. Def. [Exh. E]. Thereafter, Claimant consistently called Defendants' [offices, including Carrier's office] making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, Carrier's staff, etc.; yet Defendants in good faith provided additional medical treatment on June 22, 2023, with Dr. Girault. Def. APA [10]. Again, Dr. Girault would not treat Claimant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." [Def. APA 10.] Additionally, Dr. Girault found that Claimant's girlfriend recorded the visit without his permission. [Def. APA 10.] Finally, Defendants provided treatment with Dr. Boyd on November 13, 2023, and Claimant refused to allow his nurse case manager to attend the appointment. Def. Exh. F p. 169.

7. That Under S.C. Code Ann. § 42-15-60, Defendants are entitled to terminate all benefits as of January 4, 2024.

8. That Under S.C. Code Ann § 42-15-60 and § 42-1-40, Defendants are entitled to a credit for temporary total disability payments during the period of medical non-compliance, and Claimant

is found to have constructively abandoned his claim.

III. ISSUE ON APPEAL

Whether the Single Commissioner erred as a matter of fact and law that Claimant is not entitled to benefits under the Act due to the constructive abandonment of his claim through medical non-compliance?

IV. DECISION OF THE APPELLATE PANEL

Pursuant to S.C. Code Ann. §42-17-50, we, the Appellate Panel, have reviewed the Decision and Order of the Single Commissioner and weighed the evidence as presented at the initial hearing. We have also considered all issues raised in the respective Appellant and Respondent briefs of the parties, as well as those issues raised at the Full Commission Review Hearing.

After careful review, the Appellate Panel of the South Carolina Workers' Compensation Commission, by unanimous vote, does hereby fully **AFFIRM** the Decision and Order of the Single Commissioner filed on February 14, 2024.

Below are set out the Findings of Fact and Conclusions of Law of the Appellate Panel as to this claim.

FINDINGS OF FACT

1. These matters were set before the Single Commissioner pursuant to Defendants' Form 21 Request for Hearing, [Claimant's Form 50 Request for Hearing, and Defendants' Form 51, Employer's Answer].
2. [The initial hearing] was held on November 28, 2023, in Newberry, South Carolina.
3. Claimant, Mr. Walter Hoover, was advised of his right to counsel and informed the Commission that he wished to proceed representing himself.
4. On May 25, 2022, Claimant sustained an admitted injury by accident to the low back arising out of an in the course and scope of his employment when moving dog kennels.

5. Claimant has undergone various evaluations and treatment for his work-related injury, including imaging, injections, physical therapy, dry needling, and evaluations by multiple specialists including pain management providers and neurologists, as Defendants continued to tirelessly provide additional evaluations despite Claimant's repeated dismissal from medical facilities due to his belligerent behavior.

6. At the [initial] hearing, Defendants requested a determination of maximum medical improvement, extent of disability if any, future medical treatment needs, and permanent work restrictions pursuant to § 42-15-60. Defendants asserted that they had in good faith tirelessly provided medical treatment with a multitude of doctors for 9 months, including: Dr. Tavel, Dr. Gunter, Dr. Girault, and Dr. Boyd.

7. Defendants asserted based on his continued medical non-compliance, Claimant had constructively abandoned his workers' compensation claim and is no longer entitled to benefits under the act pursuant to § 42-16-60. In the alternative, Defendants requested Claimant to be found at maximum medical improvement and a determination of disability, if any; future medical treatment needs and permanent work restrictions pursuant to § 42-9-30. Secondly, Defendants assert[ed] according to payroll records, Claimant's average weekly wage totaled to $542.73, with a corresponding compensation rate of $361.84. Defendants asserted a total overpayment based on the correct compensation rate from May 26, 2022, to February 14, 2023, in the amount of $6,850.58. Thirdly, Defendants request[ed] credit for medical non-compliance based on his continued constructive refusal of medical treatment from February 15, 2023, to November 13, 2023, in the amount of $23,356.48. Collectively, Defendants requested a total of $30,107.06 for overpayment based on the corrected compensation rate and medical non-compliance.

8. In the alternative, if the Commission f[ound] Claimant entitled to additional medical treatment, Defendants request[ed] a reduction in Claimant's compensation rate based on the payroll records

to $361.84. Defendants also request[ed] a credit for overpayment of TTD based on the correct compensation rate and medical non-compliance in the amount of $30,107.06. Lastly, Defendants requested a nurse case manager remain involved with the claim.

9. Claimant requested a finding that he was not at maximum medical improvement, was entitled to additional treatment, and was entitled to treatment he alleged was authorized, and reimbursement for mileage. In addition, he requested the nurse case manager not be involved with his appointments, to choose his medical treatment, and to settle his workers' compensation claim so he could seek treatment on his own.

10. Claimant testified on his own behalf regarding his pre-existing back condition, his admitted work-related injury, the medical evaluations and treatment he has undergone for his work-related injury, the issues he has had with his physicians and nurse case managers, the issues he continues to have [as] a result of his injury, his limitations in daily life, his desire to settle his workers' compensation claim, and the medical treatment he would like to receive.

11. As there was no record of a physician finding that Claimant is at maximum medical improvement, we cannot find Claimant to have reached maximum medical improvement. Accordingly, he cannot be released from the workers' compensation system, as he has requested. Any settlement of Claimant's workers' compensation claim is the responsibility of the parties.

12. The evidence submitted by Claimant at the [initial] hearing regarding his alleged medical non-compliance, including the audio/video submissions, were not authenticated with no way of knowing if those were the only conversations Claimant had with the physicians and their staff. Accordingly, we find that it should be given little weight.

13. We find that the evidence included in the Administrative Procedure Act submissions submitted by Defendants regarding Claimant's alleged medical non-compliance should be given the greatest weight. This includes detailed records from Southeastern Spine Institute, Lexington Medical

Center, Palmetto Bone & Joint, Drayer Physical Therapy, South Carolina Internal Medicine LLC, ImageCare Associates LLC; MUSC Columbia Neurosurgery; and Pain Specialists of Charleston P.A. More specifically, this includes records from three different providers, Dr. Gunter, Dr. Tavel, and Dr. Girault, which document Claimant's release from care or refusal for continued treatment of Claimant due to his belligerent behavior towards them and their staff. On February 14, 2023, Dr. Tavel estimated Claimant would reach MMI in three to six months. Def. APA 8 p. 90. A few weeks later on April 25, 2023, Claimant attempted to control his medical treatment in stating he was only interested in moving forward with surgical intervention, though no doctor had determined that to be the appropriate plan of action at that time. APA 8 p. 102. On May 11, 2023, Dr. Tavel's office notified Defendants that they would be releasing Claimant from the practice due to his aggressive behavior. Def. [Exh. E]. Additionally, on February 28, 2023, Claimant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a "b* ***" and a "hag" and threatened to come into their office and "let them have it" because he wanted pain medication. Def. APA 7 p. 91. On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Claimant's care, as there appeared to be too much discord within the relationship between the practice and Claimant. Def. APA 7 p. 92. Dr. Gunter went on to say that Claimant left abruptly after hearing the news; however, he discussed Claimant's dismissal with the young lady present, who asked if Dr. Gunter could refer Claimant to Southeastern Spine Institute, again in attempt to control medical treatment. Def. APA 7 p. 92. On March 7, 2023, the nurse case manager notified Defendants that Dr. Gunter's office was under the impression that Claimant's girlfriend had called impersonating a nurse case manager. Def [Exh. E]. Additionally, the nurse case manager on the case resigned due to Claimant's threatening comments. Def. [Exh. E]. Thereafter, Claimant consistently called Defendants' [offices, including Carrier's office] making threatening and disrespectful comments

to Defense Counsel, Defense Counsel's staff, Carrier's staff, etc.; yet Defendants in good faith provided additional medical treatment on June 22, 2023, with Dr. Girault. Def. APA [10]. Again, Dr. Girault would not treat Claimant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." [Def. APA 10.] Additionally, Dr. Girault found that Claimant's girlfriend recorded the visit without his permission. [Def. APA 10.] Finally, Defendants provided treatment with Dr. Boyd on November 13, 2023, and Claimant refused to allow his nurse case manager to attend the appointment. Def. Exh. F p. 169.

14. Accordingly, we find that Defendants met their burden of proof of constructive non-compliance with treatment, pursuant *to* § 42-15-60.

15. Further, we find that based on his medical non-compliance, there is constructive abandonment of the claim by Claimant and [he is] no longer entitled to medical or temporary benefits as of January 4, 2024.

16. The claim is dismissed without prejudice as to treatment.

17. We find that Defendants are entitled to credit for any overpayment of TTD benefits during the period of Claimant's constructive medical non-compliance from February 14, 2023, to November 13, 2023, where Claimant attended medical appointments provided by Defendants and acted belligerently towards medical staff in the amount of $23,256.48.

18. We find that based on the payroll records in evidence, Claimant's average weekly wage is $542.73 and compensation rate is $361.84.

19. We find that Defendants are entitled to a credit for any overpayment of temporary total disability benefits due to the incorrect average weekly wage and compensation rate in the amount of $6,850.58.

20. In total, we find Defendants are entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate from May 26, 2022, to February 14, 2023, and a credit for payment

of TTD benefits during the period of Claimant's medical non-compliance from February 14, 2023, to November 13, 2023.

CONCLUSIONS OF LAW

1. That S.C. Code Ann. § 42-3-180 defines the authority of this Commission to determine all questions arising from the Workers' Compensation Act;
2. That S.C. Code Ann. § 42-1-160 is applicable in defining injury;
3. That S.C. Code Ann. § 42-15-60 sets forth periods during which medical benefits and treatment should be provided;
4. That S.C. Code Ann. § 42-17-40 is applicable in governing the conduct of hearings and the rendering of awards;
5. That S.C. Code Ann. § 42-1-40 is applicable in calculating average weekly wage;
6. That under S.C Code Ann. § 42-15-60, Claimant was constructively non-compliant with treatment during the period February 14, 2023, to November 13, 2023, when he attended appointments authorized, scheduled, and provided by Defendants and purposefully acted belligerently towards those involved in his medical care including Dr. Tavel, Dr. Gunter, and Dr. Girault and their respective staff. Specifically, on February 14, 2023, Dr. Tavel estimated Claimant would reach MMI in three to six months. Def. APA 8 p. 90. A few weeks later on April 25, 2023, Claimant attempted to control his medical treatment in stating he was only interested in moving forward with surgical intervention, though no doctor had determined that to be the appropriate plan of action at that time. APA 8 p. 102. On May 11, 2023, Dr. Tavel's office notified Defendants that they would be releasing Claimant from the practice due to his aggressive behavior. Def. [Exh. E]. Additionally, on February 28, 2023, Claimant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a "b* ***" and a "hag" and threatened to come into their office and "let them have it" because he

wanted pain medication. Def. APA 7 p. 91. On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Claimant's care, as there appeared to be too much discord within the relationship between the practice and Claimant. Def. APA 7 p. 92. Dr. Gunter went on to say that Claimant left abruptly after hearing the news; however, he discussed Claimant's dismissal with the young lady present, who asked if Dr. Gunter could refer Claimant to Southeastern Spine Institute, again in attempt to control medical treatment. Def. APA 7 p. 92. On March 7, 2023, the nurse case manager notified Defendants that Dr. Gunter's office was under the impression that Claimant's girlfriend had called impersonating a nurse case manager. Def. [Exh. E]. Additionally, the nurse case manager on the case resigned due to Claimant's threatening comments. Def. [Exh. E]. Thereafter, Claimant consistently called Defendants' [offices, including Carrier's office] making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, Carrier's staff, etc.; yet Defendants in good faith provided additional medical treatment on June 22, 2023, with Dr. Girault. Def. APA [10]. Again, Dr. Girault would not treat Claimant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." [Def. APA 10.] Additionally, Dr. Girault found that Claimant's girlfriend recorded the visit without his permission. [Def. APA 10.] Finally, Defendants provided treatment with Dr. Boyd on November 13, 2023, and Claimant refused to allow his nurse case manager to attend the appointment. Def. Exh. F p. 169.

7. That Under S.C. Code Ann. § 42-15-60, Defendants are entitled to terminate all benefits as of January 4, 2024.

8. That Under S.C. Code Ann § 42-15-60 and § 42-1-40, Defendants are entitled to a credit for temporary total disability payments during the period of medical non-compliance, and Claimant is found to have constructively abandoned his claim.

ORDER

THEREFORE IT IS HEREBY ORDERED that the Decision and Order of the Single Commissioner filed in the above-captioned matter on February 14, 2024, is hereby fully **AFFIRMED.**

ACCORDINGLY:

IT IS FURTHER ORDERED that Claimant, Walter Hoover, sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; and

IT IS FURTHER ORDERED that Claimant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Defendants and purposefully acted belligerently; and

IT IS FURTHER ORDERED that Defendants are entitled to terminate all benefits as of January 4, 2024; and

IT IS FURTHER ORDERED that Claimant is not entitled to benefits under the Act due to constructive abandonment of the claim through medical non-compliance, and the claim is dismissed without prejudice; and

IT IS FURTHER ORDERED that Claimant's average weekly wage is $542.73 and compensation rate is $361.84; and

IT IS FURTHER ORDERED that Defendants are entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of TTD benefits during the period of Claimant's medical non-compliance, which is February 14, 2023, to November 13, 2023; and

IT IS FURTHER ORDERED that the [Hearing Commissioner, Michael Campbell,] retains jurisdiction with this matter.

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AND SO IT IS ORDERED.

_____**(date)**
Columbia, SC

Aisha Taylor, Commissioner

Cynthia C. Dooley, Commissioner

Gene McCaskill, Commissioner

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Order Served via email:

Walter R. Hoover whooverjr@gmail.com	Claudia Piechota Holder Padgett Littlejohn & Prickett cpiechota@hplplaw.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Eugenia Hollmon on June 12, 2025

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: **2207041**
Carrier File #: **004169-065746-WC-01**
Carrier Code #: **01132**
Employer FEIN #: **133139732**

Claimant's Name: WALTER R HOOVER JR
Address: 6194 DOGWALLA DR
City: WHITMIRE State: SC Zip: 29178
Home Phone: (803) 394-3047/ (803) 622-0650 Work Phone:
Preparer's Name: LORIANNE CAMPBELL-ASSIST Law Firm:

Employer's Name: TRACTOR SUPPLY COMPANY
Address: 2808 MAIN STREET
City: NEWBERRY State: SC Zip: 29108
Insurance Carrier: STARR SPECIALTY
Preparer's Phone #: (407) 583-3269

1. Date of injury: 05/25/2022 (m/d/yyyy)

2. Total Weeks Compensation Paid: 84 2/7

3. Type of Compensation Paid (TP or TT)/Periods of Payment:

		(m/d/yyyy)	(m/d/yyyy)
Type:	TT	From: 05/26/2022	To: 06/10/2022
Type:	TT	From: 06/12/2022	To: 01/06/2024
Type:		From:	To:
Type:		From:	To:

4. Date of First Payment: 06/17/2022 (m/d/yyyy)

5. Total Amount Paid
(a) Compensation: $ 49391.74
(b) Medical (Include Nursing, Hospital, Drugs, Etc.): $ 18951.02

LORIANNE CAMPBELL-ASSIST
Employer's Representative

(407) 583-3269
Phone

5/22/2025
Date

Type or print all information. File this form six months after the alleged injury date and each six months until the Commission's File is closed. Form 18 must be filed whether or not compensation is ongoing. Refer to R.67-413, and R.67-804 for further information.

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Claudia J. Piechota

Reply to: Charleston
office: (843) 310-0485
fax: (843) 589-9000
cpiechota@hplplaw.com

April 4, 2025

Ms. Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715

Re: Walter Hoover, Jr. v. Tractor Supply Company
WCC File No.: 2207041 - Date of Accident: May 25, 2022
Carrier: Starr Specialty Insurance Company - Claim No.: 004169-065746-WC-01
HPLP File No.: 4240.00034

Dear Ms. Bracy:

Enclosed, please find the South Carolina Workers' Compensation Amended Respondents' Breif to Full Commission, in the above-referenced matter.

By copy of this correspondence, a copy of our Brief to Full Commission is being provided to all parties.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

Claudia J. Piechota

CJP/jrv
Enclosures
cc: Tanna Discher, Gallagher Bassett (via email)
Walter Hoover, Jr. (via email and USPS First-Class Mail)
Robert Bennett, Tractor Supply Company (via email)

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BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2207041

Walter Hoover, Jr., Employee, Appellant, *vs.* Tractor Supply Company, Employer, Respondent, *and* Starr Specialty Insurance Company, Carrier, Respondent.	)	**AMENDED RESPONDENTS' BRIEF TO THE FULL COMMISSION**

STATEMENT OF THE CASE

On May 11, 2023, Respondents requested a Form 21 Hearing to address the termination of benefits under the Act for cause, to request a reduction in compensation rate, and to assert an overpayment of temporary total disability benefits. On May 16, 2023, Appellant requested a Form 50 Hearing to determine whether he was entitled to additional benefits under the Act.

The hearing was originally set for July 27, 2023; however, the hearing was postponed in order to allow Appellant opportunity to obtain additional counsel to represent his interests. His two prior attorneys had previously been relieved. On November 28, 2023, Appellant voluntarily elected to proceed with the hearing *pro se*.

Prior to the taking of testimony and pursuant to notices timely filed and served, Respondents submitted evidence pursuant to the South Carolina Administrative Procedures Act and S.C Code Reg. 67-612, including medical records, payroll records, compensation rate calculations, list of claim payments, emails, and a Motion to Limit Communication.

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At the November 28, 2023, hearing, Appellant submitted video evidence, subpoenas, correspondence, a timeline of treatment, medical records, and payments. Respondents objected to such evidence, as it was not timely submitted and therefore denied Respondents the proper notice required pursuant to South Carolina Code Regulation 67-612. The Single Commissioner admitted Appellant's evidence for rebuttal purposes only over Respondents' objection.

At the hearing, Respondents first asserted that based on Appellant's continued constructive medical noncompliance, he was no longer entitled to benefits under the Act pursuant to S.C. Code Ann. § 42-16-60. In the alternative, Respondents requested Appellant be found at maximum medical improvement, including a determination of disability, if any, future medical treatment needs, and permanent work restrictions pursuant to S.C. Code Ann. § 42-9-30. Second, Respondents asserted that according to payroll records, Appellant's average weekly wage totaled $542.73 with a corresponding compensation rate of $361.84. Respondents asserted a total overpayment based on the correct compensation rate from May 26, 2022, to February 14, 2023, in the amount of $6,850.58. Third, Respondents requested credit for temporary benefits paid during Appellant's period of medical noncompliance based on his continued constructive refusal of medical treatment from February 14, 2023, to November 13, 2023, in the amount of $23,356.48. Collectively, Respondents requested a total of $30,107.06 for overpayment based on the corrected compensation rate and medical noncompliance.

If the Commission found Appellant to be entitled to additional benefits under the Act, Respondents requested a reduction in Appellant's compensation rate to $361.84, based on the payroll records. Respondents still requested to assert credit for the overpayment of temporary total disability benefits based on the correct compensation rate and the period of constructive medical noncompliance in the amount of $30,107.06. Finally, the Respondents requested a nurse case manager remain involved with the claim.

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Appellant asserted that he was not at maximum medical improvement. Tr. p. 12, ll. 17-19. He also asserted he was entitled to additional medical treatment, specifically with a "non-biased" doctor that "has nothing to do with workers' compensation," and he requested to both choose his medical treatment and treat independently, outside of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12. He additionally alleged that the nurse case manager's job was to stay in contact with him; however, she did not. Tr. p. 13, l. 25; Tr. p. 14, ll. 1-5. In Appellant's opinion, the nurse case manager was "not doing her job," and therefore Appellant did not need her and requested a nurse case manager not be involved with his appointments. Tr. p. 16, ll. 13-25. Appellant further asserted that "the workers' compensation system had failed." Tr. p. 11, ll. 15-17. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 11-13. He felt as though everything was an "intentional delay" and that "the system [was] washing [him] through," since one year later he was still "sitting here." Tr. p. 13, ll. 14-23. He requested to settle his workers' compensation claim. Tr. p. 16, ll. 3-6. Appellant pointed out that he subpoenaed the recorded line from Dr. Gunter's office, which was allegedly not produced; so, anything related to what he allegedly called an individual at Dr. Gunter's office, specifically that he called a staff member a b**** on the phone, "should be thrown." Tr. p. 11, ll. 17-20; Tr. p. 12, ll. 2-9.

The Single Commissioner issued his Decision and Order on February 14, 2024, ordering (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he purposefully acted belligerently while attending appointments authorized and scheduled by Respondents; (3) Respondents were entitled to terminate all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim

by way of medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of temporary total disability benefits paid during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023. A Certificate of Service was included with the signed Decision and Order, indicating that the Administrative Assistant to the Single Commissioner had served a copy of the order on all parties involved as of February 14, 2024.

Appellant originally did not file a timely appeal; however, he alleged he did not receive the signed Decision and Order via U.S. mail, despite the certificate of service. The Commission then forwarded a second copy of the Decision and Order to Appellant. Accordingly, despite Respondents objections, his appeal deadline was extended, and this appeal was permitted. On March 4, 2024, Appellant filed his Form 30 Request for Appellate review, which was served upon Respondents on March 5, 2024. Appellant also filed a Motion to submit additional evidence on March 4, 2024. A Motion Commissioner signed an Order dated April 8, 2024, indicating that the issues presented in Appellant's Motion For Additional Evidence would be preserved for the hearing before the Full Commission.

Appellant's Request for Appellate Review did not comply with the required regulations, as S.C. Code Ann. Regs. 67-701(3)(a)-(b) requires "the grounds for appeal be set out in detail on the Form 30 in the form of questions presented; each question presented must be concise and concern one finding of fact, conclusion of law, or other proposition the appellant believes is in error; and references to evidence must be by title and exhibit number." Despite Appellant's failure to follow regulatory guidelines in his Form 30 Request for Appellate Review, Respondents received a Form 31 Notice of Appellate Hearing on March 19, 2024, which scheduled the appellate hearing for

May 20, 2024. The hearing notice very clearly required Appellant to file the appellate brief by April 18, 2024.

By May 2, 2024, 13 days after Appellant's filing deadline, Respondents had yet to be served with a brief filed by Appellant. Since the parties had not entered into any agreement of any kind extending the time for filing with the Judicial Department pursuant to S.C. Code Ann. Regs. 67-705(H) prior to the filing date, Respondents believed Appellant never filed an appellant brief. Accordingly, Respondents submitted correspondence to the Judicial Department detailing their position that S.C. Code Ann. Regs. 67-705(A) *required* Appellant to file a brief by or on April 18, 2024. Since Appellant apparently had not done so, Respondents respectfully requested the Judicial Department remove the case from the review hearing docket by issuing an administrative order dismissing the appeal. The Judicial Department removed the case from the review hearing docket on May 2, 2024, by issuing an administrative order dismissing the appeal as requested by Respondents.

On May 6, 2024, Respondents were served by the Commission with what was allegedly Appellant's Motion to Reinstate his claim. His request read, "I am submitting Form 59 late. I read the Notice of Appellate Hearing incorrectly regarding the due date. Please accept my apologize for misunderstanding and consider this request to continue my claim." Though Respondents submitted a Response to Appellant's Motion to Reinstate on May 16, 2024, detailing Appellant's blatant and willful disregard of the workers' compensation system and continued harassment of the doctors, carriers, and case managers attempting to perform their jobs, Appellant's Motion to Reinstate was granted.

On May 23, 2024, Respondents were served with Appellant's Form 59 Informal Brief. On June 7, 2024, Respondents filed a Respondents' Formal Brief without waiving objection that

Appellant's Informal Brief did *not* preserve issues upon appeal per S.C. Code Ann. Regs. 67-705(A). The Appellate Hearing was reset for September 16, 2024.

On September 9, 2024, just 7 days before the re-scheduled Appellate Hearing, Appellant emailed the Commission's office stating he was submitting a "Pre-Hearing Brief" for his hearing scheduled for September 16, 2024. He also submitted 13 exhibits. The Judicial Docketing Director responded that they were unable to accept the Pre-hearing Brief and APA submissions that were emailed on September 9, 2024, as the appeal hearing did not allow for submissions of new or additional evidence. Instead, everything that was submitted at the original hearing on November 28, 2023, would be available for the panel to review. She alerted Appellant that if he was requesting additional evidence, he would need to request via Motion. On September 11, 2024, Appellant emailed the Commission requesting that his hearing be "pulled off of the docket for September 16, 2024." He also "requested a Motion to submit additional evidence." Accordingly, the Appellate Hearing was reset to November 12, 2024, and then reset for a second time to November 13, 2024.

On November 7, 2024, 5 days before the re-scheduled Appellate hearing, the Commission served Respondents with an additional motion, Appellant's Motion to Submit Additional Evidence, which included 14 exhibits. Due to Appellant's second evidentiary motion, the Appellate Hearing was postponed again and rescheduled to January 13, 2025.

On December 17, 2024, Respondents filed their response to Appellant's Motion(s) to Include Additional Evidence and requested the motions be denied. On December 19, 2024, Respondents filed a separate motion, namely, Motion for the Appellate Review Hearing to be Reviewed on the Record, given Appellant had caused two previous delays of the Appellate Hearing. The Motion Commissioner issued an Order on January 13, 2025, denying Respondents' Motion for the Appellate Review Hearing to be Reviewed on the Record.

The parties appeared before the Appellate Panel briefly on January 13, 2025. The panel determined that pursuant to Section 67-707C(2)(c), oral arguments could not be heard until Appellant's motions for additional evidence had been ruled upon. Accordingly, the panel decided to rule upon those motions at a later date and issue a new date for appeal. On February 21, 2025, the Commission issued the Form 31 re-scheduling the Appellate Review Hearing for April 14, 2025. On February 24, 2025, the appellate panel issued an order denying the Appellant's two prior Motions to Admit Additional Evidence.

ISSUES PRESENTED

I. **WHETHER APPELLANT'S INFORMAL BRIEF PRESERVES ANY ISSUE FOR APPEAL BEFORE THE FULL COMMISSION**

II. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED THE WEIGHT OF THE EVIDENCE SUBMITTED AT THE NOVEMBER 28, 2023, HEARING**

III. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT APPELLANT WAS CONSTRUCTIVELY NON-COMPLIANT WITH MEDICAL TREATMENT, PURSUANT TO § 42-15-60 AND THEREFORE ABANDONED HIS WORKERS' COMPENSATION CLAIM**

IV. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DURING THE PERIOD OF APPELLANT'S CONSTRUCTIVE MEDICAL NON-COMPLIANCE**

V. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED APPELLANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE**

VI. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DUE TO INCORRECT AVERAGE WEEKLY WAGE AND COMPENSATION RATE**

STATEMENT OF THE FACTS

Appellant, Mr. Walter Hoover, has suffered from a pre-existing low back condition since at least 2019. Appellant testified that he had a prior low back injury in 2019, for which he treated at Southeastern Spine Institute. Tr. p. 20, ll. 19-23. Medical records reveal Appellant reported 9 of 10 aching, burning, and stabbing pain in the lower back radiating into the posterior lateral aspect of the right leg with numbness on March 8, 2019. Def. APA 1 p. 1. He later underwent a right L5-S1 decompression with partial medial facetectomy, hemilaminotomy, foraminotomy, and right L5-S1 discectomy with Dr. Bryan on March 29, 2019. Def. APA 1 p. 18.

Approximately three years later, on May 25, 2022, Appellant sustained an admitted injury by accident to the low back arising out of and in the course and scope of his employment when moving dog kennels. Thereafter, he underwent medical treatment authorized and provided by Respondents in this case, including imaging, injections, physical therapy, dry needling, and evaluations by multiple specialists including pain management providers and neurologists.

While Respondents tirelessly attempted to provide medical treatment for Appellant from February 14, 2023, to November 13, 2023, Appellant failed to cooperate with his own medical treatment and continuously frustrated the efforts of the other persons involved in his claim. Appellant repeatedly attempted to control his own treatment by requesting referrals to the Southeastern Spine Institute, his provider of choice for a previous back injury, and instructed the authorized treatment providers as to what treatment he needed, though he is admittedly not a medical professional. Further, he purposefully acted belligerently both in office and through communications with the medical professionals and their staff. Notably, specific records included in Respondents APA submissions from three different providers - Dr. Gunter, Dr. Tavel, and Dr. Girault - all document Appellant's dismissal from care or refusal for continued treatment of Appellant, specifically due to his unacceptable, threatening behavior. A Nurse Case Manager resigned due to threats, and to avoid personal interaction, Appellant was only permitted to have a

telephonic nurse case manager. Employees of the carrier were also verbally harassed, and Defense Counsel was forced to request a Motion to Limit Communications with Appellant due to fear of her own safety. A multitude of specific examples of Appellant's abhorrent behavior are detailed in Respondents Argument III below.

In the meantime, Appellant continued to perform activities of daily life like ride his lawn mower, transport his girlfriend's kids, play basketball, and do "whatever [he] want[s] to do" since his May 25, 2022, work accident because in his words, "the damage is done," and he would not "hurt any more part of [his] back." Tr. p. 27, ll. 7-13; Tr. p. 31, ll. 19-25. He also continued to receive weekly temporary total disability benefits throughout this time.

Eventually, Respondents requested a hearing in effort to resolve the claim and put an end to Appellant's harassment. At the Single Commissioner Hearing, it appeared that at least to some extent, both Respondents and Appellant wanted the same thing – to close Appellant's workers' compensation claim. Appellant asserted at the November 28, 2023, hearing that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat independently *outside* of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, ll. 15-17; Tr. p. 12, ll. 11-13. Similarly, Respondents were at a loss, as they tirelessly provided evaluation after evaluation, only for Appellant to be released by yet another provider's practice – while being verbally harassed by Appellant themselves while attempting to provide such treatment. It appeared that any further effort would be futile and contrary to the goals and objectives of the workers' compensation system. Yet, despite his repeated requests to be released, Appellant has prolonged his claim through his own initiative by filing this appeal.

ARGUMENTS

I. APPELLANT'S INFORMAL BRIEF DID NOT PRESERVE ANY ISSUES FOR APPEAL BEFORE THE FULL COMMISSION.

According to Regulation 67-705(A) Appellant was required to file a brief including a statement of the case, questions presented, argument, and conclusion. Respondents first assert that the Form 59 Informal Brief filed by Appellant and dated April 29, 2024, is insufficient and therefore does not preserve *any* issue for appeal, as Appellant makes no legal argument or legal conclusion in violation of Regulation 67-705(A). This is a standing objection on all issues Appellant raises during the appellate hearing.

The Form 59 offers a series of questions. Question One asks whether the Commissioner failed to consider important reasons for award of compensation and if so, what reasons. Appellant answers, "Yes. All evidence submitted was an accurate depiction of appointments, appointment dates, and appointment times mentioned." Respondents assert that Appellant's statement that "all" submitted evidence is "accurate" fails to provide any legal authority or argument in which the panel could rely on to reverse the decision of the Single Commissioner. Rather, Appellant made a conclusory statement with no proof of authentication. Accordingly, Appellant made no argument as required by Regulation 67-705(A) as to why the evidence was accurate and even failed to specify even what evidence he was referring to. Therefore, he preserved no issue on appeal. Similarly, Question Two asks whether the Commissioner incorrectly decided the facts, and if so what facts. Appellant answers, "Yes. All facts/evidence should be reconsidered, as adequate evidence was submitted for the initial hearing. Respondents assert that reconsideration of "all evidence" because it was "adequate" fails to provide any legal authority or argument in which the panel could rely on to reverse the decision of the Single Commissioner. Rather, he made a conclusory statement that the evidence was "adequate" with no proof of authentication.

Accordingly, Appellant made no argument as required by Regulation 67-705(A) and therefore preserved no issue on appeal.

Question Three asks if Appellant thinks the Commissioner applied the wrong law, and if so, what law. Appellant left this question blank. Accordingly, all of the Conclusions of Law decided by the Single Commissioner should be considered uncontested by Appellant.

Question Four asks whether Appellant feels there are other reasons why the Commissioner's judgement was wrong, and if so, what reasons. Appellant again left this answer blank. Again, Appellant made no argument as required by Regulation 67-705(A) and therefore preserved no issue on appeal.

Finally, Appellant requests that the Commission reinstate his benefits/compensation and ensure prompt and proper medical care is given to include all injuries mentioned from the date of injury to current. Again, Appellant provided no authority for his request or a singular reason for appeal other than "all evidence is accurate," which is a merely conclusory statement. Additionally, his request for continued benefits and treatment contradicts much of his hearing testimony. Accordingly, he made no argument as required by Regulation 67-705(A) and therefore preserved no issue on appeal. Given the above, the claim should be dismissed, as all issues have been abandoned by Appellant. Further, the Order of the Single Commissioner should be affirmed.

II. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THE WEIGHT OF THE EVIDENCE SUBMITTED AT THE NOVEMBER 28, 2023, HEARING.

The Single Commissioner first determined that the audio and video evidence submitted by Appellant at the Hearing over Respondents' objections should be given little weight, as it had not been authenticated, and the Commissioner had no way of knowing if those were the only conversations between Appellant, the physicians, and their staff. Order, Finding of Fact twelve

(12), p. 29. Appellant argues that all evidence was "adequate" and "accurate." He does not specify what evidence he is referring to; however, Respondents presume he means to assert that the evidence *he* submitted at the November 28, 2023, hearing is "adequate" and "accurate."

Per South Carolina Rules of Evidence 901, the requirement of authentication or identification is a condition precedent to admissibility. This is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. For an audio or video recording, such as what Appellant submitted, this would require identification of the voice heard and connecting that voice with the speaker. Appellant failed to satisfy the statutory requirements of the Rules of Evidence for admissible recordings by offering no evidence whatsoever as to reliability. Further, workers' compensation awards "must not be based on surmise, conjecture or speculation." *Kennedy v. Williamsburg County*, 242 S.C. 477, 131 (1963). The audio and video evidence submitted by Appellant at the hearing is nothing more than speculative, as it was not verified by any means.

In video one, labeled on screen as "delivering Dr. Gunters subpoena," an unidentified female whose face is never shown is holding an envelope containing subpoenas intended for Dr. Gunter's office. She asks the front desk who to hand the envelope to. The front desk attendant then calls the medical records department. The unidentified female recording then hands the envelope to another unidentified individual. There is no identification of any voice heard, or any individual seen in the video offered at any time.

In video two, labeled on screen as "June 22nd, 2023, Dr. Girault," depicts mostly the floor and wall/door of an unidentified building. An unidentified male voice speaks as well as two different unidentified female voices. At no point during the video does a speaker indicate who they are or the location of filming.

In video three, labeled on screen as, "Angela @ Dr. Tavel's office cancelling future appts, Dr.

Tavel "has already notified the adjuster. 05/15/23." An unknown female voice states, "hello, this is Amy." Another individual who appears to be on the phone then states, "this is Angie, I'm calling from Dr. Tavel's office." Appellant has not connected the voice of who claims to be Angie to anyone actually in Dr. Tavel's office, which fails the requirements of Rule 901; however, Respondents assert that if the voice is reliable as Angie from Dr. Tavel's office, it is evidence of Claimant's release from care by Dr. Tavel only.

Further, the Single Commissioner found that the evidence in the APAs properly submitted at the hearing, including the written records of Dr. Gunter, Dr. Tavel, and Dr. Girault documenting Appellant's release from care or refusal to further treat him due to his belligerent behavior, should be given the greatest weight. Order, Finding of Fact thirteen (13), p. 30. Appellant again argues only that his unauthenticated evidence was accurate.

According to the South Carolina Court of Appeals, medical testimony is entitled to great respect. *Potter v. Spartanburg Sch. Dist.* 7, 716 S.E.2d 123, 126-127 (S.C. Ct. App. 2011). It may, however, be disregarded by the fact finder *if* other *competent* evidence is presented. *Id.* (emphasis added.) The only evidence submitted by Appellant allegedly meant to contradict the documented records by medical professionals included in Respondents' APAs are four (4) video and audio recordings (one of which is a repeat video, so only 3 different videos were offered) that have not been authenticated properly per the code as explained above. Respondents assert that the videos simply do not rebut the overwhelming evidence provided in the APA submissions.

The Single Commissioner simply weighed the evidence submitted by both parties and determined that the written records released by medical professionals and members of their facilities should be granted more weight than the unauthenticated video recordings of partial conversations of what is allegedly those same medical professionals, though that has not been verified. As this is well within his discretion as a Commissioner, the Single Commissioner's

finding that Appellant's audio and video evidence should be given little weight and Respondents' medical evidence should be given the greatest weight should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

III. THE SINGLE COMMISSIONER PROPERLY DETERMINED THAT APPELLANT WAS CONSTRUCTIVELY MEDICALLY NON-COMPLIANT PURSUANT TO § 42-15-60 AND THEREFORE ABANDONED HIS WORKERS' COMPENSATION CLAIM AND IS NO LONGER ENTITLED TO BENEFITS UNDER THE ACT.

The Single Commissioner found that Respondents met the burden of proof by a preponderance of the evidence that Appellant was constructively medically non-compliant pursuant to § 42-15-60. Order, Finding of Fact fourteen (14), p. 31. Further, the Single Commissioner found Appellant constructively abandoned his workers' compensation claim and was no longer entitled to medical or temporary benefits as of January 4, 2024. Order, Finding of Fact fifteen (15), p. 31. Appellant does not address the issue of medical non-compliance in his Informal brief; however, in Appellant's Request for Commission Review, Appellant alleged he was not medically non-compliant, but rather, he had an allergic reaction to steroids he received on July 12, 2023. He also asserted that he had not abandoned his claim, as he would like to undergo additional treatment and requested his claim be "reinstated."

Pursuant to S.C. Code Ann. Regs. 67-509, the employer's representative shall choose an authorized health care provider and pay for the authorized treatment. In turn, the employee "shall submit himself to examination" as "long as he claims compensation." S.C. Code Ann. § 42-15-80. In other words, if a medical appointment has been paid for and provided by the employer in a workers' compensation case, the injured employee claiming workers' compensation benefits must (1) attend that appointment and (2) submit to the examination therein. If instead, the employee is medically non-compliant and "refuses to submit himself **or in any way obstructs the**

examination requested and provided for by the employer, his right to compensation and his right to take or prosecute a proceeding under this title **must be suspended**." S.C. Code Ann. § 42-15-80 (emphasis added). Respondents note that the use of "must" in the statute means that the legislature intended that suspension of benefits to be mandatory, rather than discretionary.

While the classic example of medical noncompliance is refusal to attend appointments, the South Carolina Workers' Compensation Commission has indicated that an injured worker can be considered medically non-compliant by virtue of conduct at appointments. In the case of *Bruce Harris v. Collins & Aikman*, the claimant sustained an admitted amputation injury to the right thumb with additional injuries to the right arm. No. 9804023, 1999 S.C. Wrk. Comp. LEXIS 226, at 2 (order incorporated by reference in *Bruce Harris v. Collins & Aikman*, No. 9804023, 2000 S.C. Wrk. Comp. LEXIS 482 noting the Appellate Panel adopted the Single Commissioner's Findings of Fact and Rulings of Law as correct.). The defendants in the *Harris* case provided treatment with Dr. Millon for the right thumb initially and later for the right arm as well. *Id.* at 8. The defendants then provided a second right arm evaluation with another provider, Dr. Brown. *Id.* According to the APAs in the case, at the claimant's second appointment with Dr. Brown, Dr. Brown noted the claimant was irate. *Id.* at 18. Subsequently, Dr. Brown refused to further treat the claimant. *Id.* at 18-19. Dr. Millon also refused to have the claimant return to his office, meaning at this point, two different authorized providers had dismissed the claimant from care. *Id.* at 19. The defendants then scheduled yet another appointment for the claimant with a third doctor, Dr. Posta. Prior to the scheduled appointment, however, Dr. Posta conferred with Dr. Millon and Dr. Brown and then advised the parties via a letter that he had declined to treat the claimant. *Id.* The defendants had also provided treatment with Dr. Batson, who also sent a letter stating he did not feel comfortable in continuing care for the claimant and was unwilling to see him back based on the fact he had seen various other practitioners in the area and kept having to change from one doctor

to another. *Id.* The resulting issue of *Bruce Harris v. Collins & Aikman* was whether the claimant was entitled to further medical treatment when the defendants had voluntarily provided treatment, yet four different providers refused treatment of the claimant due to his conduct. *Id.*

The *Bruce Harris* commissioner determined that the defendants had made numerous attempts to provide medical treatment; however, because of claimant's volatile behavior towards Drs. Millon, Brown, Batson, and Posta, all four doctors have refused to further treat him. *Id.* at 23. Claimant's actions constituted a refusal of medical treatment pursuant to S.C. Code Ann. §§ 42-15-60 and 42-15-80, and therefore, the defendants were not responsible for further medical treatment for the claimant's injuries. *Id.* at 26-27. Importantly, the claimant was not entitled to any additional treatment or compensation for the right arm. *Id.*

The present appeal also bears remarkable similarities to *Bruce Harris v. Collins & Aikman,* and Respondents assert Appellant's behavior was, in fact, more egregious in the present case. Just as in *Bruce Harris*, this is an admitted claim, and accordingly, Respondents authorized medical treatment just as the defendants in the prior case had done. The relevant evidence of Respondents tireless efforts to provide medical treatment and Appellant's continued belligerency is detailed below, per the APA evidence submitted by Respondents at the hearing.

Appellant's Belligerent Treatment of Dr. Edward Tavel

Respondents began providing treatment with Dr. Tavel on February 14, 2023, who estimated Appellant would reach MMI in three to six months. Def. APA 8 p. 100. A few weeks later, on April 25, 2023, Appellant attempted to control his medical treatment in stating to Dr. Tavel that he was only interested in moving forward with surgical intervention, specifically an SI joint fusion, rather than the injections that had been recommended by Dr. Tavel's office at that

visit. Def. APA 8 p. 93. Further, Appellant admitted to recording that appointment in written correspondence to the telephonic nurse case manager. Def. Exh. E p. 151.

On May 9, 2023, Respondents received an email from Gallagher Bassett's Field Case Manager, Kimberly Adams, warning Respondents that she believed Appellant would soon be released by Dr. Tavel due to making threatening calls to their office. Def. Exhibit E p. 137. Just a few days later, on May 11, 2023, Dr. Tavel's office confirmed Appellant's dismissal by notifying Respondents via email that they would be releasing Appellant from the practice "due to his aggressive behavior." Def. Exh. E. p. 144.

Appellant's Belligerent Treatment of Dr. Brett Gunter

Respondents were also providing treatment with Dr. Gunter during the same time period. Per written telephone notes from Dr. Gunter's office signed by a member of his staff, on February 28, 2023, Appellant called Dr. Gunter's office and berated the office staff. Def. APA 7 p. 89. He called the staff out by name, called one staff member a "b****" and " a hag" specifically "because he wanted pain medication," and he "threatened to come into their office" and "let them have it" Def. APA 7 p. 89. Interestingly, Appellant testified at the November 28, 2023, hearing that he was a bartender for 27 years and "partied on three continents on this earth," so if "[he] want[ed] drugs [he] can get drugs." Tr. p. 29, ll. 11-14. Respondents assert that both Claimant's own testimony and the call notes from Dr. Gunter's office from February 28, 2023, support drug seeking behavior by Appellant while receiving authorized treatment from Respondents. On March 6, 2023, Dr. Gunter's office documented a "disagreement" between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Appellant's care, as there appeared to be "too much discord" within the relationship between the practice and Appellant. Def. APA 7 p. 90. Dr. Gunter went on to say that Appellant left abruptly after hearing the news;

however, he discussed Appellant's dismissal with the "young lady present," who asked if Dr. Gunter could refer Appellant to Southeastern Spine Institute. Def. APA 7 p. 90. Respondents assert that by requesting a referral to a particular practice, the "young lady" reffered to by Dr. Gunter, who was clearly an associate of Appellant's welcomed at his private medical appointment, was attempting to control Appellant's medical care and choose the provider he wished to see, rather than submit to the treatment provided through workers' compensation as required by the code. As further evidence of such assertion, when Appellant was asked under oath at the November 28, 2023, hearing if Appellant went to Dr. Gunter's office on March 6, 2023, with "specific instructions as to what type of treatment he wanted," he answered, "I did." Tr. p. 23, ll. 12-16. Appellant went on to explain Dr. Gunter indicated Appellant's treatment options for the low back were surgery or physical therapy. Tr. p. 23, ll. 19-21. Though Appellant admitted on record that he is in no way a medical professional, he believed Dr. Gunter's opinion as to proper treatment was "not true." Tr. p. 23, ll. 21-22; Tr. p. 24, ll. 7-10. Accordingly, though he had no basis to do so, Appellant refused to comply with Dr. Gunter's medical recommendations and instead deliberately chose to act belligerently in his office.

Additionally, on March 7, 2023, the nurse case manager notified Respondents that prior to the March 6, 2023, appointment, Dr. Gunter's office believed Appellant's girlfriend had called their facility impersonating a nurse case manager. Def Exh. E p. 128. Accordingly, Dr. Gunter's office had considered canceling Appellant's appointment before Appellant arrived; however, they decided against doing so in order to discuss their issues with Appellant with the nurse case manager at the visit. Def Exh. E p. 128. Ultimately, Dr. Gunter chose to dismiss Appellant from his practice during the March 6, 2023, visit regardless due to his in-office behavior. Def. APA 7 p. 90.

On May 9, 2023, Respondents received an email from Gallagher Bassett's Field Case Manager, Kimberly Adams, detailing that due to Appellant's aggressive behavior and threats made

to the Nurse Case Manager, Randi Walle, the claim must be switched to a Telephonic Nurse Case Manager to avoid in-person contact between Appellant and the NCM. Def. Exhibit E p. 137.

Appellant's Belligerent Treatment of Dr. Gisele Girault

Despite Appellant's release from two prior, well-respected, authorized treating physicians, Respondents in good faith provided yet another medical evaluation on June 22, 2023, with Dr. Girault. Def. APA 10 p. 106. Again, Dr. Girault would not treat Appellant because he was "combative" upon his arrival to the office and told Dr. Girault "what to do and not do." Def. APA 10 p. 107. Further, Dr. Girault found out at the end of the visit that Appellant's girlfriend was recording her without permission. Def. APA 10 p. 107. Appellant's girlfriend "did most of the talking" during the visit and stated they were *"in process of suing the previous providers"* and attorneys. Def. APA 10 p. 107.

Appellant's Alleged Argument against His Medical Non-Compliance

Appellant alleges he was not non-compliant but was rather allergic. He fails to elaborate on his position; however, Respondents presume he is attempting to argue that he was refusing care due to an allergy to injections only.

On July 12, 2022, Appellant underwent *a lumbar transforaminal epidural steroid* injection at L5-S1 with Dr. Gundu. Def. APA 3 p. 61-62. Appellant alleged an allergic reaction due to that injection; however, no objective testing or viewing of his reaction was detailed by any doctor. Months later on January 6, 2023, prior to Dr. Gunter releasing Appellant from his practice, Dr. Gunter recommended an *SI joint* injection. Def. APA 7 p. 84-87. On May 2, 2023, prior to Dr. Tavel also dismissing Appellant from his practice, Dr. Tavel also recommended an *SI joint* injection as a form of potential treatment. Def. APA 8 p. 94. Dr. Tavel specifically notes "patient indicates he has had adverse reactions to steroid injections and does not want to proceed with any further steroid injections at this time. We discussed a local anesthetic injection." Def. APA 8 p.

92-93. Accordingly, Dr. Tavel's office was aware of Appellant's prior complaints related to the lumbar epidural steroid injection and purposefully ordered a different treatment plan. Similarly, Dr. Girault noted that Appellant had an adverse reaction to the lumbar transforaminal epidural steroid injections at L5-S1, which included headache and redness in the face. Def. APA 10 p. 106. She then recommended Appellant undergo *SI joint* injections and *nonsteroidal* anti-inflammatory medications. Def. APA 10 p. 107. Again, just as Dr. Gunter and Dr. Tavel, Dr. Girault was aware of Appellant's reaction to his prior injection and ordered a different treatment plan. There is no evidence in the record that Appellant was forced to have injections he was allergic to against his will. Instead, it is clear Appellant had one type of treatment plan he would like to proceed with and that was with Southeastern Spine Institute and was going to do whatever necessary to have the doctors refer him there.

Appellant's Belligerent Behavior Towards Other Facilitators of His Medical Care

Appellant's belligerency did not stop at the four walls of the physicians' offices, as Appellant consistently called Respondent's office and the carrier's office making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, the carrier's staff, etc. For example, Appellant called Jeff Close, an employee of the carrier, "loud," "a liar," and "an idiot" via phone call, which was documented by Mr. Close in an email dated July 11, 2023. Def. Exh. D p. 123. Appellant also recorded the phone call. Def. Exh. D p. 123.

On April 15, 2023, Appellant emailed Defense Counsel alleging she was being rude, intentionally non-compliant with the South Carolina Code, and intentionally withholding mileage reimbursement from Appellant. Def. Exh. E p. 129. He requested she send him the correct amount he was owed for mileage "for the love of God." Def. Exh. E p. 129. He then stated he was "going to get back to enjoying [his] Saturday" as, he "didn't plan on waking up and having to do [Defense

Counsel's] job for [her.]" Def. Exh. E p. 130. On April 27, 2023, Appellant emailed Defense Counsel, stating the incorrect mileage was paid and claiming the math was "obviously" done "by someone's first grader." Def. Exh. E p. 134. He called Defense Counsel "sweetie" and stated if she was waiting for him to hire an attorney, she was "out of luck," as he was not able to hire anyone due to the "defamation and slander" by Dr. Gunter's office, Defense Counsel, and by Gallagher Bassett. Def. Exh. E p. 134. On May 3, 2023, Appellant emailed Defense Counsel asking if the Commissioner allows her to pay him just when she feels like it. Def. Exh. E p. 135. On May 10, 2023, Appellant called Defense Counsel 22 times over the span of 19 minutes and left two voicemails stating he would continue to call until he was answered. Def. Exh. E p. 138-141. On May 17, 2023, Appellant called Defense Counsel, referred to her as a "beginner" attorney, and alleged she "deliberately neglected" his medical care. Def. Exh. E p. 143.

On May 19, 2023, Appellant emailed the new Telephonic Case Manager a lengthy summary of his claim after leaving her three voicemails. Def. Exh. E p. 149-151. He noted he previously treated with Dr. Davis, then Dr. Gunter, who allegedly told him to "forget everything he had heard before" that appointment and ordered a new MRI. Def. Exh. E p. 150. Appellant stated Dr. Gunter prescribed pain medication, which provided the first relief he had since May 2022. Def. Exh. E p. 150. Respondents assert this is further evidence of drug seeking behavior. Appellant then claimed Dr. Gunter's office staff "lied" to him, and he was released from care due to a lie. Def. Exh. E p. 151. Appellant alleged that Respondents were "all being very vexatious." Def. Exh. E p. 151. He requested to see a neurologist and attempted to direct his own care by expressing interest in discussing plasma-rich-platelet injections in lieu of the Rhizotomy, which was the treatment plan recommended by a licensed medical provider. Def. Exh. E p. 151.

Conclusion

Just as in *Bruce Harris*, the resulting issue in this case is whether Appellant is entitled to

further medical treatment when Respondents have voluntarily provided months of medical treatment, yet multiple different providers refused continued treatment of the claimant due to his conduct. And again, just as in *Bruce Harris*, this panel should determine that based on overwhelming evidence included in Respondent's APA submissions at the hearing, Appellant was medically non-compliant pursuant to S.C. Code Ann. §§ 42-15-60 and 42-15-80 from February 14, 2023, to November 13, 2023, by virtue of his continuous belligerent, hostile, and volatile behavior towards doctors Tavel, Gunter, and Girault. His unacceptable behavior ultimately led all three doctors to refuse to further treat him. Respondents assert that the number of doctors willing to accept workers' compensation patients in this state is less than plenty and allowing workers' compensation patients to treat these medical professionals in such manner could result in grave harm to the entire system, as the numbers of practitioners willing to treat our patients could dwindle even further. Further, Appellant continuously harassed other medical professionals like the nurse case manager, and non-medical professionals such as defense counsel and Gallagher Basset employees, attempting to facilitate his medical care. Therefore, Appellant's entitlement to additional treatment or compensation ***must*** be suspended pursuant to § 42-15-6, and Respondents are no longer responsible for the same.

Further, as for Appellant's abandonment of his claim, at the November 28, 2023, hearing, Appellant asserted that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat *independently,* outside of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12. He requested a nurse case manager *not be involved* with his appointments. Tr. p. 16, ll. 13-25. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 11-13. Ultimately, he requested to settle his workers' compensation claim and "get on with his life." Tr. p. 32, ll. 23-24. Additionally, he repeatedly asked the authorized providers

for referrals to a different, specific practice that he had personally picked out and sought treatment from before his work accident. In other words, Appellant would allegedly like to continue receiving benefits but would also like complete and total control of his treatment. This is in direct violation of S.C. Code Ann. Regs. 67-509 and S.C. Code Ann. § 42-15-80, which requires the employer's representative to choose an authorized health care provider and pay for the authorized treatment and further requires the employee to submit himself to the provided examination "as long as he claims compensation."

Respondents assert they have met their burden of proof through the above-detailed evidence of Claimant's belligerent, intentional, and aggressive behavior, which constitutes constructive medical non-compliance. Medical non-compliance, which must suspend all additional treatment or compensation pursuant to §§ 42-15-60 and 42-15-80 includes non-compliance by virtue of belligerent behavior, the Single Commissioner's ruling should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

IV. THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS PAID DURING THE PERIOD OF APPELLANT'S NON-COMPLIANCE

The Single Commissioner determined that Respondents were entitled to credit for overpayment of temporary partial disability benefits paid during the period of Appellant's constructive medical non-compliance from February 14, 2023, to November 13, 2023. Order, Finding of Fact seventeen (17), p. 32. The credit for overpayment due to medical non-compliance totals $23,256.48. Appellant made no argument against Respondents entitlement to credit. For this reason alone, the Single Commissioner's finding should be affirmed. However, in anticipation that Appellant will argue at the appellate hearing against Respondent's entitlement to credit,

Respondents offer the following justification for affirming the award for credit.

Pursuant to South Carolina Code § 42-15-60, "the refusal of an employee to accept any medical, hospital, surgical, or other treatment or evaluation when provided by the employer...*bars* the employee from further compensation until the refusal ceases" (emphasis added). Further, South Carolina Code § 42-9-210 permits a credit or deduction from compensation when an employer has made payments during the period of disability that were not due and payable so long as such deductions are made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly TTD payment.

In the case of *Timothy Smith v. Horry County Solid Waste*, the claimant sustained multiple injuries during the course and scope of his employment. No. 1611935, 2020 S.C. Wrk. Comp. LEXIS 21, at 25. The defendants provided medical care for the same. *Id.* After reaching maximum medical improvement for all body parts, the authorized treating physician referred the claimant for a pain management evaluation and continued treatment. *Id.* The defendants first provided care with Dr. Willoughby, who discharged him due to a drug screen where he tested positive for cocaine. *Id.* Thereafter, the defendants provided another pain management evaluation with Dr. Parker, who discharged the claimant for the same reason. *Id.* Finally, the defendants authorized treatment with Dr. Boatwright, who also discharged him from care, for again testing positive for cocaine. *Id.* at 25-26. Following the Single Commissioner Hearing, the *Smith* Commissioner issued an Order finding claimant was non-compliant with medical treatment pursuant to §§ 42-15-60 and 42-15-80. *Id.* at 31. Further, and most importantly for the purposes of this specific argument, the *Smith* Commissioner found that under S.C. Code Ann. Regs. 67-505, the defendants were entitled to suspend payment of TTD based upon Claimant's non-compliance with medical treatment, and under § 42-9-210, the defendants were entitled to a credit for temporary compensation paid for the period of non-compliance. *Id.*

As detailed above in Argument III, Appellant was properly found to be constructively medically noncompliant from February 14, 2023, to November 13, 2023. Though he attended appointments physically, he did not "accept" treatment and evaluations by virtue of acting belligerently towards the physicians, their staff, and other professionals attempting to facilitate his claim. He further admitted under oath to attempting to control his own medical treatment and repeatedly requested referrals to his physician of choice. Accordingly, per § 42-15-60, he was barred from compensation. While Appellant was barred from compensation from February 14, 2023, to November 13, 2023, Respondents paid a total of $23,256.48 in temporary total benefits. Accordingly, just as in *Timothy Smith v. Horry County Solid Waste*, two things are true – first, Respondents paid compensation during the period of disability that was not due and payable since Appellant was barred from compensation, and second, they are entitled to deduction for compensation for the period of non-compliance, which totals $23,256.48.

Since the Appellant received compensation that was not due and payable from February 14, 2023, to November 13, 2023, the Single Commissioner's ruling that Respondents were entitled to credit for overpayment of temporary partial disability benefits during the period of Appellant's constructive medical non-compliance, should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

V. THE SINGLE COMMISSIONER CORRECTLY DETERMINED APPELLANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE PURSUANT TO § 42-1-40

The Single Commissioner determined that Appellant's Average Weekly Wage (AWW) and Compensation Rate (CR) to be $542.73 and $361.84 respectively. Order, Finding of Fact eighteen (18), p. 31. Though Appellant did not elaborate on his position in his Informal Brief, in

Appellant's Request for Commission Review, he apparently raised issue with his compensation rate; however, he interestingly states he has "no argument" for the same.

South Carolina Code § 42-1-40 defines AWW as the "earnings of the injured employee in the employment in which he was working at the time of the injury during the 52-week period immediately preceding the date of injury." It "must be calculated" by "totaling the wages paid in the last four quarters immediately preceding the quarter in which the injury occurred...divided by fifty-two or by the actual number of weeks for which wages were paid, whichever is less." *Id.* The commission "must use" this primary method unless (1) the injured worker worked a period of less than 52 weeks prior to the injury, or (2) it would be unfair to do so "for exceptional reasons." *Pilgrim v. Eaton*, 703 S.E.2d 241, 244 (S.C. Ct. App. 2010).

The first alternative for calculating AWW if an injured worked less than 52 weeks prior to his injury is to "divide the earnings during that period by the number of weeks and parts thereof during which the employee earned wages." S.C Code Ann. § 42-1-40. In order to use the first alternative, it must be both "practicable" to use the first alternative method, and a "fair and just" result to both parties. *Pilgrim,* 703 S.E.2d at 245.

Here, according to his wage records, Appellant worked a total of only 22 weeks prior to his work accident on May 25, 2022. This means that Respondents had to rely upon an alternative wage calculation method, as there were not 52 weeks of wages available. Accordingly, Respondents resorted to the first alternative per the statute. Since Respondents were in possession of 22 weeks of wages prior to his work accident (included at the Single Commissioner Hearing as Defendants Exhibit A,) it was practicable to rely on these wages.

Appellant earned a total of $11,939.97 over the period of 22 weeks. Respondents, per the statute, divided the earnings paid ($11,939.97) by the number of weeks during which the employee earned wages (22), and calculated Appellant's AWW and CR to be $542.73 and $361.84,

respectively.

At the hearing, Appellant failed to articulate or propose any numbers to be used for his AWW and CR. He did not allege he received additional cash payments from the insured, which would increase his AWW and CR. He did not allege his wage records, dated December 12, 2021, to June 25, 2022, which were submitted as evidence prior to the hearing as part of Respondents' APA submissions, were not an accurate depiction of his earnings. Accordingly, he proposed no evidence whatsoever related to his AWW and CR and specifically stated in his Request for Commission Review that he had "no argument" for the same. Therefore, there is no evidence that Respondents calculations were unfair or unjust to either party. Accordingly, Respondents simply assert that "the math is the math," which is fair and equitable. What would be an unjust result, is to force Respondents to pay more than what is owed per the statute.

Given Appellant's AWW and CR were calculated in a fair and equitable manner to all parties and was supported by the evidence, the Single Commissioner's ruling Appellant's AWW and CR are $542.73 and $361.84, respectively, should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

VI. THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DUE TO INCORRECT AVERAGE WEEKLY WAGE AND COMPENSATION RATE

The Single Commissioner determined that Respondents were entitled to credit for overpayment of temporary partial disability benefits due to incorrect average weekly wage and compensation rate. Order, Finding of Fact nineteen (19), p. 3. The credit for overpayment due to incorrect average weekly wage and compensation rate totals $6,850.58. Appellant made no argument against Respondents entitlement to credit. For this reason alone, the Single Commissioner's finding should be affirmed. However, in anticipation that Appellant will argue at

the appellate hearing against Respondent's entitlement to credit, Respondents offer the following justification.

Per South Carolina Regulation 67-1603(3)(b)(iii), when first, the compensation rate on the Form 20 is less than previously reported on the Form 15; second, it has been over 150 days since the date of injury; and third, Appellant does not agree to a reduction in his compensation, the employer's representative shall continue paying the compensation rate reported on the Form 15 and may file a Form 21 to request a reduction in compensation. South Carolina Code § 42-9-210 permits a credit or deduction from compensation when an employer has made payments during the period of disability that were not due and payable so long as such deductions are made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly TTD payment. In conjunction, these two statutes require an employer's representative to continue payments at an incorrect compensation rate until a Form 21 Hearing has been heard, and an order permits reduction in compensation; however, the representative will then be credited for overpayment made based on incorrect compensation rate, as the overpayment amount was not due and payable when made.

Here, after Respondents originally adjusted for underpayment as seen in Exhibit C, Appellant received weekly TTD benefits at a rate of $596.32, as demonstrated on the List Claim Payments ledger submitted by Respondents into evidence at the hearing. As detailed above, Appellant's wage records detailed a compensation rate of only $361.84. Accordingly, Respondents made payments during the period of disability that were not due and payable since Appellant was paid more than he was owed weekly. Since it had been over 150 days since the date of injury, Respondents requested a Form 21 hearing on March 6, 2023, to request a reduction in compensation, as required by the regulations. They further requested credit for overpayment, which by the time of the November 28, 2023, hearing totaled $6,850.58.

Because Defendant's entitlement to a credit for overpayment due to incorrect average weekly wage and compensation rate was properly calculated and supported by evidence, the Single Commissioner's ruling that Respondents were entitled to credit for overpayment of temporary partial disability benefits due to incorrect average weekly wage and compensation rate should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

CONCLUSION

For the forgoing reasons and those that may be set forth at oral arguments in this matter, the Respondents respectfully request that the Order of the Single Commissioner issued February 14, 2024, be affirmed in its entirety and that the matter be dismissed.

Respectfully submitted,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC



Claudia J. Piechota, Esquire
Attorneys for Respondents

April 4, 2025
Charleston, South Carolina

BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2207041

Walter Hoover, Jr., Employee, Appellant, vs. Tractor Supply Company, Employer, Respondent, and Starr Specialty Insurance Company, Carrier, Respondent.	)	CERTIFICATE OF SERVICE

The undersigned certifies that they are an employee of HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC, and that they have served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Law of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to, and/or emailed to:

TO: Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715
(VIA EMAIL ONLY: judicialanalysts@wcc.sc.gov)

TO: Walter Hoover, Jr.
6194 Dogwalla Rd.,
Whitmire, SC 29178
(VIA EMAIL: whooverjr@gmail.com and USPS First-Class Mail)

DOCUMENT: Amended Respondents' Brief to the Full Commission

DATE OF Mailing: April 4, 2025:

Jennifer R Vanscyoc
Paralegal to Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Claudia J. Piechota

Reply to: Charleston
office: **(843) 310-0485**
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cpiechota@hplplaw.com

April 4, 2025

Ms. Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715

Re: Walter Hoover, Jr. v. Tractor Supply Company
WCC File No.: 2207041 - Date of Accident: May 25, 2022
Carrier: Starr Specialty Insurance Company - Claim No.: 004169-065746-WC-01
HPLP File No.: 4240.00034

Dear Ms. Bracy:

Enclosed, please find the South Carolina Workers' Compensation Amended Respondents' Breif to Full Commission, in the above-referenced matter.

By copy of this correspondence, a copy of our Brief to Full Commission is being provided to all parties.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

Claudia J. Piechota

CJP/jrv
Enclosures
cc: Tanna Discher, Gallagher Bassett (via email)
Walter Hoover, Jr. (via email and USPS First-Class Mail)
Robert Bennett, Tractor Supply Company (via email)

CHARLESTON
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Raleigh, NC 27612

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2207041

Walter Hoover, Jr., Employee, Appellant, *vs.* Tractor Supply Company, Employer, Respondent, *and* Starr Specialty Insurance Company, Carrier, Respondent.	**AMENDED RESPONDENTS' BRIEF TO THE FULL COMMISSION**

STATEMENT OF THE CASE

On May 11, 2023, Respondents requested a Form 21 Hearing to address the termination of benefits under the Act for cause, to request a reduction in compensation rate, and to assert an overpayment of temporary total disability benefits. On May 16, 2023, Appellant requested a Form 50 Hearing to determine whether he was entitled to additional benefits under the Act.

The hearing was originally set for July 27, 2023; however, the hearing was postponed in order to allow Appellant opportunity to obtain additional counsel to represent his interests. His two prior attorneys had previously been relieved. On November 28, 2023, Appellant voluntarily elected to proceed with the hearing *pro se*.

Prior to the taking of testimony and pursuant to notices timely filed and served, Respondents submitted evidence pursuant to the South Carolina Administrative Procedures Act and S.C Code Reg. 67-612, including medical records, payroll records, compensation rate calculations, list of claim payments, emails, and a Motion to Limit Communication.

At the November 28, 2023, hearing, Appellant submitted video evidence, subpoenas, correspondence, a timeline of treatment, medical records, and payments. Respondents objected to such evidence, as it was not timely submitted and therefore denied Respondents the proper notice required pursuant to South Carolina Code Regulation 67-612. The Single Commissioner admitted Appellant's evidence for rebuttal purposes only over Respondents' objection.

At the hearing, Respondents first asserted that based on Appellant's continued constructive medical noncompliance, he was no longer entitled to benefits under the Act pursuant to S.C. Code Ann. § 42-16-60. In the alternative, Respondents requested Appellant be found at maximum medical improvement, including a determination of disability, if any, future medical treatment needs, and permanent work restrictions pursuant to S.C. Code Ann. § 42-9-30. Second, Respondents asserted that according to payroll records, Appellant's average weekly wage totaled $542.73 with a corresponding compensation rate of $361.84. Respondents asserted a total overpayment based on the correct compensation rate from May 26, 2022, to February 14, 2023, in the amount of $6,850.58. Third, Respondents requested credit for temporary benefits paid during Appellant's period of medical noncompliance based on his continued constructive refusal of medical treatment from February 14, 2023, to November 13, 2023, in the amount of $23,356.48. Collectively, Respondents requested a total of $30,107.06 for overpayment based on the corrected compensation rate and medical noncompliance.

If the Commission found Appellant to be entitled to additional benefits under the Act, Respondents requested a reduction in Appellant's compensation rate to $361.84, based on the payroll records. Respondents still requested to assert credit for the overpayment of temporary total disability benefits based on the correct compensation rate and the period of constructive medical noncompliance in the amount of $30,107.06. Finally, the Respondents requested a nurse case manager remain involved with the claim.

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Appellant asserted that he was not at maximum medical improvement. Tr. p. 12, ll. 17-19. He also asserted he was entitled to additional medical treatment, specifically with a "non-biased" doctor that "has nothing to do with workers' compensation," and he requested to both choose his medical treatment and treat independently, outside of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12. He additionally alleged that the nurse case manager's job was to stay in contact with him; however, she did not. Tr. p. 13, l. 25; Tr. p. 14, ll. 1-5. In Appellant's opinion, the nurse case manager was "not doing her job," and therefore Appellant did not need her and requested a nurse case manager not be involved with his appointments. Tr. p. 16, ll. 13-25. Appellant further asserted that "the workers' compensation system had failed." Tr. p. 11, ll. 15-17. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 11-13. He felt as though everything was an "intentional delay" and that "the system [was] washing [him] through," since one year later he was still "sitting here." Tr. p. 13, ll. 14-23. He requested to settle his workers' compensation claim. Tr. p. 16, ll. 3-6. Appellant pointed out that he subpoenaed the recorded line from Dr. Gunter's office, which was allegedly not produced; so, anything related to what he allegedly called an individual at Dr. Gunter's office, specifically that he called a staff member a b**** on the phone, "should be thrown." Tr. p. 11, ll. 17-20; Tr. p. 12, ll. 2-9.

The Single Commissioner issued his Decision and Order on February 14, 2024, ordering (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he purposefully acted belligerently while attending appointments authorized and scheduled by Respondents; (3) Respondents were entitled to terminate all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim

by way of medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of temporary total disability benefits paid during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023. A Certificate of Service was included with the signed Decision and Order, indicating that the Administrative Assistant to the Single Commissioner had served a copy of the order on all parties involved as of February 14, 2024.

Appellant originally did not file a timely appeal; however, he alleged he did not receive the signed Decision and Order via U.S. mail, despite the certificate of service. The Commission then forwarded a second copy of the Decision and Order to Appellant. Accordingly, despite Respondents objections, his appeal deadline was extended, and this appeal was permitted. On March 4, 2024, Appellant filed his Form 30 Request for Appellate review, which was served upon Respondents on March 5, 2024. Appellant also filed a Motion to submit additional evidence on March 4, 2024. A Motion Commissioner signed an Order dated April 8, 2024, indicating that the issues presented in Appellant's Motion For Additional Evidence would be preserved for the hearing before the Full Commission.

Appellant's Request for Appellate Review did not comply with the required regulations, as S.C. Code Ann. Regs. 67-701(3)(a)-(b) requires "the grounds for appeal be set out in detail on the Form 30 in the form of questions presented; each question presented must be concise and concern one finding of fact, conclusion of law, or other proposition the appellant believes is in error; and references to evidence must be by title and exhibit number." Despite Appellant's failure to follow regulatory guidelines in his Form 30 Request for Appellate Review, Respondents received a Form 31 Notice of Appellate Hearing on March 19, 2024, which scheduled the appellate hearing for

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May 20, 2024. The hearing notice very clearly required Appellant to file the appellate brief by April 18, 2024.

By May 2, 2024, 13 days after Appellant's filing deadline, Respondents had yet to be served with a brief filed by Appellant. Since the parties had not entered into any agreement of any kind extending the time for filing with the Judicial Department pursuant to S.C. Code Ann. Regs. 67-705(H) prior to the filing date, Respondents believed Appellant never filed an appellant brief. Accordingly, Respondents submitted correspondence to the Judicial Department detailing their position that S.C. Code Ann. Regs. 67-705(A) *required* Appellant to file a brief by or on April 18, 2024. Since Appellant apparently had not done so, Respondents respectfully requested the Judicial Department remove the case from the review hearing docket by issuing an administrative order dismissing the appeal. The Judicial Department removed the case from the review hearing docket on May 2, 2024, by issuing an administrative order dismissing the appeal as requested by Respondents.

On May 6, 2024, Respondents were served by the Commission with what was allegedly Appellant's Motion to Reinstate his claim. His request read, "I am submitting Form 59 late. I read the Notice of Appellate Hearing incorrectly regarding the due date. Please accept my apologize for misunderstanding and consider this request to continue my claim." Though Respondents submitted a Response to Appellant's Motion to Reinstate on May 16, 2024, detailing Appellant's blatant and willful disregard of the workers' compensation system and continued harassment of the doctors, carriers, and case managers attempting to perform their jobs, Appellant's Motion to Reinstate was granted.

On May 23, 2024, Respondents were served with Appellant's Form 59 Informal Brief. On June 7, 2024, Respondents filed a Respondents' Formal Brief without waiving objection that

Appellant's Informal Brief did *not* preserve issues upon appeal per S.C. Code Ann. Regs. 67-705(A). The Appellate Hearing was reset for September 16, 2024.

On September 9, 2024, just 7 days before the re-scheduled Appellate Hearing, Appellant emailed the Commission's office stating he was submitting a "Pre-Hearing Brief" for his hearing scheduled for September 16, 2024. He also submitted 13 exhibits. The Judicial Docketing Director responded that they were unable to accept the Pre-hearing Brief and APA submissions that were emailed on September 9, 2024, as the appeal hearing did not allow for submissions of new or additional evidence. Instead, everything that was submitted at the original hearing on November 28, 2023, would be available for the panel to review. She alerted Appellant that if he was requesting additional evidence, he would need to request via Motion. On September 11, 2024, Appellant emailed the Commission requesting that his hearing be "pulled off of the docket for September 16, 2024." He also "requested a Motion to submit additional evidence." Accordingly, the Appellate Hearing was reset to November 12, 2024, and then reset for a second time to November 13, 2024.

On November 7, 2024, 5 days before the re-scheduled Appellate hearing, the Commission served Respondents with an additional motion, Appellant's Motion to Submit Additional Evidence, which included 14 exhibits. Due to Appellant's second evidentiary motion, the Appellate Hearing was postponed again and rescheduled to January 13, 2025.

On December 17, 2024, Respondents filed their response to Appellant's Motion(s) to Include Additional Evidence and requested the motions be denied. On December 19, 2024, Respondents filed a separate motion, namely, Motion for the Appellate Review Hearing to be Reviewed on the Record, given Appellant had caused two previous delays of the Appellate Hearing. The Motion Commissioner issued an Order on January 13, 2025, denying Respondents' Motion for the Appellate Review Hearing to be Reviewed on the Record.

The parties appeared before the Appellate Panel briefly on January 13, 2025. The panel determined that pursuant to Section 67-707C(2)(c), oral arguments could not be heard until Appellant's motions for additional evidence had been ruled upon. Accordingly, the panel decided to rule upon those motions at a later date and issue a new date for appeal. On February 21, 2025, the Commission issued the Form 31 re-scheduling the Appellate Review Hearing for April 14, 2025. On February 24, 2025, the appellate panel issued an order denying the Appellant's two prior Motions to Admit Additional Evidence.

ISSUES PRESENTED

I. **WHETHER APPELLANT'S INFORMAL BRIEF PRESERVES ANY ISSUE FOR APPEAL BEFORE THE FULL COMMISSION**

II. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED THE WEIGHT OF THE EVIDENCE SUBMITTED AT THE NOVEMBER 28, 2023, HEARING**

III. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT APPELLANT WAS CONSTRUCTIVELY NON-COMPLIANT WITH MEDICAL TREATMENT, PURSUANT TO § 42-15-60 AND THEREFORE ABANDONED HIS WORKERS' COMPENSATION CLAIM**

IV. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DURING THE PERIOD OF APPELLANT'S CONSTRUCTIVE MEDICAL NON-COMPLIANCE**

V. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED APPELLANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE**

VI. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DUE TO INCORRECT AVERAGE WEEKLY WAGE AND COMPENSATION RATE**

STATEMENT OF THE FACTS

Appellant, Mr. Walter Hoover, has suffered from a pre-existing low back condition since at least 2019. Appellant testified that he had a prior low back injury in 2019, for which he treated at Southeastern Spine Institute. Tr. p. 20, ll. 19-23. Medical records reveal Appellant reported 9 of 10 aching, burning, and stabbing pain in the lower back radiating into the posterior lateral aspect of the right leg with numbness on March 8, 2019. Def. APA 1 p. 1. He later underwent a right L5-S1 decompression with partial medial facetectomy, hemilaminotomy, foraminotomy, and right L5-S1 discectomy with Dr. Bryan on March 29, 2019. Def. APA 1 p. 18.

Approximately three years later, on May 25, 2022, Appellant sustained an admitted injury by accident to the low back arising out of and in the course and scope of his employment when moving dog kennels. Thereafter, he underwent medical treatment authorized and provided by Respondents in this case, including imaging, injections, physical therapy, dry needling, and evaluations by multiple specialists including pain management providers and neurologists.

While Respondents tirelessly attempted to provide medical treatment for Appellant from February 14, 2023, to November 13, 2023, Appellant failed to cooperate with his own medical treatment and continuously frustrated the efforts of the other persons involved in his claim. Appellant repeatedly attempted to control his own treatment by requesting referrals to the Southeastern Spine Institute, his provider of choice for a previous back injury, and instructed the authorized treatment providers as to what treatment he needed, though he is admittedly not a medical professional. Further, he purposefully acted belligerently both in office and through communications with the medical professionals and their staff. Notably, specific records included in Respondents APA submissions from three different providers - Dr. Gunter, Dr. Tavel, and Dr. Girault - all document Appellant's dismissal from care or refusal for continued treatment of Appellant, specifically due to his unacceptable, threatening behavior. A Nurse Case Manager resigned due to threats, and to avoid personal interaction, Appellant was only permitted to have a

telephonic nurse case manager. Employees of the carrier were also verbally harassed, and Defense Counsel was forced to request a Motion to Limit Communications with Appellant due to fear of her own safety. A multitude of specific examples of Appellant's abhorrent behavior are detailed in Respondents Argument III below.

In the meantime, Appellant continued to perform activities of daily life like ride his lawn mower, transport his girlfriend's kids, play basketball, and do "whatever [he] want[s] to do" since his May 25, 2022, work accident because in his words, "the damage is done," and he would not "hurt any more part of [his] back." Tr. p. 27, ll. 7-13; Tr. p. 31, ll. 19-25. He also continued to receive weekly temporary total disability benefits throughout this time.

Eventually, Respondents requested a hearing in effort to resolve the claim and put an end to Appellant's harassment. At the Single Commissioner Hearing, it appeared that at least to some extent, both Respondents and Appellant wanted the same thing – to close Appellant's workers' compensation claim. Appellant asserted at the November 28, 2023, hearing that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat independently *outside* of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, ll. 15-17; Tr. p. 12, ll. 11-13. Similarly, Respondents were at a loss, as they tirelessly provided evaluation after evaluation, only for Appellant to be released by yet another provider's practice – while being verbally harassed by Appellant themselves while attempting to provide such treatment. It appeared that any further effort would be futile and contrary to the goals and objectives of the workers' compensation system. Yet, despite his repeated requests to be released, Appellant has prolonged his claim through his own initiative by filing this appeal.

ARGUMENTS

I. APPELLANT'S INFORMAL BRIEF DID NOT PRESERVE ANY ISSUES FOR APPEAL BEFORE THE FULL COMMISSION.

According to Regulation 67-705(A) Appellant was required to file a brief including a statement of the case, questions presented, argument, and conclusion. Respondents first assert that the Form 59 Informal Brief filed by Appellant and dated April 29, 2024, is insufficient and therefore does not preserve *any* issue for appeal, as Appellant makes no legal argument or legal conclusion in violation of Regulation 67-705(A). This is a standing objection on all issues Appellant raises during the appellate hearing.

The Form 59 offers a series of questions. Question One asks whether the Commissioner failed to consider important reasons for award of compensation and if so, what reasons. Appellant answers, "Yes. All evidence submitted was an accurate depiction of appointments, appointment dates, and appointment times mentioned." Respondents assert that Appellant's statement that "all" submitted evidence is "accurate" fails to provide any legal authority or argument in which the panel could rely on to reverse the decision of the Single Commissioner. Rather, Appellant made a conclusory statement with no proof of authentication. Accordingly, Appellant made no argument as required by Regulation 67-705(A) as to why the evidence was accurate and even failed to specify even what evidence he was referring to. Therefore, he preserved no issue on appeal. Similarly, Question Two asks whether the Commissioner incorrectly decided the facts, and if so what facts. Appellant answers, "Yes. All facts/evidence should be reconsidered, as adequate evidence was submitted for the initial hearing. Respondents assert that reconsideration of "all evidence" because it was "adequate" fails to provide any legal authority or argument in which the panel could rely on to reverse the decision of the Single Commissioner. Rather, he made a conclusory statement that the evidence was "adequate" with no proof of authentication.

Accordingly, Appellant made no argument as required by Regulation 67-705(A) and therefore preserved no issue on appeal.

Question Three asks if Appellant thinks the Commissioner applied the wrong law, and if so, what law. Appellant left this question blank. Accordingly, all of the Conclusions of Law decided by the Single Commissioner should be considered uncontested by Appellant.

Question Four asks whether Appellant feels there are other reasons why the Commissioner's judgement was wrong, and if so, what reasons. Appellant again left this answer blank. Again, Appellant made no argument as required by Regulation 67-705(A) and therefore preserved no issue on appeal.

Finally, Appellant requests that the Commission reinstate his benefits/compensation and ensure prompt and proper medical care is given to include all injuries mentioned from the date of injury to current. Again, Appellant provided no authority for his request or a singular reason for appeal other than "all evidence is accurate," which is a merely conclusory statement. Additionally, his request for continued benefits and treatment contradicts much of his hearing testimony. Accordingly, he made no argument as required by Regulation 67-705(A) and therefore preserved no issue on appeal. Given the above, the claim should be dismissed, as all issues have been abandoned by Appellant. Further, the Order of the Single Commissioner should be affirmed.

II. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THE WEIGHT OF THE EVIDENCE SUBMITTED AT THE NOVEMBER 28, 2023, HEARING.

The Single Commissioner first determined that the audio and video evidence submitted by Appellant at the Hearing over Respondents' objections should be given little weight, as it had not been authenticated, and the Commissioner had no way of knowing if those were the only conversations between Appellant, the physicians, and their staff. Order, Finding of Fact twelve

(12), p. 29. Appellant argues that all evidence was "adequate" and "accurate." He does not specify what evidence he is referring to; however, Respondents presume he means to assert that the evidence *he* submitted at the November 28, 2023, hearing is "adequate" and "accurate."

Per South Carolina Rules of Evidence 901, the requirement of authentication or identification is a condition precedent to admissibility. This is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. For an audio or video recording, such as what Appellant submitted, this would require identification of the voice heard and connecting that voice with the speaker. Appellant failed to satisfy the statutory requirements of the Rules of Evidence for admissible recordings by offering no evidence whatsoever as to reliability. Further, workers' compensation awards "must not be based on surmise, conjecture or speculation." *Kennedy v. Williamsburg County*, 242 S.C. 477, 131 (1963). The audio and video evidence submitted by Appellant at the hearing is nothing more than speculative, as it was not verified by any means.

In video one, labeled on screen as "delivering Dr. Gunters subpoena," an unidentified female whose face is never shown is holding an envelope containing subpoenas intended for Dr. Gunter's office. She asks the front desk who to hand the envelope to. The front desk attendant then calls the medical records department. The unidentified female recording then hands the envelope to another unidentified individual. There is no identification of any voice heard, or any individual seen in the video offered at any time.

In video two, labeled on screen as "June 22nd, 2023, Dr. Girault," depicts mostly the floor and wall/door of an unidentified building. An unidentified male voice speaks as well as two different unidentified female voices. At no point during the video does a speaker indicate who they are or the location of filming.

In video three, labeled on screen as, "Angela @ Dr. Tavel's office cancelling future appts, Dr.

Tavel "has already notified the adjuster. 05/15/23." An unknown female voice states, "hello, this is Amy." Another individual who appears to be on the phone then states, "this is Angie, I'm calling from Dr. Tavel's office." Appellant has not connected the voice of who claims to be Angie to anyone actually in Dr. Tavel's office, which fails the requirements of Rule 901; however, Respondents assert that if the voice is reliable as Angie from Dr. Tavel's office, it is evidence of Claimant's release from care by Dr. Tavel only.

Further, the Single Commissioner found that the evidence in the APAs properly submitted at the hearing, including the written records of Dr. Gunter, Dr. Tavel, and Dr. Girault documenting Appellant's release from care or refusal to further treat him due to his belligerent behavior, should be given the greatest weight. Order, Finding of Fact thirteen (13), p. 30. Appellant again argues only that his unauthenticated evidence was accurate.

According to the South Carolina Court of Appeals, medical testimony is entitled to great respect. *Potter v. Spartanburg Sch. Dist.* 7, 716 S.E.2d 123, 126-127 (S.C. Ct. App. 2011). It may, however, be disregarded by the fact finder *if* other *competent* evidence is presented. *Id.* (emphasis added.) The only evidence submitted by Appellant allegedly meant to contradict the documented records by medical professionals included in Respondents' APAs are four (4) video and audio recordings (one of which is a repeat video, so only 3 different videos were offered) that have not been authenticated properly per the code as explained above. Respondents assert that the videos simply do not rebut the overwhelming evidence provided in the APA submissions.

The Single Commissioner simply weighed the evidence submitted by both parties and determined that the written records released by medical professionals and members of their facilities should be granted more weight than the unauthenticated video recordings of partial conversations of what is allegedly those same medical professionals, though that has not been verified. As this is well within his discretion as a Commissioner, the Single Commissioner's

finding that Appellant's audio and video evidence should be given little weight and Respondents' medical evidence should be given the greatest weight should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

III. THE SINGLE COMMISSIONER PROPERLY DETERMINED THAT APPELLANT WAS CONSTRUCTIVELY MEDICALLY NON-COMPLIANT PURSUANT TO § 42-15-60 AND THEREFORE ABANDONED HIS WORKERS' COMPENSATION CLAIM AND IS NO LONGER ENTITLED TO BENEFITS UNDER THE ACT.

The Single Commissioner found that Respondents met the burden of proof by a preponderance of the evidence that Appellant was constructively medically non-compliant pursuant to § 42-15-60. Order, Finding of Fact fourteen (14), p. 31. Further, the Single Commissioner found Appellant constructively abandoned his workers' compensation claim and was no longer entitled to medical or temporary benefits as of January 4, 2024. Order, Finding of Fact fifteen (15), p. 31. Appellant does not address the issue of medical non-compliance in his Informal brief; however, in Appellant's Request for Commission Review, Appellant alleged he was not medically non-compliant, but rather, he had an allergic reaction to steroids he received on July 12, 2023. He also asserted that he had not abandoned his claim, as he would like to undergo additional treatment and requested his claim be "reinstated."

Pursuant to S.C. Code Ann. Regs. 67-509, the employer's representative shall choose an authorized health care provider and pay for the authorized treatment. In turn, the employee "shall submit himself to examination" as "long as he claims compensation." S.C. Code Ann. § 42-15-80. In other words, if a medical appointment has been paid for and provided by the employer in a workers' compensation case, the injured employee claiming workers' compensation benefits must (1) attend that appointment and (2) submit to the examination therein. If instead, the employee is medically non-compliant and "refuses to submit himself **or in any way obstructs the**

examination requested and provided for by the employer, his right to compensation and his right to take or prosecute a proceeding under this title **must be suspended**." S.C. Code Ann. § 42-15-80 (emphasis added). Respondents note that the use of "must" in the statute means that the legislature intended that suspension of benefits to be mandatory, rather than discretionary.

While the classic example of medical noncompliance is refusal to attend appointments, the South Carolina Workers' Compensation Commission has indicated that an injured worker can be considered medically non-compliant by virtue of conduct at appointments. In the case of *Bruce Harris v. Collins & Aikman*, the claimant sustained an admitted amputation injury to the right thumb with additional injuries to the right arm. No. 9804023, 1999 S.C. Wrk. Comp. LEXIS 226, at 2 (order incorporated by reference in *Bruce Harris v. Collins & Aikman*, No. 9804023, 2000 S.C. Wrk. Comp. LEXIS 482 noting the Appellate Panel adopted the Single Commissioner's Findings of Fact and Rulings of Law as correct.). The defendants in the *Harris* case provided treatment with Dr. Millon for the right thumb initially and later for the right arm as well. *Id.* at 8. The defendants then provided a second right arm evaluation with another provider, Dr. Brown. *Id.* According to the APAs in the case, at the claimant's second appointment with Dr. Brown, Dr. Brown noted the claimant was irate. *Id.* at 18. Subsequently, Dr. Brown refused to further treat the claimant. *Id.* at 18-19. Dr. Millon also refused to have the claimant return to his office, meaning at this point, two different authorized providers had dismissed the claimant from care. *Id.* at 19. The defendants then scheduled yet another appointment for the claimant with a third doctor, Dr. Posta. Prior to the scheduled appointment, however, Dr. Posta conferred with Dr. Millon and Dr. Brown and then advised the parties via a letter that he had declined to treat the claimant. *Id.* The defendants had also provided treatment with Dr. Batson, who also sent a letter stating he did not feel comfortable in continuing care for the claimant and was unwilling to see him back based on the fact he had seen various other practitioners in the area and kept having to change from one doctor

to another. *Id.* The resulting issue of *Bruce Harris v. Collins & Aikman* was whether the claimant was entitled to further medical treatment when the defendants had voluntarily provided treatment, yet four different providers refused treatment of the claimant due to his conduct. *Id.*

The *Bruce Harris* commissioner determined that the defendants had made numerous attempts to provide medical treatment; however, because of claimant's volatile behavior towards Drs. Millon, Brown, Batson, and Posta, all four doctors have refused to further treat him. *Id.* at 23. Claimant's actions constituted a refusal of medical treatment pursuant to S.C. Code Ann. §§ 42-15-60 and 42-15-80, and therefore, the defendants were not responsible for further medical treatment for the claimant's injuries. *Id.* at 26-27. Importantly, the claimant was not entitled to any additional treatment or compensation for the right arm. *Id.*

The present appeal also bears remarkable similarities to *Bruce Harris v. Collins & Aikman,* and Respondents assert Appellant's behavior was, in fact, more egregious in the present case. Just as in *Bruce Harris*, this is an admitted claim, and accordingly, Respondents authorized medical treatment just as the defendants in the prior case had done. The relevant evidence of Respondents tireless efforts to provide medical treatment and Appellant's continued belligerency is detailed below, per the APA evidence submitted by Respondents at the hearing.

Appellant's Belligerent Treatment of Dr. Edward Tavel

Respondents began providing treatment with Dr. Tavel on February 14, 2023, who estimated Appellant would reach MMI in three to six months. Def. APA 8 p. 100. A few weeks later, on April 25, 2023, Appellant attempted to control his medical treatment in stating to Dr. Tavel that he was only interested in moving forward with surgical intervention, specifically an SI joint fusion, rather than the injections that had been recommended by Dr. Tavel's office at that

visit. Def. APA 8 p. 93. Further, Appellant admitted to recording that appointment in written correspondence to the telephonic nurse case manager. Def. Exh. E p. 151.

On May 9, 2023, Respondents received an email from Gallagher Bassett's Field Case Manager, Kimberly Adams, warning Respondents that she believed Appellant would soon be released by Dr. Tavel due to making threatening calls to their office. Def. Exhibit E p. 137. Just a few days later, on May 11, 2023, Dr. Tavel's office confirmed Appellant's dismissal by notifying Respondents via email that they would be releasing Appellant from the practice "due to his aggressive behavior." Def. Exh. E. p. 144.

Appellant's Belligerent Treatment of Dr. Brett Gunter

Respondents were also providing treatment with Dr. Gunter during the same time period. Per written telephone notes from Dr. Gunter's office signed by a member of his staff, on February 28, 2023, Appellant called Dr. Gunter's office and berated the office staff. Def. APA 7 p. 89. He called the staff out by name, called one staff member a "b****" and " a hag" specifically "because he wanted pain medication," and he "threatened to come into their office" and "let them have it" Def. APA 7 p. 89. Interestingly, Appellant testified at the November 28, 2023, hearing that he was a bartender for 27 years and "partied on three continents on this earth," so if "[he] want[ed] drugs [he] can get drugs." Tr. p. 29, ll. 11-14. Respondents assert that both Claimant's own testimony and the call notes from Dr. Gunter's office from February 28, 2023, support drug seeking behavior by Appellant while receiving authorized treatment from Respondents. On March 6, 2023, Dr. Gunter's office documented a "disagreement" between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Appellant's care, as there appeared to be "too much discord" within the relationship between the practice and Appellant. Def. APA 7 p. 90. Dr. Gunter went on to say that Appellant left abruptly after hearing the news;

however, he discussed Appellant's dismissal with the "young lady present," who asked if Dr. Gunter could refer Appellant to Southeastern Spine Institute. Def. APA 7 p. 90. Respondents assert that by requesting a referral to a particular practice, the "young lady" reffered to by Dr. Gunter, who was clearly an associate of Appellant's welcomed at his private medical appointment, was attempting to control Appellant's medical care and choose the provider he wished to see, rather than submit to the treatment provided through workers' compensation as required by the code. As further evidence of such assertion, when Appellant was asked under oath at the November 28, 2023, hearing if Appellant went to Dr. Gunter's office on March 6, 2023, with "specific instructions as to what type of treatment he wanted," he answered, "I did." Tr. p. 23, ll. 12-16. Appellant went on to explain Dr. Gunter indicated Appellant's treatment options for the low back were surgery or physical therapy. Tr. p. 23, ll. 19-21. Though Appellant admitted on record that he is in no way a medical professional, he believed Dr. Gunter's opinion as to proper treatment was "not true." Tr. p. 23, ll. 21-22; Tr. p. 24, ll. 7-10. Accordingly, though he had no basis to do so, Appellant refused to comply with Dr. Gunter's medical recommendations and instead deliberately chose to act belligerently in his office.

Additionally, on March 7, 2023, the nurse case manager notified Respondents that prior to the March 6, 2023, appointment, Dr. Gunter's office believed Appellant's girlfriend had called their facility impersonating a nurse case manager. Def Exh. E p. 128. Accordingly, Dr. Gunter's office had considered canceling Appellant's appointment before Appellant arrived; however, they decided against doing so in order to discuss their issues with Appellant with the nurse case manager at the visit. Def Exh. E p. 128. Ultimately, Dr. Gunter chose to dismiss Appellant from his practice during the March 6, 2023, visit regardless due to his in-office behavior. Def. APA 7 p. 90.

On May 9, 2023, Respondents received an email from Gallagher Bassett's Field Case Manager, Kimberly Adams, detailing that due to Appellant's aggressive behavior and threats made

to the Nurse Case Manager, Randi Walle, the claim must be switched to a Telephonic Nurse Case Manager to avoid in-person contact between Appellant and the NCM. Def. Exhibit E p. 137.

Appellant's Belligerent Treatment of Dr. Gisele Girault

Despite Appellant's release from two prior, well-respected, authorized treating physicians, Respondents in good faith provided yet another medical evaluation on June 22, 2023, with Dr. Girault. Def. APA 10 p. 106. Again, Dr. Girault would not treat Appellant because he was "combative" upon his arrival to the office and told Dr. Girault "what to do and not do." Def. APA 10 p. 107. Further, Dr. Girault found out at the end of the visit that Appellant's girlfriend was recording her without permission. Def. APA 10 p. 107. Appellant's girlfriend "did most of the talking" during the visit and stated they were *"in process of suing the previous providers"* and attorneys. Def. APA 10 p. 107.

Appellant's Alleged Argument against His Medical Non-Compliance

Appellant alleges he was not non-compliant but was rather allergic. He fails to elaborate on his position; however, Respondents presume he is attempting to argue that he was refusing care due to an allergy to injections only.

On July 12, 2022, Appellant underwent *a lumbar transforaminal epidural steroid* injection at L5-S1 with Dr. Gundu. Def. APA 3 p. 61-62. Appellant alleged an allergic reaction due to that injection; however, no objective testing or viewing of his reaction was detailed by any doctor. Months later on January 6, 2023, prior to Dr. Gunter releasing Appellant from his practice, Dr. Gunter recommended an *SI joint* injection. Def. APA 7 p. 84-87. On May 2, 2023, prior to Dr. Tavel also dismissing Appellant from his practice, Dr. Tavel also recommended an *SI joint* injection as a form of potential treatment. Def. APA 8 p. 94. Dr. Tavel specifically notes "patient indicates he has had adverse reactions to steroid injections and does not want to proceed with any further steroid injections at this time. We discussed a local anesthetic injection." Def. APA 8 p.

92-93. Accordingly, Dr. Tavel's office was aware of Appellant's prior complaints related to the lumbar epidural steroid injection and purposefully ordered a different treatment plan. Similarly, Dr. Girault noted that Appellant had an adverse reaction to the lumbar transforaminal epidural steroid injections at L5-S1, which included headache and redness in the face. Def. APA 10 p. 106. She then recommended Appellant undergo *SI joint* injections and *nonsteroidal* anti-inflammatory medications. Def. APA 10 p. 107. Again, just as Dr. Gunter and Dr. Tavel, Dr. Girault was aware of Appellant's reaction to his prior injection and ordered a different treatment plan. There is no evidence in the record that Appellant was forced to have injections he was allergic to against his will. Instead, it is clear Appellant had one type of treatment plan he would like to proceed with and that was with Southeastern Spine Institute and was going to do whatever necessary to have the doctors refer him there.

Appellant's Belligerent Behavior Towards Other Facilitators of His Medical Care

Appellant's belligerency did not stop at the four walls of the physicians' offices, as Appellant consistently called Respondent's office and the carrier's office making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, the carrier's staff, etc. For example, Appellant called Jeff Close, an employee of the carrier, "loud," "a liar," and "an idiot" via phone call, which was documented by Mr. Close in an email dated July 11, 2023. Def. Exh. D p. 123. Appellant also recorded the phone call. Def. Exh. D p. 123.

On April 15, 2023, Appellant emailed Defense Counsel alleging she was being rude, intentionally non-compliant with the South Carolina Code, and intentionally withholding mileage reimbursement from Appellant. Def. Exh. E p. 129. He requested she send him the correct amount he was owed for mileage "for the love of God." Def. Exh. E p. 129. He then stated he was "going to get back to enjoying [his] Saturday" as, he "didn't plan on waking up and having to do [Defense

Counsel's] job for [her.]" Def. Exh. E p. 130. On April 27, 2023, Appellant emailed Defense Counsel, stating the incorrect mileage was paid and claiming the math was "obviously" done "by someone's first grader." Def. Exh. E p. 134. He called Defense Counsel "sweetie" and stated if she was waiting for him to hire an attorney, she was "out of luck," as he was not able to hire anyone due to the "defamation and slander" by Dr. Gunter's office, Defense Counsel, and by Gallagher Bassett. Def. Exh. E p. 134. On May 3, 2023, Appellant emailed Defense Counsel asking if the Commissioner allows her to pay him just when she feels like it. Def. Exh. E p. 135. On May 10, 2023, Appellant called Defense Counsel 22 times over the span of 19 minutes and left two voicemails stating he would continue to call until he was answered. Def. Exh. E p. 138-141. On May 17, 2023, Appellant called Defense Counsel, referred to her as a "beginner" attorney, and alleged she "deliberately neglected" his medical care. Def. Exh. E p. 143.

On May 19, 2023, Appellant emailed the new Telephonic Case Manager a lengthy summary of his claim after leaving her three voicemails. Def. Exh. E p. 149-151. He noted he previously treated with Dr. Davis, then Dr. Gunter, who allegedly told him to "forget everything he had heard before" that appointment and ordered a new MRI. Def. Exh. E p. 150. Appellant stated Dr. Gunter prescribed pain medication, which provided the first relief he had since May 2022. Def. Exh. E p. 150. Respondents assert this is further evidence of drug seeking behavior. Appellant then claimed Dr. Gunter's office staff "lied" to him, and he was released from care due to a lie. Def. Exh. E p. 151. Appellant alleged that Respondents were "all being very vexatious." Def. Exh. E p. 151. He requested to see a neurologist and attempted to direct his own care by expressing interest in discussing plasma-rich-platelet injections in lieu of the Rhizotomy, which was the treatment plan recommended by a licensed medical provider. Def. Exh. E p. 151.

Conclusion

Just as in *Bruce Harris*, the resulting issue in this case is whether Appellant is entitled to

further medical treatment when Respondents have voluntarily provided months of medical treatment, yet multiple different providers refused continued treatment of the claimant due to his conduct. And again, just as in *Bruce Harris*, this panel should determine that based on overwhelming evidence included in Respondent's APA submissions at the hearing, Appellant was medically non-compliant pursuant to S.C. Code Ann. §§ 42-15-60 and 42-15-80 from February 14, 2023, to November 13, 2023, by virtue of his continuous belligerent, hostile, and volatile behavior towards doctors Tavel, Gunter, and Girault. His unacceptable behavior ultimately led all three doctors to refuse to further treat him. Respondents assert that the number of doctors willing to accept workers' compensation patients in this state is less than plenty and allowing workers' compensation patients to treat these medical professionals in such manner could result in grave harm to the entire system, as the numbers of practitioners willing to treat our patients could dwindle even further. Further, Appellant continuously harassed other medical professionals like the nurse case manager, and non-medical professionals such as defense counsel and Gallagher Basset employees, attempting to facilitate his medical care. Therefore, Appellant's entitlement to additional treatment or compensation ***must*** be suspended pursuant to § 42-15-6, and Respondents are no longer responsible for the same.

Further, as for Appellant's abandonment of his claim, at the November 28, 2023, hearing, Appellant asserted that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat *independently*, outside of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12. He requested a nurse case manager *not be involved* with his appointments. Tr. p. 16, ll. 13-25. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 11-13. Ultimately, he requested to settle his workers' compensation claim and "get on with his life." Tr. p. 32, ll. 23-24. Additionally, he repeatedly asked the authorized providers

for referrals to a different, specific practice that he had personally picked out and sought treatment from before his work accident. In other words, Appellant would allegedly like to continue receiving benefits but would also like complete and total control of his treatment. This is in direct violation of S.C. Code Ann. Regs. 67-509 and S.C. Code Ann. § 42-15-80, which requires the employer's representative to choose an authorized health care provider and pay for the authorized treatment and further requires the employee to submit himself to the provided examination "as long as he claims compensation."

Respondents assert they have met their burden of proof through the above-detailed evidence of Claimant's belligerent, intentional, and aggressive behavior, which constitutes constructive medical non-compliance. Medical non-compliance, which must suspend all additional treatment or compensation pursuant to §§ 42-15-60 and 42-15-80 includes non-compliance by virtue of belligerent behavior, the Single Commissioner's ruling should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

IV. THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS PAID DURING THE PERIOD OF APPELLANT'S NON-COMPLIANCE

The Single Commissioner determined that Respondents were entitled to credit for overpayment of temporary partial disability benefits paid during the period of Appellant's constructive medical non-compliance from February 14, 2023, to November 13, 2023. Order, Finding of Fact seventeen (17), p. 32. The credit for overpayment due to medical non-compliance totals $23,256.48. Appellant made no argument against Respondents entitlement to credit. For this reason alone, the Single Commissioner's finding should be affirmed. However, in anticipation that Appellant will argue at the appellate hearing against Respondent's entitlement to credit,

Respondents offer the following justification for affirming the award for credit.

Pursuant to South Carolina Code § 42-15-60, "the refusal of an employee to accept any medical, hospital, surgical, or other treatment or evaluation when provided by the employer...*bars* the employee from further compensation until the refusal ceases" (emphasis added). Further, South Carolina Code § 42-9-210 permits a credit or deduction from compensation when an employer has made payments during the period of disability that were not due and payable so long as such deductions are made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly TTD payment.

In the case of *Timothy Smith v. Horry County Solid Waste*, the claimant sustained multiple injuries during the course and scope of his employment. No. 1611935, 2020 S.C. Wrk. Comp. LEXIS 21, at 25. The defendants provided medical care for the same. *Id.* After reaching maximum medical improvement for all body parts, the authorized treating physician referred the claimant for a pain management evaluation and continued treatment. *Id.* The defendants first provided care with Dr. Willoughby, who discharged him due to a drug screen where he tested positive for cocaine. *Id.* Thereafter, the defendants provided another pain management evaluation with Dr. Parker, who discharged the claimant for the same reason. *Id.* Finally, the defendants authorized treatment with Dr. Boatwright, who also discharged him from care, for again testing positive for cocaine. *Id.* at 25-26. Following the Single Commissioner Hearing, the *Smith* Commissioner issued an Order finding claimant was non-compliant with medical treatment pursuant to §§ 42-15-60 and 42-15-80. *Id.* at 31. Further, and most importantly for the purposes of this specific argument, the *Smith* Commissioner found that under S.C. Code Ann. Regs. 67-505, the defendants were entitled to suspend payment of TTD based upon Claimant's non-compliance with medical treatment, and under § 42-9-210, the defendants were entitled to a credit for temporary compensation paid for the period of non-compliance. *Id.*

As detailed above in Argument III, Appellant was properly found to be constructively medically noncompliant from February 14, 2023, to November 13, 2023. Though he attended appointments physically, he did not "accept" treatment and evaluations by virtue of acting belligerently towards the physicians, their staff, and other professionals attempting to facilitate his claim. He further admitted under oath to attempting to control his own medical treatment and repeatedly requested referrals to his physician of choice. Accordingly, per § 42-15-60, he was barred from compensation. While Appellant was barred from compensation from February 14, 2023, to November 13, 2023, Respondents paid a total of $23,256.48 in temporary total benefits. Accordingly, just as in *Timothy Smith v. Horry County Solid Waste*, two things are true – first, Respondents paid compensation during the period of disability that was not due and payable since Appellant was barred from compensation, and second, they are entitled to deduction for compensation for the period of non-compliance, which totals $23,256.48.

Since the Appellant received compensation that was not due and payable from February 14, 2023, to November 13, 2023, the Single Commissioner's ruling that Respondents were entitled to credit for overpayment of temporary partial disability benefits during the period of Appellant's constructive medical non-compliance, should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

V. THE SINGLE COMMISSIONER CORRECTLY DETERMINED APPELLANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE PURSUANT TO § 42-1-40

The Single Commissioner determined that Appellant's Average Weekly Wage (AWW) and Compensation Rate (CR) to be $542.73 and $361.84 respectively. Order, Finding of Fact eighteen (18), p. 31. Though Appellant did not elaborate on his position in his Informal Brief, in

Appellant's Request for Commission Review, he apparently raised issue with his compensation rate; however, he interestingly states he has "no argument" for the same.

South Carolina Code § 42-1-40 defines AWW as the "earnings of the injured employee in the employment in which he was working at the time of the injury during the 52-week period immediately preceding the date of injury." It "must be calculated" by "totaling the wages paid in the last four quarters immediately preceding the quarter in which the injury occurred...divided by fifty-two or by the actual number of weeks for which wages were paid, whichever is less." *Id.* The commission "must use" this primary method unless (1) the injured worker worked a period of less than 52 weeks prior to the injury, or (2) it would be unfair to do so "for exceptional reasons." *Pilgrim v. Eaton*, 703 S.E.2d 241, 244 (S.C. Ct. App. 2010).

The first alternative for calculating AWW if an injured worked less than 52 weeks prior to his injury is to "divide the earnings during that period by the number of weeks and parts thereof during which the employee earned wages." S.C Code Ann. § 42-1-40. In order to use the first alternative, it must be both "practicable" to use the first alternative method, and a "fair and just" result to both parties. *Pilgrim,* 703 S.E.2d at 245.

Here, according to his wage records, Appellant worked a total of only 22 weeks prior to his work accident on May 25, 2022. This means that Respondents had to rely upon an alternative wage calculation method, as there were not 52 weeks of wages available. Accordingly, Respondents resorted to the first alternative per the statute. Since Respondents were in possession of 22 weeks of wages prior to his work accident (included at the Single Commissioner Hearing as Defendants Exhibit A,) it was practicable to rely on these wages.

Appellant earned a total of $11,939.97 over the period of 22 weeks. Respondents, per the statute, divided the earnings paid ($11,939.97) by the number of weeks during which the employee earned wages (22), and calculated Appellant's AWW and CR to be $542.73 and $361.84,

respectively.

At the hearing, Appellant failed to articulate or propose any numbers to be used for his AWW and CR. He did not allege he received additional cash payments from the insured, which would increase his AWW and CR. He did not allege his wage records, dated December 12, 2021, to June 25, 2022, which were submitted as evidence prior to the hearing as part of Respondents' APA submissions, were not an accurate depiction of his earnings. Accordingly, he proposed no evidence whatsoever related to his AWW and CR and specifically stated in his Request for Commission Review that he had "no argument" for the same. Therefore, there is no evidence that Respondents calculations were unfair or unjust to either party. Accordingly, Respondents simply assert that "the math is the math," which is fair and equitable. What would be an unjust result, is to force Respondents to pay more than what is owed per the statute.

Given Appellant's AWW and CR were calculated in a fair and equitable manner to all parties and was supported by the evidence, the Single Commissioner's ruling Appellant's AWW and CR are $542.73 and $361.84, respectively, should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

VI. THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DUE TO INCORRECT AVERAGE WEEKLY WAGE AND COMPENSATION RATE

The Single Commissioner determined that Respondents were entitled to credit for overpayment of temporary partial disability benefits due to incorrect average weekly wage and compensation rate. Order, Finding of Fact nineteen (19), p. 3. The credit for overpayment due to incorrect average weekly wage and compensation rate totals $6,850.58. Appellant made no argument against Respondents entitlement to credit. For this reason alone, the Single Commissioner's finding should be affirmed. However, in anticipation that Appellant will argue at

the appellate hearing against Respondent's entitlement to credit, Respondents offer the following justification.

Per South Carolina Regulation 67-1603(3)(b)(iii), when first, the compensation rate on the Form 20 is less than previously reported on the Form 15; second, it has been over 150 days since the date of injury; and third, Appellant does not agree to a reduction in his compensation, the employer's representative shall continue paying the compensation rate reported on the Form 15 and may file a Form 21 to request a reduction in compensation. South Carolina Code § 42-9-210 permits a credit or deduction from compensation when an employer has made payments during the period of disability that were not due and payable so long as such deductions are made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly TTD payment. In conjunction, these two statutes require an employer's representative to continue payments at an incorrect compensation rate until a Form 21 Hearing has been heard, and an order permits reduction in compensation; however, the representative will then be credited for overpayment made based on incorrect compensation rate, as the overpayment amount was not due and payable when made.

Here, after Respondents originally adjusted for underpayment as seen in Exhibit C, Appellant received weekly TTD benefits at a rate of $596.32, as demonstrated on the List Claim Payments ledger submitted by Respondents into evidence at the hearing. As detailed above, Appellant's wage records detailed a compensation rate of only $361.84. Accordingly, Respondents made payments during the period of disability that were not due and payable since Appellant was paid more than he was owed weekly. Since it had been over 150 days since the date of injury, Respondents requested a Form 21 hearing on March 6, 2023, to request a reduction in compensation, as required by the regulations. They further requested credit for overpayment, which by the time of the November 28, 2023, hearing totaled $6,850.58.

Because Defendant's entitlement to a credit for overpayment due to incorrect average weekly wage and compensation rate was properly calculated and supported by evidence, the Single Commissioner's ruling that Respondents were entitled to credit for overpayment of temporary partial disability benefits due to incorrect average weekly wage and compensation rate should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

CONCLUSION

For the forgoing reasons and those that may be set forth at oral arguments in this matter, the Respondents respectfully request that the Order of the Single Commissioner issued February 14, 2024, be affirmed in its entirety and that the matter be dismissed.

Respectfully submitted,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC



Claudia J. Piechota, Esquire
Attorneys for Respondents

April 4, 2025
Charleston, South Carolina

BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2207041

Walter Hoover, Jr., Employee, Appellant, vs. Tractor Supply Company, Employer, Respondent, and Starr Specialty Insurance Company, Carrier, Respondent.	)	CERTIFICATE OF SERVICE

The undersigned certifies that they are an employee of HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC, and that they have served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Law of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to, and/or emailed to:

TO: Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715
(VIA EMAIL ONLY: judicialanalysts@wcc.sc.gov)

TO: Walter Hoover, Jr.
6194 Dogwalla Rd.,
Whitmire, SC 29178
(VIA EMAIL: whooverjr@gmail.com and USPS First-Class Mail)

DOCUMENT: Amended Respondents' Brief to the Full Commission

DATE OF Mailing: April 4, 2025:

Jennifer R Vanscyoc
Paralegal to Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

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BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 2207041

Walter Hoover, Jr., Claimant/Petitioner, v. Tractor Supply Co., Employer, and Starr Specialty Insurance Co., Carrier, Defendants/Respondents.	**ORDER ON MOTION TO ADMIT ADDITONAL AND NEWLY DISCOVERED EVIDENCE**

Petitioner filed his initial Motion to Admit Additional and Newly Discovered Evidence on March 5, 2024. Petitioner maintains he seeks to submit evidence consisting of "authenticated" videos showing him remaining "respectful, calm and compliant" during doctor's office visits; and an email chain between Petitioner and Dr. Edward Tavel's office regarding his requested medical records and the cancellation of his future appointments, dated May 15, 2023 – May 19, 2023. (Petitioner's Motion filed March 5, 2024). Petitioner filed a second Motion to Admit Additional and Newly Discovered Evidence on November 6, 2024. Petitioner maintains he seeks to submit evidence consisting of an "authenticated" video of Dr. Samuel Davis' office confirming that Petitioner is an active patient, **Exhibit 6**. Petitioner further maintains he seeks to admit "new evidence" consisting of email inquiries from him to Dr. Tavel's office regarding the cancellation of his future appointments, **Exhibit 4A**; an email from Respondents' counsel claiming Petitioner engaged in "aggressive actions," **Exhibit 4B**; Petitioner's email to Respondents' counsel regarding missed appointments with Dr. Scott Boyd, **Exhibit 12A**; excerpt from Petitioner's deposition regarding his compensation, dated November 18, 2022, p. 52: 19, **Exhibit 13**; and a Commission Order relieving Petitioner's

counsel, **Exhibit 14.**[1] (Petitioner's Motion filed on November 6, 2024).

Pursuant to S.C. Code Regs. § 67-707: (B) When a party seeks to introduce new evidence into the record on a case on review, the party shall file a **motion and affidavit** with the Commission's Judicial Department. (C) The moving party must establish the new evidence is of the same nature and character required for granting a new trial and show: (1) The evidence sought to be introduced is not evidence of a cumulative or impeaching character but would likely have produced a different result had the evidence been procurable at the first hearing; **and** (2) **The evidence was not known to the moving party at the time of the first hearing, by reasonable diligence the new evidence could not have been secured, and the discovery of the new evidence is being brought to the attention of the Commission immediately upon its discovery.**

Pursuant to S.C. Code Regs. § 67-215, we, the Appellate Panel, have reviewed the Motions to Admit Additional and Newly Discovered Evidence, the reply thereto, and the entire record in this matter. Based upon a review of the foregoing, Petitioner did not attach an affidavit to his first or second Motion to Admit Additional and Newly Discovered Evidence, as required under S.C. Code Regs. § 67-707 (B). Furthermore, the evidence Petitioner seeks to introduce does not meet the criteria for newly discovered or after discovered evidence, as required under S.C. Code Regs. § 67-707 (C)(2). Petitioner was either the originator, initiator, developer and/or recipient of his requested submissions. Hence, the record does not support a finding that the new evidence was unknown to Petitioner before the initial hearing and reasonably unprocurable by him. Moreover, the Petitioner has not established that said evidence was brought to the attention of the Commission **immediately** upon discovery. Id. Petitioner did not file his first Motion to Admit Additional and Newly Discovered Evidence until March 5, 2024, while the new evidence, within his apparent control, was available for submission months prior.

[1] The Order Relieving Counsel, filed February 8, 2023, is already a part of the Commission's File.

The only exception to the above criteria is **Exhibit 14**, which is already a part of the Commission's File.

THEREFORE IT IS ORDERED that the Petitioner's Motions to Admit Additional and Newly Discovered Evidence are both hereby **DENIED** as set forth herein.

IT IS SO ORDERED!

Melody L. James, Commissioner

Cynthia C. Dooley, Commissioner

Gene McCaskill, Commissioner

_____(Date)

Columbia, South Carolina

Order Served via email:

Claudia Piechota Holder Padgett Littlejohn & Prickett cpiechota@hpplplaw.com	Walter R. Hoover whooverjr@gmail.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Eugenia Hollmon on February 24, 2025

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
February 21, 2025

NOTICE OF APPELLATE HEARING

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **04/14/25 at 01:30 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, February 21, 2025

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041
Carrier File #:
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter R. Hoover
Address:
City: State: Zip:
Home Phone: ( ) - Work Phone: ( ) -
Preparer's Name: Law Firm:

Employer's Name: Tractor Supply Company
Address:
City: State: Zip:
Insurance Carrier:
Preparer's Phone #: ( ) -

THIS MATTER was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference. The Commissioners considered the matter and ordered the matter handled in the following manner:

I. DISPOSITION

☐ **Administrative Appeal.** This action came before the Commission on Appeal of an Administrative Order. The appeal is:

- ☐ Dismissed as Interlocutory
- ☐ Set for Oral Argument before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.

See Section II for additional information.

☒ **Motion for Appellate Review Hrg to be Reviewed on the Record.** This action came before the Commission on a motion. The pending motion is:

- ☐ Granted
- ☒ Denied
- ☐ Dismissed
- ☐ Remanded for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
- ☐ Preserved for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.
- ☐ Other

See Section II for additional information.

☐ **Appeal.** This action came before the Commission on Appeal from a Single Commissioner Decision & Order. The issues have been heard and a decision rendered. See Section II for additional information. This matter is hereby:

☐ Remanded to take such action and enter an Order consistent with the Commissions' directive. *(CHECK APPLICABLE BOX)*:

☐ Remanded to the Panel as indicated below

_____ James
_____ Beck
_____ Dooley
_____ Taylor
_____ Campbell
_____ McCaskill

☐ Remanded to the Hearing Commissioner
☐ Remanded to the Hearing Commissioner to settle the record
☐ Remanded to the Jurisdictional Commissioner

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☐ Other: _____
☐ Oral Argument to be held by the ☐ Panel or ☐ En Banc

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Commission:

II. ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT

This action came to trial or hearing before the Commission. The issues have been heard and a decision rendered.

AND IT IS SO ORDERED.

T. Scott Beck, Chair
For the Commission

Columbia, South Carolina

1/13/25 Date

CONCURRING:	**NOT PARTICIPATING:**	**DISSENTING:**
Commissioner T. Scott Beck		
Commissioner Cindy Dooley		
Commissioner Melody James		
Commissioner Aisha Taylor		
Commissioner Michael Campbell	X	
Commissioner Gene McCaskill		

III. CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE-ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPYHEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL

This 13th **day of** January, **2025.**

By: Valerie D Deller
SCWCC Judicial Department

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2207041 Walter R. Hoover v Tractor Supply Company

Judicial Conference Order

Served via E-Mail:	
Walter R. Hoover, Claimant whooverjr@gmail.com Claudia Piechota, Esquire Cpiechota@hpplaw.com	

Brief Served via USPS:

Claudia Piechota, Esquire
Holder Padgett Littlejohn & Prickett LLC
945 Houston Northcutt Boulevard
Mt. Pleasant, SC 29464

Walter R. Hoover, Claimant
6194 Dogwalla Road
Whitmire, SC 29178

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

January 13, 2025

By: Valerie D. Deller, Judicial Department

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Walter R. Hoover
Address: _____
City: _____ State: ____ Zip: _____
Home Phone: ( ) - Work Phone: ( ) -
Preparer's Name: _____ Law Firm: _____

Employer's Name: Tractor Supply Company
Address: _____
City: _____ State: ____ Zip: _____
Insurance Carrier: _____
Preparer's Phone #: ( ) -

THIS MATTER was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference. The Commissioners considered the matter and ordered the matter handled in the following manner:

I. DISPOSITION

☐ **Administrative Appeal.** This action came before the Commission on Appeal of an Administrative Order. The appeal is:
- ☐ Dismissed as Interlocutory
- ☐ Set for Oral Argument before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.

See Section II for additional information.

☒ **Motion for Additional Evidence.** This action came before the Commission on a motion. The pending motion is:
- ☐ Granted
- ☐ Denied
- ☐ Dismissed
- ☐ Remanded for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
- ☐ Preserved for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☒ Full Commission.
- ☐ Other

See Section II for additional information.

☐ **Appeal.** This action came before the Commission on Appeal from a Single Commissioner Decision & Order. The issues have been heard and a decision rendered. See Section II for additional information. This matter is hereby:

☐ Remanded to take such action and enter an Order consistent with the Commissions' directive. *(CHECK APPLICABLE BOX)*:

☐ Remanded to the Panel as indicated below

____ James	____ Taylor
____ Beck	____ Campbell
____ Dooley	____ McCaskill

☐ Remanded to the Hearing Commissioner
☐ Remanded to the Hearing Commissioner to settle the record
☐ Remanded to the Jurisdictional Commissioner

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☐ Other: _____
☐ Oral Argument to be held by the ☐ Panel or ☐ En Banc

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Commission:

II. ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT

This action came to trial or hearing before the Commission. The issues have been heard and a decision rendered.

AND IT IS SO ORDERED.

T. Scott Beck, Chair
For the Commission

Columbia, South Carolina

1/13/25 Date

CONCURRING:	**NOT PARTICIPATING:**	**DISSENTING:**
Commissioner T. Scott Beck		
Commissioner Cindy Dooley		
Commissioner Melody James		
Commissioner Aisha Taylor		
Commissioner Michael Campbell	X	
Commissioner Gene McCaskill		

III. CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE-ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPY HEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL

This 13th **day of** January**, 2025.**

By: Valerie D Keller
SCWCC Judicial Department

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2207041 Walter R. Hoover v Tractor Supply Company

Judicial Conference Order

Served via E-Mail:	
Walter R. Hoover, Claimant whooverjr@gmail.com Claudia Piechota, Esquire Cpiechota@hpplaw.com	

Brief Served via USPS:

Claudia Piechota, Esquire
Holder Padgett Littlejohn & Prickett LLC
945 Houston Northcutt Boulevard
Mt. Pleasant, SC 29464

Walter R. Hoover, Claimant
6194 Dogwalla Road
Whitmire, SC 29178

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

January 13, 2025

By: Valerie D. Deller, Judicial Department

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041

Date of Injury: 05/25/2022

WALTER HOOVER v. TRACTOR SUPPLY COMPANY
WCC File No. 2207041

The Commission is hereby providing you a copy of the Motion for Additional Evidence filed by the unrepresented claimant pursuant to R.67-211.

Amy A. Bracy

Amy A. Bracy
Judicial Director

Date: November 7, 2024

CERTIFICATE OF SERVICE

I hereby certify on November 7, 2024, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

WALTER HOOVER
6194 DOGWALLA Road
Whitmire, SC 29178
whooverjr@gmail.com

TRACTOR SUPPLY COMPANY
2808 MAIN STREET
NEWBERRY, SC 29108

Claudia Piechota
Holder Padgett Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464
cpiechota@hplplaw.com

By: Eugenia C. Hollmon, Judicial Department

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
November 7, 2024

NOTICE OF APPELLATE HEARING

POSTPONEMENT

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **11/13/24 at 09:30 AM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, November 7, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
October 29, 2024

NOTICE OF APPELLATE HEARING

RESET

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **11/13/24 at 09:30 AM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

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The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, October 29, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
October 28, 2024

NOTICE OF APPELLATE HEARING

RESET

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **11/13/24 at 01:30 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, October 28, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
September 13, 2024

NOTICE OF APPELLATE HEARING

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **11/12/24 at 01:30 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, September 13, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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Hollmon, Eugenia

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Wednesday, September 11, 2024 3:17 PM
To: Hollmon, Eugenia
Cc: Claudia Piechota; Deller, Valerie
Subject: Re: FW: [External] Walter R. Hoover, Jr - Pre-Hearing Brief

Good afternoon,

I would like to request that my Hearing be pulled off of the docket for September 16th, 2024.

I am also requesting a Motion to submit additional evidence. I simply have an updated, easier to reference thumb drive, storing evidence that corresponds directly with my PHB.

If this request needs to be done in a separate email I can do that. Please let me know.

On Mon, Sep 9, 2024 at 12:53 PM Hollmon, Eugenia <EHollmon@wcc.sc.gov> wrote:

Mr. Hoover,

We are in receipt of your PHB and APA submissions. We are unable to accept these as the appeal hearing does not allow for you to submit new or additional evidence. Everything that was submitted at the original hearing will be available for the panel to review. If you are requesting additional evidence, that will need to be requested via a Motion.

Thank you.

Genia Hollmon

Eugenia Hollmon

Judicial Docketing Director

South Carolina Workers' Compensation Commission

Ph - 803-737-5737

Fax - 803-737-1281

ehollmon@wcc.sc.gov

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From: WCC - Judicial_Analysts <judicialanalysts@wcc.sc.gov>
Sent: Monday, September 9, 2024 8:37 AM
To: Hollmon, Eugenia <EHollmon@wcc.sc.gov>; Deller, Valerie <VDeller@wcc.sc.gov>
Subject: FW: [External] Walter R. Hoover, Jr - Pre-Hearing Brief

This looks like its on appeal. Panel A on the 16th.

Amanda Dukes

SC Workers' Compensation Commission

Judicial Department

(803) 737-5747

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Monday, September 9, 2024 6:26 AM
To: Claudia Piechota <cpiechota@hplplaw.com>
Cc: Jarrod Bartlett <jbartlett@hplplaw.com>; WCC - Judicial_Analysts <judicialanalysts@wcc.sc.gov>
Subject: [External] Walter R. Hoover, Jr - Pre-Hearing Brief

Good morning,

Please find my Pre-Hearing Brief for my Hearing scheduled for September 16, 2024 attached.

Unfortunately, I have not been successful in troubleshooting to find why some videos only allow the audio to play. I am not well versed on USBs unfortunately.

However, I do have the original available for any party who may have questions regarding their validity.

I included a resubmission of my Evidence or easier reference and will put a paper copy of the PHB and the new thumb drive in the mail to Claudia today!

EXHIBIT 2.mp4

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EXHIBIT 3.mp4

EXHIBIT 4.mp4

EXHIBIT 5.PDF

EXHIBIT 6.mp4

EXHIBIT 7.mp4

EXHIBIT 8.mp4

EXHIBIT 12.pdf

CONFIDENTIAL & PRIVILEGED

The preceding email message, including any attachments, may be confidential and/or protected by the attorney-client or other applicable privileges. It is intended for the sole use of the individual or entity named above. If the reader of this transmission is not the intended recipient, please notify the sender immediately and destroy any copies, electronic, paper or otherwise, that you may have of this communication. Any unauthorized review, use, disclosure or distribution is strictly prohibited and may be unlawful.

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
September 11, 2024

NOTICE OF APPELLATE HEARING

POSTPONEMENT

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **09/16/24 at 02:00 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, September 11, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
September 3, 2024

NOTICE OF APPELLATE HEARING

RESET

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **09/16/24 at 02:00 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, September 3, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
July 19, 2024

NOTICE OF APPELLATE HEARING

RESET

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **09/16/24 at 02:30 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, July 19, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Jarrod P Bartlett

Reply to: Charleston
direct: **(843) 278-0100**
fax: **(843) 589-9000**
jbartlett@hplplaw.com

June 7, 2024

Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202-1715

Re: Walter Hoover v. Tractor Supply Company - 004169-065746-WC-01
WCC File No.: 2207041 - Date of Accident: May 25, 2022
Carrier: Starr Specialty Insurance Company - Claim No.: 004169-065746-WC-01
HPLP File No.: 4240.00034

Dear Ms. Bracy:

Enclosed, please find the South Carolina Workers' Compensation Respondent Brief to Full Commission, in the above-referenced matter.

By copy of this correspondence, a copy of our Brief to Full Commission is being provided to all parties.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

Jarrod P Bartlett
Paralegal

CJP/jpb
cc: Tanna Discher, Gallagher Bassett (via email)
Walter Hoover, Jr. (via email and USPS First-Class Mail)
Robert Bennett, Tractor Supply Company (via email)

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BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2207041

Walter Hoover, Jr., Employee, Appellant/Appellant/Respondent, *vs.* Tractor Supply Company, Employer, Defendant/Appellant/Respondent, *and* Starr Specialty Insurance Company, Carrier, Defendant/Appellant/Respondent.	**RESPONDENTS' BRIEF TO THE FULL COMMISSION**

STATEMENT OF THE CASE

On May 11, 2023, Respondents requested a Form 21 Hearing to address suspension, termination, or reduction of temporary disability payments for cause, to assert an overpayment of temporary total disability benefits, and to request a reduction to the correct compensation rate per wage records of $361.84. On May 16, 2023, Appellant requested a Form 50 Hearing to determine whether he was entitled to additional benefits under the Act.

The hearing was originally set for July 27, 2023; however, the hearing was postponed in order to allow Appellant opportunity to obtain counsel to represent his interests, as his two prior attorneys filed motions to be relieved as counsel, which were both granted by the Commission. On November 28, 2023, Appellant voluntarily elected to proceed with the hearing *pro se*.

Prior to the taking of testimony and pursuant to notices timely filed and served, Respondents submitted into evidence pursuant to the South Carolina Administrative Procedures Act and S.C

Code Reg. 67-612, including medical records from South Eastern Spine Institute, Lexington Medical Center, Palmetto Bone & Joint, Drayer Physical Therapy, South Carolina Internal Medicine, LLC, ImageCare Associates, LLC, MUSC Columbia Neurosurgery, Pain Specialists of Charleston, P.A., Bench Mark Physical Therapy, Pain Medicine Specialists, and Lexington Brain & Spine. They additionally submitted exhibits, including Claimant's payroll records, compensation rate calculations, list claim payments, Gallagher Basset emails, Defendants' Notice of Motion and Motion to Limit Communication, and emails and correspondence from Claimant.

At the November 28, 2023, hearing, Claimant submitted video evidence, subpoena, emails, a letter dated September 21, 2023, and letter dated October 16, 2023. He also submitted a timeline of treatment, SC Internal Medicine documents, and payments and benefits. Respondents objected to such evidence, as it was not timely submitted and therefore denied Respondents the proper notice required pursuant to South Carolina Code Regulation 67-612. The Single Commissioner admitted Appellant's evidence over Respondents objection.

At the hearing, Respondents first asserted that based on Appellant's continued constructive medical noncompliance, he had constructively abandoned his workers' compensation claim and was no longer entitled to benefits under the act pursuant to S.C. Code Ann. § 42-16-60. In the alternative, Respondents requested Appellant be found at maximum medical improvement, including a determination of disability, if any, future medical treatment needs, and permanent work restrictions pursuant to S.C. Code Ann. § 42-9-30. Secondly, Respondents asserted that according to payroll records, Appellant's average weekly wage totaled $542.73 with a corresponding compensation rate of $361.84. Respondents asserted a total overpayment based on the correct compensation rate from May 26, 2022, to February 14, 2023, in the amount of $6,850.58. Thirdly, Respondents requested credit for temporary benefits paid during Appellant's period of medical noncompliance based on his continued constructive refusal of medical treatment from February

14, 2023, to November 13, 2023, in the amount of $23,356.48. Collectively, Respondents requested a total of $30,107.06 for overpayment based on the corrected compensation rate and medical noncompliance.

In the alternative, if the Commission found Appellant to be entitled to additional medical treatment, Respondents requested a reduction in Appellant's compensation rate based on the payroll records to $361.84. Respondents also requested credit for overpayment of TTD based on the correct compensation rate and medical noncompliance in the amount of $30,107.06. Lastly, the Respondents requested a nurse case manager remain involved with the claim.

Appellant wished to represent himself in this matter Tr. p. 11, ll. 5-8. He asserted that he was not at maximum medical improvement. Tr. p. 12, ll. 17-19. He also asserted he was entitled to additional medical treatment, specifically a non-biased doctor and pain management doctor closer to where he lives, and he requested to both choose his medical treatment and treat independently outside of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12.

He additionally alleged that the nurse case manager's job was to stay in contact with him; however, she did not, and instead, every time he called, he was told he had to wait until he went before the Commission. Tr. p. 13, l. 25; Tr. p. 14, ll. 1-5. Because the nurse case manager, in Appellant's opinion, was not doing her job, Appellant did not need her. Tr. p. 16, ll. 13-18. Therefore, he requested a nurse case manager not be involved with his appointments. Tr. p. 16, ll. 13-25.

Appellant further alleged that his appointment with Amanda Dudley was authorized treatment, so he requested reimbursement for the same. Tr. p. 13, ll. 1-12. He additionally requested reimbursement for mileage. Tr. p. 15, ll. 12-17.

Appellant asserted that the workers' compensation system had failed. Tr. p. 13, ll. 1-15-17. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of

[himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 12-13. He felt as though everything was a non-coincidental "intentional delay" and that "the system [was] washing him through" since one year later he was still "sitting here." Tr. p. 13, ll. 14-23. He requested to settle his workers' compensation claim. Tr. p. 16, ll. 3-6.

Appellant pointed out that he subpoenaed the recorded line from Dr. Gunter's office, which was not produced; so, anything related to what he called an individual at their office, specifically that he called her a b**** on the phone, "should be thrown." Tr. p. 11, ll. 17-20; Tr. p. 12, ll. 2-9. He noted that the allegation of him being "combative" with doctors all had to do with his allergy to a steroid shot. Tr. p. 14, ll. 5-11. Finally, he alleged that Defense counsel "lied" to him in telling him that the doctor had refused to see him, as he called Dr. Davis personally and was told he was an active patient. Tr. p. 17, ll. 11-20; Tr. p. 18, ll. 1-6. Presumably Appellant's girlfriend, Ms. Lea, interjected stating, "and it's recorded." Tr. p. 17, l. 21. Appellant stated, "when somebody tells you that the doctor fires you, you can't go to him no more, and you call him and they go, oh, we didn't fire, you, you know, we don't know what you're talking about. Somebody's lying, and it ain't hard to figure out who." Tr. p. 18, ll. 1-6.

Defense Counsel responded that Respondents have operated in good faith when scheduling Appellant's doctors' appointments. Tr. p. 18, ll. 14-15.

The Single Commissioner issued his Decision and Order on February 14, 2024, ordering (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Respondents and purposefully acted belligerently; (3) Respondents were entitled to terminate all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim

through medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of TTD benefits during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023.

Appellant's appeal allegedly timely followed, solely because Appellant alleged that he did not receive the initial copy of the signed Decision and Order sent via U.S mail from the Commission. The Commission then forwarded a second copy, extending his appeal deadline.

Though the appeal may have been timely filed, Appellant's Form 30 Request for Appellate Review did not comply with the required regulations, as S.C. Code Ann. Regs. 67-701(3)(a)-(b) requires "the grounds for appeal be set out in detail on the Form 30 in the form of questions presented; each question presented must be concise and concern one finding of fact, conclusion of law, or other proposition the appellant believes is in error; and references to evidence must be by title and exhibit number. Despite Appellant's failure to follow regulatory guidelines in his Form 30 Request for Appellate Review, Respondents received a Form 31 Notice of Appellate Hearing on March 19, 2024, which scheduled the appellate hearing for May 20, 2024. The hearing notice very clearly required Appellant to file his appellant brief by April 18, 2024.

By May 2, 2024, 13 days after Appellant's filing deadline, Respondents had yet to be served with a brief filed by Appellant. Since the parties had not entered into any agreement of any kind pursuant to S.C. Code Ann. Regs. 67-705(H) extending the time for filing with the Judicial Department prior to the filing date, Respondents believed Appellant had never filed an appellant brief. Accordingly, Respondents prepared correspondence to the Commission detailing their position that S.C. Code Ann. Regs. 67-705(A) *required* Appellant to file a brief including a statement of the case, questions presented, argument, and conclusion by or on April 18, 2024.

Since Appellant had apparently not done so, Respondents respectfully requested the Judicial Department remove the case from the review hearing docket by issuing an administrative order dismissing the appeal. The Judicial Department removed the case from the review hearing docket on May 2, 2024, by issuing an administrative order dismissing the appeal pursuant to S.C. Code Ann. Regs. 67-705(H)(3), as requested by Respondents.

On May 6, 2024, Respondents were served by the Commission with what is allegedly Appellant's Motion to Reinstate his claim. His request reads, "I am submitting Form 59 late. I read the Notice of Appellate Hearing incorrectly regarding the due date. Please accept my apologize for misunderstanding and consider this request to continue my claim."

Though Respondents submitted a Response to Appellant's Motion to Reinstate detailing Appellant's blatant and willful disregard of the workers' compensation system and continued harassment of the doctors, carriers, and case managers attempting to perform their jobs, Appellant's Motion to Reinstate was granted.

Respondents were then served with Appellant's Form 59 Informal Brief, which states that the Single Commissioner failed to consider important reasons for award of compensation because "all evidence submitted was an accurate depiction of appointments, appointment dates, and appointment times mentioned." Next, the Single Commissioner incorrectly decided the facts because "all facts/evidence submitted should be reconsidered as adequate evidence was submitted for the initial hearing." Appellant requested specific action from the Commission to "reinstate [his] benefits/compensation and ensure prompt and proper medical care is given, to include all injuries mentioned from the date of injury to current." Since the Single Commissioner allowed Appellant's evidence, Respondents presume Appellant's position on appeal is that the Single Commissioner incorrectly determined the weight of the evidence he submitted at the hearing.

ISSUES PRESENTED

I. **WHETHER APPELLANT'S INFORMAL BRIEF PRESERVES ANY ISSUE FOR APPEAL**

II. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS MET THEIR BURDEN OF PROOF OF APPELLANT'S CONSTRUCTIVE NON-COMPLIANCE WITH TREATMENT, PERSUANT TO 42-15-60 BASED ON A PREPONDERANCE OF THE EVIDENCE**

III. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT APPELLANT CONSTRUCTIVELY ABANDONED HIS WORKERS' COMPENSATION CLAIM**

IV. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED APPELLANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE**

V. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DUE TO INCORRECT AVERAGE WEEKLY WAGE AND COMPENSATION RATE**

VI. **WHETHER THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTSARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DURING THE PERIOD OF APPELLANT'S NON-COMPLIANCE**

STATEMENT OF THE FACTS

Appellant, Mr. Walter Hoover, has suffered from a pre-existing low back condition since at least 2019. Appellant testified that he had a prior low back injury in 2019, for which he treated at Southeastern Spine Institute. Tr. p. 20, ll. 19-23. Medical records reveal Appellant reported 9 of 10 aching, burning, and stabbing pain in the lower back radiating into the posterior lateral aspect of the right leg with numbness on March 8, 2019. Def. APA 1 p. 1. He later underwent a right L5-S1 decompression with partial medial facetectomy, hemilaminotomy, foraminotomy, and right L5-S1 discectomy with Dr. Bryan on March 29, 2019. Def. APA 1 p. 18.

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Approximately three years later, on May 25, 2022, Appellant sustained an admitted injury by accident to the low back arising out of and in the course and scope of his employment when moving dog kennels. Thereafter, he underwent medical treatment authorized and provided by Respondents in this case, including imaging, injections, physical therapy, dry needling, and evaluations by multiple specialists including pain management providers and neurologists.

While Respondents tirelessly provided medical treatment, Appellant repeatedly attempted to control his own treatment, despite the fact that he is admittedly not a medical professional, and he continuously frustrated the efforts of the authorized treatment providers by purposefully acting belligerently both in office and through communications with physicians and their staff, as well as towards his assigned nurse case manager.

Records from Lexington Medical Center, Palmetto Bone & Joint, Drayer Physical Therapy, South Carolina Internal Medicine LLC, ImageCare Associates LLC; MUSC Columbia Neurosurgery; and Pain Specialists of Charleston P.A detail Respondents tireless efforts to provide medical treatment for Appellant. Notably, specific records from three different providers, Dr. Gunter, Dr. Tavel, and Dr. Girault, all document Appellant's release from care or refusal for continued treatment of Appellant due to his belligerent behavior towards the physicians and their staff.

On February 14, 2023, Dr. Tavel estimated Appellant would reach MMI in three to six months. Def. APA 8 p. 90. A few weeks later, on April 25, 2023, Appellant attempted to control his medical treatment in stating he was only interested in moving forward with surgical intervention, though no doctor had determined that to be the appropriate plan of action at that time. APA 8 p. 102. On May 9, 2023, Respondents received an email from Gallagher Bassett's Field Case Manager, Kimberly Adams, detailing that due to Appellant's aggressive behavior and threats made to the Nurse Case Manager, Randi Walle, the claim must switch to a Telephonic Nurse Case

Manager. She additionally noted that Appellant had been released by both Dr. Gunter and Dr. Tavel due to making threatening calls to their office. On May 11, 2023, Dr. Tavel's office confirmed and notified Respondents that they would be releasing Appellant from the practice due to his aggressive behavior. Def. Exhibit 5. p. 135.

To detail Appellant's behavior towards Dr. Gunter, on February 28, 2023, Appellant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a "b****" and a "hag" and threatened to come into their office and "let them have it" because he wanted pain medication. Def. APA 7 p. 91. Interestingly, Appellant testified at the hearing that he was a bartender for 27 years and "partied on three continents on this earth," so if "[he] want[ed] drugs [he] can get drugs." Tr. p. 29, ll. 11-14. On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Appellant's care, as there appeared to be too much discord within the relationship between the practice and Appellant. Def. APA 7 p. 92. Dr. Gunter went on to say that Appellant left abruptly after hearing the news; however, he discussed Appellant's dismissal with the young lady present, who asked if Dr. Gunter could refer Appellant to Southeastern Spine Institute, again in attempt to control medical treatment. Def. APA 7 p. 92. When asked under oath at the hearing if Appellant went to Dr. Gunter's office on March 6, 2023, with "specific instructions as to what type of treatment he wanted," he answered, "I did." Tr. p. 23, ll. 12-16. Appellant went on to explain Dr. Gunter indicated Appellant's treatment options for the low back were surgery or physical therapy. Tr. p. 23, ll. 19-21. Appellant, though he admitted on record that he is in no way a medical professional, believed Dr. Gunter's opinion as to proper treatment was "not true." Tr. p. 23, ll. 21-22; Tr. p. 24, ll. 7-10. On March 7, 2023, the nurse case manager notified Respondents that Dr. Gunter's office was under the impression that Appellant's girlfriend had called impersonating a nurse case manager. Def Exhibit. 1 p. 126.

Respondents then provided an additional medical evaluation on June 22, 2023, with Dr. Girault. Def. APA 9 p. 105. Again, Dr. Girault would not treat Appellant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." APA 9 p. 105. Despite Appellant's release from three different physician's offices, Respondents in good faith provided yet another medical evaluation with Dr. Boyd on November 13, 2023, and Appellant refused to allow his nurse case manager to attend the appointment. Def. Exh. F p. 169. Another nurse case manager resigned from the claim completely.

Appellant's belligerency did not stop at the four walls of the physicians' offices, as Appellant consistently called Defendant's office and the carrier's office making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, the carrier's staff, etc. For example, Appellant called Jeff Close, an employee of the carrier, "loud," "a liar," and "an idiot" via phone call, which was documented by Mr. Close in an email dated July 11, 2023. Appellant also recorded the phone call. Def. Exh. D.

As detailed in Respondents' Exhibit E, On April 15, 2023, Appellant emailed Defense Counsel alleging she was being rude, intentionally non-compliant with the South Carolina Code, and intentionally withholding mileage reimbursement from Appellant. He requested she send him the correct amount he was owed for mileage "for the love of God." He then stated he was "going to get back to enjoying [his] Saturday" as, he "didn't plan on waking up and having to do [Defense Counsel's] job for [her.]" On April 27, 2023, Appellant emailed Defense Counsel, stating the incorrect mileage was paid and claiming the math was "obviously" done "by someone's first grader." He called Defense Counsel "sweetie" and stated if she was waiting for him to hire an attorney, she was "out of luck," as he was not able to hire anyone due to the "defamation and slander" by Dr. Gunter's office, Defense Counsel, and by Gallagher Bassett. On May 3, 2023, Appellant emailed Defense Counsel asking if the Commissioner allows her to pay him just when

she feels like it. On May 10, 2023, Appellant called Defense Counsel 22 times over the span of 19 minutes and left two voicemails stating he would continue to call until he was answered. On May 17, 2023, Appellant called Defense Counsel, referred to her as a "beginner" attorney, and alleged she "deliberately neglected" his medical care. He noted her "neglect" was "malicious" and "very intentional." On May 18, 2023, Appellant emailed Respondents requesting all information on his claim, including a 10-point bulleted list asking for history of all payments, history of all claim adjusters assigned to his case, history of all case managers assigned to his case, history of all communications between the nurse case manager and Respondents, any and all file notes, a copy of the Form 20 and all other documents used to calculate compensation, medical referrals, notes from One Call, any and all correspondence with health care providers and their staff, and all recorded calls regarding the "false accusations" from Dr. Gunter.

On May 18, 2023, Appellant emailed Defense Counsel complaining that his new Telephonic Case Manager had not been in contact with him, and he needed an appointment with a neurologist since he was in excruciating pain. Finally, on May 19, 2023, Appellant emailed the new Telephonic Case Manager a lengthy summary of his claim. He noted he previously treated with Dr. Davis, then Dr. Gunter, who allegedly told him to "forget everything he had heard before" that appointment and ordered a new MRI. Appellant stated Dr. Gunter prescribed pain medication, which provided the first relief he had since May 2022. He then claimed Dr. Gunter's office staff "lied" to him, and he was released from care due to a lie. Appellant went on to say he had been forced by the carrier to attend physical therapy until Dr. Tavel's office "put PT on hold" due to the increased pain. He further alleged Gallagher Bassett had forced him into "risky" steroid injections." He admitted to recording Dr. Tavel during an appointment on April 25, 2023, which he wished to share with the Commissioner. Finally, he alleged that Respondents were "all being very vexatious." He stated he could not live the way he was living, as he was in severe pain, gaining

weight, could not sleep, and was "agitated and miserable" all the time. He requested to see a neurologist and attempted to direct his own care by expressing interest in discussing plasma-rich-platelet injections in lieu of the Rhizotomy, which was the treatment plan recommended by a licensed medical provider.

On September 29, 2023, Appellant emailed Respondents asking to know "exactly" what their "intent" was and accusing them of scheduling him for an appointment without notifying him. Defense Counsel responded stating that his Nurse Case Manager, Dianna, would be in contact with him regarding his upcoming appointment with Dr. Boyd. Appellant then requested the Nurse Case Manager be removed from his claim. After the Nurse Case Manager notified Appellant of his appointment, he again emailed Defense Counsel instructing her again to remove the Nurse Case Manager, as he did not want her contacting him. He requested Defense Counsel notify him of appointments herself. Defense Counsel instructed Appellant to address any issues with the Nurse Case Manager or any other issues he may have at the upcoming hearing after repeated correspondence from Appellant. When Defense Counsel asked Appellant to stop contacting her client, Appellant responded, "before you get hateful and flapping your gums (sic) at me, you need to check yourself young lady."

In the meantime, Appellant continued to perform activities of daily life like ride his lawn mower, transport his girlfriend's kids, play basketball, and do "whatever [he] want[s] to do" since his May 25, 2022, work accident because in his words, "the damage is done," and he would not "hurt any more part of [his] back." Tr. p. 27, ll; p. 31, ll. 19-25.

To summarize, during the course of his workers' compensation claim, and particularly from February 14, 2023, to November 13, 2023, Appellant failed to cooperate with and participate in his own medical treatment and frustrated the efforts of the other persons involved in his claim, including the medical providers, nurse case managers, and defense counsel, in their diligent

attempts to provide him treatment under the Act – all while Appellant was receiving temporary total disability benefits from Respondents. Appellant acted in such a belligerent manner that Dr. Edward Tavel, Dr. Brett Gunter, and Dr. Gisele Girault, all released him from their practice or refused to provide additional treatment. A nurse case manager also resigned from his claim due to his threatening behavior, and Respondents filed a Motion for Limited Communications due to his harassment. Accordingly, Respondents requested a hearing in an effort to resolve the claim.

At the Single Commissioner Hearing, it appeared that at least to some extent, both Respondents and Appellant wanted the same thing – to close Appellant's workers' compensation claim. Appellant asserted at the November 28, 2023, hearing that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat independently *outside* of the workers' compensation system. Tr. p. 12, ll. 20-25; Tr. p. 13, ll. 1-12. He requested a nurse case manager not be involved with his appointments. Tr. p. 16, ll. 13-25. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 12-13. Ultimately, he requested to settle his workers' compensation claim and "get on with his life.". Tr. p. 16, ll. 3-6. Similarly, Respondents were at a loss, as they tirelessly provided evaluation after evaluation, only for Appellant to be released by yet another provider's practice – while being verbally harassed by Appellant themselves while attempting to provide such treatment. It appeared that any further effort would be futile and contrary to the goals and objectives of the workers' compensation system. Yet, despite his repeated requests to be released, Appellant has prolonged his claim through his own initiative by filing this appeal.

ARGUMENTS

I. APPELLENT'S INFORMAL BRIEF DID NOT PRESERVE ANY ISSUES FOR APPEAL.

According to the South Carolina Court of Appeals, an issue is "deemed abandoned if the argument in the brief is not supported by authority or is only conclusory." *Potter v. Spartanburg Sch. Dist. 7*, 716 S.E.2d 123, 127 (S.C. Ct. App. 2011). In the case of *Potter v. Spartanburg School District*, the claimant sustained an admitted accident when he fell from a ladder. *Id.* at 124. The defendants in the case began providing medical treatment and temporary benefits. *Id.* at 125. The matter proceeded to a hearing, which Claimant appealed to the Workers' Compensation Commission and the Circuit Court before reaching the Court of Appeals.

Before the Court of Appeals, the claimant failed to cite "any statute, rule, or legal authority" for several issues in his brief. *Id.* at 127. The court explained that though he did raise specific facts that could be considered, he gave the court no substantive legal authority to rely upon. *Id.* Accordingly, the issues were deemed abandoned. *Id.*

Appellant's Informal Brief dated April 29, 2024, offers a series of questions. The directions state "answer the following questions about your claim to the best of your ability. If you cannot answer a question, leave it blank. Use additional sheets of paper, if necessary. Please use short statements."

Question One asks whether the Commissioner failed to consider important reasons for award of compensation and if so, what reasons. Appellant answers, "Yes. All evidence submitted was an accurate depiction of appointments, appointment dates, and appointment times mentioned." Respondents assert that Appellant's statement that "all" submitted evidence is "accurate" does not propose new facts to consider, as was the case in *Potter*. Further, part of the evidence submitted was that of the Respondents. Appellant additionally provided no authority in which the panel could rely on to alter their decision. Rather, he made a conclusory statement that the evidence was "accurate" with no proof of authentication. Accordingly, no issue was preserved, just as in *Potter*.

Question Two asks whether the Commissioner incorrectly decided the facts, and if so what facts. Appellant answers, "Yes. All facts/evidence should be reconsidered, as adequate evidence was submitted for the initial hearing. Respondents assert that reconsideration of "all evidence" because it was "adequate" does not propose new facts that should be considered nor provide authority on which the panel could rely upon. Accordingly, no issue is preserved.

Question Three asks if Appellant thinks the Commissioner applied the wrong law, and if so, what law. Appellant left this question blank. Accordingly, he preserved no issue of law.

Question Four asks whether Appellant feels there are other reasons why the Commissioner's judgement was wrong, and if so, what reasons. Appellant again left this answer blank. So, again, he preserved nothing.

Finally, Appellant requests that the Commission reinstate his benefits/compensation and ensure prompt and proper medical care is given to include all injuries mentioned from the date of injury to current. Again, Appellant provided no authority for his request or a singular reason for appeal other than "all evidence is accurate," which is a merely conclusory statement. Additionally, his request for continued benefits and treatment contradicts much of his hearing testimony.

Accordingly, the claim should be dismissed, as all issues have been abandoned by Appellant.

II. THE SINGLE COMMISSIONER CORRECTLY DETERMINED BY A PREPONDERANCE OF THE EVIDENCE THAT RESPONDENTS MET THEIR BURDEN OF PROOF OF APPELLANT'S CONSTRUCTIVE NON-COMPLIANCE WITH TREATMENT, PERSUANT TO S.C. CODE ANN. § 42-15-60.

The Single Commissioner determined the audio and video evidence submitted by Appellant at the Hearing over Respondents' objections should be given little weight, as it had not been authenticated, and the Commissioner had no way of knowing if those were the only conversations between Appellant, the physicians, and their staff – all of whom were recorded by

Appellant without consent. Order, Finding of Fact twelve (12), p. 29. He found that the evidence in the APA's, including the records of Dr. Gunter, Dr. Tavel, and Dr. Girault documenting Appellant's release from care or refusal to further treat him due to his belligerent behavior, should be given the greatest weight. Order, Finding of Fact thirteen (13), p. 30. Accordingly, the Single Commissioner found Respondents met their burden of proof of constructive noncompliance with treatment, pursuant to S.C. Code Ann. § 42-15-60 based on a preponderance of the evidence presented. Order, Finding of Fact fourteen (14), p. 31. Appellant's Informal Brief essentially in its entirety requests only that "all facts/evidence submitted should be reconsidered" as "adequate evidence" because "it was an accurate depiction of appointments, appointment dates, and appointment times." He also requests his benefits be reinstated. In other words, Claimant contests only generally the findings of fact made and makes no specific argument nor cites any authority to support his reason for contest. Though he failed to elaborate on his position in his Informal Brief, in his Request for Commission Review, Appellant alleges he was not medically non-compliant, but rather, he had an allergic reaction to steroids he received on July 12, 2023. Respondents *presume* his position on appeal is that his allergic reaction and the audio and video evidence he submitted at the time of the hearing should serve as evidence that he was medically compliant.

While maintaining the position that Appellant has abandoned this issue on appeal pursuant to *Potter v. Spartanburg Sch. Dist,* which states, "an issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory," Respondents have chosen to address the same in anticipation of Appellant's oral argument. 716 S.E.2d at 127.

Pursuant to S.C. Code Ann. Regs. 67-509, the employer's representative chooses an authorized health care provider and pays for the authorized treatment. In turn, the employee "shall submit himself to examination" as "long as he claims compensation." S.C. Code Ann. § 42-15-80.

In other words, if a medical appointment has been paid for and provided by the employer in a workers' compensation case, the injured employee claiming workers' compensation benefits must (1) attend that appointment and (2) submit to the examination therein. If instead, the employee is medically non-compliant and "refuses to submit himself *or in any way obstructs the examination* requested and provided for by the employer, his right to compensation and his right to take or prosecute a proceeding under this title *must* be suspended." S.C. Code Ann. § 42-15-80 (emphasis added.) Respondents note that the use of "must" in the statute means that the legislature intended that suspension of benefits to be mandatory, rather than discretionary.

While the classic example of medical noncompliance is refusal to attend appointments, the Commission has indicated that an injured worker can be considered medically non-compliant by virtue of conduct at appointments. In the case of *Bruce Harris v. Collins & Aikman*, the claimant sustained an admitted amputation injury to the right thumb with additional injuries to the right arm. No. 9804023, 1999 S.C. Wrk. Comp. LEXIS 226, at 2 (order incorporated by reference in *Bruce Harris v. Collins & Aikman*, No. 9804023, 2000 S.C. Wrk. Comp. LEXIS 482 noting the Appellate Panel adopted the Single Commissioner's Findings of Fact and Rulings of Law as correct.). The defendants in the case provided treatment with Dr. Millon for the right thumb initially and later for the right arm as well. *Id.* at 8. The Defendants then provided a second right arm evaluation with another provider, Dr. Brown. *Id.* According to the APAs in the case, at the claimant's second appointment with Dr. Brown, Dr. Brown noted the claimant was irate. *Id.* at 18. Subsequently, he refused to further treat the claimant. *Id.* at 18-19. Dr. Millon also refused to have the claimant return to his office. *Id.* at 19. The Defendants then made an appointment for the claimant with a third doctor, Dr. Posta. Prior to the scheduled appointment, however, Dr. Posta conferred with Dr. Millon and Dr. Brown and then advised via a letter that he had declined to treat the claimant. *Id.* The Defendants had also provided treatment with Dr. Batson, who also sent a letter stating he did

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not feel comfortable in continuing care for the claimant and was unwilling to see him back based on the fact he had seen various other practitioners in the area and kept having to change from one doctor to another. *Id.* The resulting issue was whether the claimant was entitled to further medical treatment when the Defendants had voluntarily provided treatment, yet four different providers refused treatment of the claimant due to his conduct. *Id.*

The Commissioner determined that the Defendants had made numerous attempts to provide medical treatment; however, because of Claimant's volatile behavior towards doctors Millon, Brown, Batson, and Posta, all four doctors have refused to further treat him. *Id.* at 23. Claimant's actions constituted a refusal of medical treatment pursuant to S.C. Code Ann. §§ 42-15-60 and 42-15-80, and therefore, the Defendants were not responsible for further medical treatment for the claimant's injuries. *Id.* at 26-27. The claimant was not entitled to any additional treatment or compensation for the right arm. *Id.*

The present appeal bears remarkable similarities to *Bruce Harris v. Collins & Aikman.* Just as in *Bruce Harris*, this is an admitted claim, and accordingly, Respondents authorized medical treatment. In relevant part, per the APAs submitted by Respondents at the hearing, Respondents began providing treatment with Dr. Tavel on February 14, 2023, who estimated Appellant would reach MMI in three to six months. Def. APA 8 p. 90. Respondents also provided treatment with Dr. Gunter. On February 28, 2023, Appellant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a "b****" and a "hag" and threatened to come into their office and "let them have it" because he wanted pain medication. Def. APA 7 p. 91. On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Appellant's care, as there appeared to be too much discord within the relationship between the practice and Appellant. Def. APA 7 p. 92. Dr. Gunter went on to say that Appellant

left abruptly after hearing the news; however, he discussed Appellant's dismissal with the young lady present, who asked if Dr. Gunter could refer Appellant to Southeastern Spine Institute, again in attempt to control medical treatment and obstruct examination. Def. APA 7 p. 92. When asked under oath at the hearing if Appellant went to Dr. Gunter's office on March 6, 2023, with "specific instructions as to what type of treatment he wanted," he answered, "I did." Tr. p. 23, ll. 12-16. On March 7, 2023, the nurse case manager notified Respondents that Dr. Gunter's office was under the impression that Appellant's girlfriend had called impersonating a nurse case manager. Def Exhibit. 1 p. 126.

Just a few weeks later, on May 11, 2023, Dr. Tavel's office notified Respondents that they would be releasing Appellant from the practice due to his aggressive behavior. Def. Exhibit 5. p. 135.

Respondents then provided an additional medical evaluation on June 22, 2023, with Dr. Girault. Def. APA 9 p. 105. Again, Dr. Girault would not treat Appellant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." APA 9 p. 105.

Despite Appellant's release from three different physician's offices due to his conduct, Respondents in good faith provided yet another medical evaluation with Dr. Boyd on November 13, 2023. Appellant refused to allow his nurse case manager to attend the appointment. Def. Exh. F p. 169.

According to the South Carolina Court of Appeals, medical testimony is entitled to great respect. *Potter*, 716 S.E.2d at 126. It may, however, be disregarded by the fact finder *if* other *competent* evidence is presented. *Id.* (emphasis added.) The only evidence submitted by Appellant allegedly meant to contradict the documented records by medical professionals included in Respondents' APAs are 4 video and audio recordings that have not been authenticated.

Video one, named "Dr. Davis – active patient confirmation," should apparently depict a

conversation with Dr. Davis; however, it is a repeated video of Video three, "Unanswered Subpoena Delivery to Dr. Gunter's office."

Video two, "Girault 06-22-2023, only appointment," depicts only a partial conversation presumably between Appellant, his girlfriend, and Dr. Girault, recorded without consent. Dr. Girault's face is not shown; however, Appellant discusses his claim, including how an attorney will not "dig" for his claim and won't have anything to do with it, that an attorney advised him to stop calling for pain medications because it makes Appellant look like a drug seeker, which is 'so unfair," and that Respondents knew they had lied. His girlfriend specifically states, "we've been screaming please give us help. Please give us pain meds something." Respondents first assert that this video should be given little weight, as it is only a partial conversation and there is no indication that it has not been edited. Alternatively, should this panel find this video to be an accurate and full representation of Appellant's conversation with Dr. Girault, Respondents assert that it is evidence of drug seeking behavior. Further, Respondents assert that regardless of the conversation that occurred in Dr. Girault's office, she still dismissed Appellant from treatment and refused to further see him after this visit.

Video three, "Unanswered Subpoena Delivery to Dr. Gunter's office," depicts an unknown female, who is presumably Appellant's girlfriend, show 2 copies of a request for medical records. The female then hands an envelope with the subpoenas to an unknown front desk attendant. Candidly, Respondents are unaware of the evidentiary value of this video.

Video four, "Tavel dismissed me due to 'not being a good fit," depicts a phone call where no faces or proof of telephone number are shown. An unknown female does identify herself as calling from Dr. Tavel's office and informs Appellant that all future appointments have been cancelled because "they are not a good fit." Presumably, Appellant wishes to use this video as evidence that he was not dismissed due to aggressive behavior. Respondents first assert that

Appellant's evidence should not be given much weight, as no faces or proof of telephone number are shown, so this could simply be an individual imitating Dr. Tavel's office employee on the phone. Second, should this panel find the video is an accurate representation of a phone call with Dr. Tavel's office, Respondents assert that Appellant's video evidence actually supports that he was actively obstructing examination during appointments with Dr. Tavel, as Dr. Tavel's office explicitly stated the necessity of Appellant being released from the practice.

Finally, Appellant alleges he was not non-compliant but was rather allergic. There is no evidence in the record of any doctor forcing Appellant to have additional injections against his will.

Workers' compensation awards "must not be based on surmise, conjecture or speculation." *Kennedy v. Williamsburg County*, 242 S.C. 477, 131 (1963). These videos and allegations are nothing more than speculative, as they have not been verified by any means. Accordingly, they were properly granted little weight.

Just as in *Bruce Harris*, the resulting issue in this case is whether Appellant is entitled to further medical treatment when Respondents have voluntarily provided treatment, yet multiple different providers refused treatment of the claimant due to his conduct. And again, just as in *Bruce Harris*, this panel should determine that based on overwhelming evidence included in Respondent's APA submissions at the hearing, Appellant is medically non-compliant pursuant to S.C. Code Ann. §§ 42-15-60 and 42-15-80 by virtue of his belligerent, hostile, and volatile behavior towards doctors Tavel, Gunter, and Girault, which led all three doctors to refuse to further treat him. Therefore, Appellant's entitlement to additional treatment or compensation must be suspended, and Respondents are no longer responsible for the same.

Because medical non-compliance, which must suspend all additional treatment or compensation pursuant to §§ 42-15-60 and 42-15-80 includes non-compliance by virtue of

belligerent behavior, the Single Commissioner's ruling should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

III. THE SINGLE COMMISSIONER CORRECTLY DETERMINED THAT APPELLANT CONSTRUCTIVELY ABANDONED HIS WORKERS' COMPENSATION CLAIM.

The Single Commissioner further found Appellant constructively abandoned his workers' compensation claim and was no longer entitled to medical or temporary benefits as of January 4, 2024. Order, Finding of Fact fifteen (15), p. 31. Appellant's Informal Brief essentially in its entirety requests only that "all facts/evidence submitted should be reconsidered" as "adequate evidence" because "it was an accurate depiction of appointments, appointment dates, and appointment times." He also requests his benefits be reinstated. In other words, Claimant contests only generally the findings of fact made and makes no specific argument nor cites any authority to support his reason for contest. Though Appellant failed to elaborate on his position in his Informal Brief, in his Request for Commission Review, Appellant asserted that he had not abandoned his claim, as he would like to undergo additional treatment and requested his claim be "reinstated." Respondents *presume* his position on appeal is that he has not abandoned his claim because he has requested additional medical treatment.

While maintaining the position that Appellant has abandoned this issue on appeal pursuant to *Potter v. Spartanburg Sch. Dist,* which states, "an issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory," Respondents have chosen to address the same in anticipation of Appellant's oral argument. 716 S.E.2d at 127.

As mentioned above, at the November 28, 2023, hearing, Appellant asserted that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat independently *outside* of the workers' compensation system. Tr. p.

12, ll. 20-25; Tr. p. 13, ll. 1-12. He requested a nurse case manager not be involved with his appointments. Tr. p. 16, ll. 13-25. He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" Tr. p. 11, 15-17; Tr. p. 12, ll. 12-13. Ultimately, he requested to settle his workers' compensation claim and "get on with his life.". Tr. p. 16, ll. 3-6.

Because of Claimant's own contradictory testimony requesting to be "discontinued" from the workers' compensation system, the Single Commissioner's ruling that he has abandoned his claim should be affirmed. Regardless, Further, the Order of the Single Commissioner should be affirmed.

IV. THE SINGLE COMMISSIONER CORRECTLY DETERMINED APPELLANT'S AVERAGE WEEKLY WAGE AND COMPENSATION RATE PERSUANT TO § 42-1-40

The Single Commissioner determined that Appellant's Average Weekly Wage (AWW) and Compensation Rate (CR) to be $542.73 and $361.84 respectively. Order, Finding of Fact eighteen (18), p. 31. Appellant's Informal Brief essentially in its entirety requests only that "all facts/evidence submitted should be reconsidered" as "adequate evidence" because "it was an accurate depiction of appointments, appointment dates, and appointment times." He also requests his benefits be reinstated. In other words, Claimant contests only generally the findings of fact made and makes no specific argument nor cites any authority to support his reason for contest. Though he did not elaborate on his position in his Informal Brief, in Appellant's Request for Commission Review, he raised issue with his compensation rate. Interestingly, he specifically states he has "no argument" for the same.

While maintaining the position that Appellant has abandoned this issue on appeal pursuant to *Potter v. Spartanburg Sch. Dist,* which states, "an issue is deemed abandoned if the argument in

the brief is not supported by authority or is only conclusory," Respondents have chosen to address the same in anticipation of Appellant's oral argument. 716 S.E.2d at 127.

South Carolina Code § 42-1-40 defines AWW as the "earnings of the injured employee in the employment in which he was working at the time of the injury during the 52-week period immediately preceding the date of injury." It "must be calculated" by "totaling the wages paid in the last four quarters immediately preceding the quarter in which the injury occurred...divided by fifty-two or by the actual number of weeks for which wages were paid, whichever is less." *Id.* The commission "must use" this primary method unless (1) the injured worker worked a period of less than 52 weeks prior to the injury, or (2) it would be unfair to do so "for exceptional reasons." *Pilgrim v. Eaton*, 703 S.E.2d 241, 244 (S.C. Ct. App. 2010).

The first alternative for calculating AWW if an injured worked less than 52 weeks prior to his injury is to "divide the earnings during that period by the number of weeks and parts thereof during which the employee earned wages." S.C Code Ann. § 42-1-40. In order to use the first alternative, it must be both "practicable" to use the first alternative method, and a "fair and just" result to both parties. *Pilgrim*, 703 S.E.2d at 245.

Here, according to his wage records, Appellant worked a total of only 22 weeks prior to his work accident on May 25, 2022. This means that Respondents had to rely upon an alternative wage calculation method, as there were not 52 weeks of wages available, and accordingly, Respondents resorted to the first alternative per the statute. Because Respondents were in possession of 22 weeks of wages prior to his work accident, included at the Single Commissioner Hearing as Defendants Exhibit A, it was practicable to rely on these wages.

Appellant earned a total of $11,939.97 over the period of 22 weeks. Respondents, per the statute divided the earnings paid ($11,939.97) by the number of weeks during which the employee earned wages (22), and calculated Appellant's AWW and CR to be $542.73 and $361.84,

respectively.

At the hearing, Appellant failed to articulate or propose any numbers to be used for his AWW and CR. He did not allege he received additional cash payments from the insured, which would increase his AWW and CR. He did not allege his wage records, dated December 12, 2021, to June 25, 2022, which were submitted as evidence prior to the hearing as part of Respondents' APA submissions, were not an accurate depiction of his earnings. Accordingly, he proposed no evidence whatsoever related to his AWW and CR, and specifically stated in his Request for Commission Review that he had "no argument" for the same. Therefore, there is no evidence that Respondents calculations were unfair or unjust to either party. Accordingly, Respondents simply assert that "the math is the math," which is fair and equitable. What would be an unjust result, is to force Respondents to pay more than what is owed per the statute.

Because Appellant's AWW and CR were calculated in a manner that's fair and equitable to all parties and is supported by the evidence, the Single Commissioner's ruling Appellant's AWW and CR are $542.73 and $361.84, respectively, should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

V. THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DUE TO INCORRECT AVERAGE WEEKLY WAGE AND COMPENSATION RATE

The Single Commissioner determined that Respondents were entitled to credit for overpayment of temporary partial disability benefits due to incorrect average weekly wage and compensation rate. Order, Finding of Fact nineteen (19), p. 3. The credit for overpayment due to incorrect average weekly wage and compensation rate totals $6,850.58. Appellant's Informal Brief essentially in its entirety requests only that "all facts/evidence submitted should be reconsidered" as "adequate evidence" because "it was an accurate depiction of appointments, appointment dates,

and appointment times." He also requests his benefits be reinstated. In other words, Claimant contests only generally the findings of fact made and makes no specific argument nor cites any authority to support his reason for contest.

While maintaining the position that Appellant has abandoned this issue on appeal pursuant to *Potter v. Spartanburg Sch. Dist*, which states, "an issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory," Respondents have chosen to address the same in anticipation of Appellant's oral argument. 716 S.E.2d at 127.

Per South Carolina Regulation 67-1603(3)(b)(iii), when the compensation rate on the Form 20 is less than previously reported on the Form 15, it has been over 150 days since the date of injury, and Appellant does not agree to a reduction in his compensation, the employer's representative shall continue paying the compensation rate reported on the Form 15 and may file a Form 21 to request a reduction in compensation. South Carolina Code § 42-9-210 permits a credit or deduction from compensation when an employer has made payments during the period of disability that were not due and payable so long as such deductions are made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly TTD payment. In conjunction, these two statutes require an employer's representative to continue payments at an incorrect compensation rate until a Form 21 Hearing has been heard, and an order permits reduction in compensation; however, the representative will then be credited for overpayment made based on incorrect compensation rate, as overpayment amounts were not due and payable when made.

Here, after Respondents originally adjusted for underpayment, Appellant received weekly TTD benefits at a rate of $596.32, as demonstrated on the List Claim Payments ledger submitted by Respondents into evidence at the hearing. As detailed above, Appellant's wage records detailed a compensation rate of only $361.84. Accordingly, Respondents made payments during the period

of disability that were not due and payable since Appellant was paid more than he was owed weekly. Since it had been over 150 days since the date of injury, and Appellant would not have agreed to a reduction in compensation, Respondents requested a Form 21 hearing on March 6, 2023, to request a reduction in compensation, as required by the regulations. They further requested credit for overpayment, which by the time of the November 28, 2023, hearing totaled $6,850.58.

Because Defendant's entitlement to a credit for overpayment due to incorrect average weekly wage and compensation rate was properly calculated and supported by evidence, the Single Commissioner's ruling that Respondents were entitled to credit for overpayment of temporary partial disability benefits due to incorrect average weekly wage and compensation rate should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

VI. THE SINGLE COMMISSIONER CORRECTLY DETERMINED RESPONDENTS ARE ENTITLED TO CREDIT FOR OVERPAYMENT OF TEMPORARY TOTAL DISABILITY BENEFITS DURING THE PERIOD OF APPELLANT'S NON-COMPLIANCE

The Single Commissioner determined that Respondents were entitled to credit for overpayment of temporary partial disability benefits during the period of Appellant's constructive medical non-compliance from February 14, 2023, to November 13, 2023. Order, Finding of Fact seventeen (17), p. 32. The credit for overpayment due to medical non-compliance totals $23,256.48. Appellant's Informal Brief essentially in its entirety requests only that "all facts/evidence submitted should be reconsidered" as "adequate evidence" because "it was an accurate depiction of appointments, appointment dates, and appointment times." He also requests his benefits be reinstated. In other words, Claimant contests only generally the findings of fact made and makes no specific argument nor cites any authority to support his reason for contest.

While maintaining the position that Appellant has abandoned this issue on appeal pursuant to

Potter v. Spartanburg Sch. Dist, which states, "an issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory," Respondents have chosen to address the same in anticipation of Appellant's oral argument. 716 S.E.2d at 127.

Pursuant to South Carolina Code § 42-15-60, "the refusal of an employee to accept any medical, hospital, surgical, or other treatment or evaluation when provided by the employer...*bars* the employee from further compensation until the refusal ceases" (emphasis added). Further, as detailed above, South Carolina Code § 42-9-210 permits a credit or deduction from compensation when an employer has made payments during the period of disability that were not due and payable so long as such deductions are made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly TTD payment.

In the case of *Timothy Smith v. Horry County Solid Waste*, the claimant sustained multiple injuries during the course and scope of his employment. No. 1611935, 2020 S.C. Wrk. Comp. LEXIS 21, at 25. The defendants provided medical care for the same. *Id.* After reaching MMI for all body parts, the authorized treating physician referred the claimant for a pain management evaluation and continued treatment. *Id.* The defendants first provided care with Dr. Willoughby, who discharged him due to a drug screen in which he tested positive for cocaine. *Id.* Thereafter, the defendants provided another pain management evaluation with Dr. Parker, who discharged the claimant for the same reason. *Id.* Finally, the defendants authorized treatment with Dr. Boatwright, who also discharged him from care, for again testing positive for cocaine. *Id.* at 25-26. Following the Single Commissioner Hearing, Commissioner Beck issued an Order finding Claimant was non-compliant with medical treatment pursuant to §§ 42-15-60 and 42-15-80. *Id.* at 31. Further, and most importantly for the purposes of this specific argument, Commissioner Beck found that under S.C. Code Ann. Regs. 67-505, the defendants were entitled to suspend payment of TTD based upon Claimant's non-compliance with medical treatment, and under § 42-9-210, the defendants

were entitled to a credit for temporary compensation paid for the period of non-compliance. *Id.*

As detailed above, Appellant was properly found to be constructively medically noncompliant from February 14, 2023, to November 13, 2023. Though he attended appointments physically, he did not "accept" treatment and evaluations by virtue of acting belligerently towards the physicians and their staff. He further admitted to attempting to control his own medical treatment. Accordingly, per § 42-15-60, he was barred from compensation. While Appellant was barred from compensation from February 14, 2023, to November 13, 2023, Respondents paid a total of $23,256.48 in benefits. Accordingly, just as in *Timothy Smith v. Horry County Solid Waste*, two things are true – first, Respondents paid compensation during the period of disability that was not due and payable since Appellant was barred from compensation, and second, they are entitled to deduction for compensation for the period of non-compliance, which totals $23,256.48.

Because Appellant received compensation that was not due and payable, the Single Commissioner's ruling that were entitled to credit for overpayment of temporary partial disability benefits during the period of Appellant's constructive medical non-compliance from February 14, 2023, to November 13, 2023, should be affirmed. Further, the Order of the Single Commissioner should be affirmed.

CONCLUSION

For the forgoing reasons and those that may be set forth at oral arguments in this matter, the Respondents respectfully request that the Order of the Single Commissioner issued February 14, 2024, be affirmed in its entirety and that the matter be dismissed.

Respectfully submitted,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

Claudia J. Piechota, Esquire

Attorneys for Respondents

June 7, 2024
Columbia, South Carolina

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December 17, 2024

Amy Bracy, Judicial Director
S.C. Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715

Re: Walter Hoover v. Tractor Supply Company - 004169-065746-WC-01
WCC File No.: 2207041 - Date of Accident: May 25, 2022
Carrier: Starr Specialty Insurance Company - Claim No.: 004169-065746-WC-01
HPLP File No.: 4240.00034

Dear Ms. Bracy:

Enclosed please find the Defendants' Response to Claimant's Motion to Include Additional Evidence for filing in the above-referenced matter.

By copy of this letter to Claimant I am providing him with a copy of Defendants' Response to Motion to Include Additional Evidence.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

Claudia J. Piechota

CJP/jrv
Enclosure
cc: Walter Hoover, Pro Se Claimant

SCWCC
DEC 20 2024
JUDICIAL
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BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Appellant, vs. TRACTOR SUPPLY COMPANY, Employer, AND STARR SPECIALTY INSURANCE COMPANY, Carrier, Respondents.	**RESPONDENTS' ANSWER FOR MOTION TO INCLUDE ADDITIONAL EVIDENCE AND REQUEST FOR MOTION HEARING TO BE REVIEWED ON THE RECORD**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND, PRO SE APPELLANT, MR. WALTER HOOVER:

Tractor Supply Company and Starr Specialty Insurance Company, ("Respondents"), by and through their undersigned legal counsel, hereby respond to Appellant's Motion to Submit Additional Evidence for the review hearing scheduled before the Workers' Compensation Panel, date pending, based on the following grounds:

1. The South Carolina Workers' Compensation Commission has jurisdiction over the parties and subject matter of the claim.

2. Pursuant to his Form 30, *Request for Commission Review*, filed March 4, 2024, Appellant requests a review of the Single Commissioner's findings following the Single Commission Hearing on November 28, 2023.

3. By way of background, on May 11, 2023, Respondents requested a Form 21 Hearing to address suspension, termination, or reduction of temporary disability payments for cause, to assert an overpayment of temporary total disability benefits, and to request a reduction to the correct compensation rate per wage records of $361.84.

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4. Appellant, Mr. Walter Hoover, requested a Form 50 Hearing on May 16, 2023, to determine whether he was entitled to additional benefits under the Act.

5. The hearing was originally set for July 27, 2023; however, the hearing was postponed to allow Appellant opportunity to obtain counsel to represent his interests, as his two prior attorneys were relieved as counsel. On November 28, 2023, Appellant voluntarily elected to proceed with the hearing *pro se*.

6. Prior to the taking of testimony and pursuant to notices timely filed and served, Respondents submitted into evidence pursuant to the South Carolina Administrative Procedures Act and S.C. Code Reg. 67-612, including medical records from South Eastern Spine Institute, Lexington Medical Center, Palmetto Bone & Joint, Drayer Physical Therapy, South Carolina Internal Medicine, LLC, ImageCare Associates, LLC, MUSC Columbia Neurosurgery, Pain Specialists of Charleston, P.A., Bench Mark Physical Therapy, Pain Medicine Specialists, and Lexington Brain & Spine. They additionally submitted exhibits, including Appellant's payroll records, compensation rate calculations, list claim payments, Gallagher Basset emails, Defendants' Notice of Motion and Motion to Limit Communication, and emails and correspondence from Appellant.

7. At the November 28, 2023 hearing, Appellant submitted video evidence, subpoena, emails, a letter dated September 21, 2023, and a letter dated October 16, 2023. He also submitted a timeline of treatment, SC Internal Medicine documents, and payments and benefits. Respondents objected to such evidence, as it was not timely submitted and therefore denied Respondents the proper notice required pursuant to South Carolina Code Regulation 67-612. The Single Commissioner admitted Appellant's evidence over Respondents' objection.

8. The video evidence submitted by the Appellant at the November 28, 2023 hearing included audio/video evidence allegedly from November 27, 2023, with Dr. Davis; June 22, 2023, with Dr. Girault; September 28, 2023, delivering a subpoena to Dr. Gunter; and April 25, 2023, with Dr. Tavel. The totality of the audio was unclear and unsubstantiated.

9. Following the November 28, 2023, hearing, the Single Commissioner issued his Decision

and Order on February 14, 2024, ordering (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Respondents and purposefully acted belligerently; (3) Respondents were entitled to terminate all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim through medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of TTD benefits during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023.

10. Per the Decision and Order issued on February 14, 2024, the Single Commissioner found that "the evidence submitted by the [Appellant] at the hearing regarding his alleged medical non-compliance, including the audio/video submissions, were not authenticated with no way of knowing if those were the only conversations [Appellant] had with the physicians and their staff" and thus found they should be given little weight.

11. Appellant's appeal of the Single Commissioner's Order allegedly timely followed, solely because Appellant alleged that he did not receive the initial copy of the signed Decision and Order sent via U.S mail from the Commission. The Commission then forwarded a second copy, extending his appeal deadline.

12. Appellant filed a Form 30 Request for Commission Review on March 4, 2024, that did not comply with the required regulations pursuant to Regulation 67-701(3)(a)-(b). The Form 30 Request lists Appellants grounds for review:

a. "Authentication of photos/videos is not required by SC Workers Compensation Law.

b. Videos presented are an accurate representation of [Appellant's doctors'] visits when called "combative," etc.

c. [Appellant] took steroids on July 12th 2023 – noted by Dr. Gundu. [Appellant] had an

allergic reaction. [Appellant is] and [has] been compliant. [Appellant is] allergic, not non-compliant.

d. [Appellant has] not abandoned [his] claim. [Appellant] had a great visit with Dr. Boyd (neurologist) on November 13, 2023. Instead of steroids, he offered RFA and/or Spinal Fusion. [Appellant is] interested in either.

e. [Appellant] request[s] that the evidence be reevaluated and [his] claim be reinstated.

f. [Appellant] den[ies] any claim of non-compliance.

g. [Appellant has] no argument regarding [his] compensation rate.

h. [Appellant is] arguing this decision due to multiple, unexplained changes in [his] compensation rate."

13. Accordingly, a Form 31 Briefing Schedule and Notice of Appellate Hearing was issued on March 19, 2024, from the Workers' Compensation Commission, plainly documenting the filing date for Appellant's Brief due on April 18, 2024, and the Appellant Hearing scheduled for May 20, 2024.

14. As of April 18, 2024, Respondents had yet to receive a Pre-Hearing Brief from Appellant.

15. Accordingly, on May 2, 2024, 13 days after Appellant's filing deadline, Respondents respectfully requested the Judicial Department remove the review hearing from the docket by issuance an administrative order dismissing the appeal pursuant to S.C. Code Ann. Regs. 67-705(H)(3). Pursuant to that request, the Judicial Department dismissed the appeal due to untimely filing of the Appellant's Brief.

16. On May 6, 2024, Respondents were served by the Commission with what was Appellant's alleged Motion to Reinstate his claim. The request read, "I am submitting Form 59 late. I read the Notice of Appellate Hearing incorrectly regarding the due date. Please accept my apologize for misunderstanding and consider this request to continue my claim."

17. Respondents filed a response to Appellant's Motion to Reinstate on May 16, 2024, requesting the Commission to deny Appellant's Motion in light of his flagrant disregard of the Workers' Compensation System as well as the Appellate Process.

18. On May 20, 2024, the Motion Commissioner granted Appellant's Motion to Reinstate his

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claim. In light of the improper filing of Appellant's Brief and the granting of the Motion to Reinstate, the May 20, 2024, the Review Hearing was reset to September 16, 2024.

19. Respondents were served with Appellant's Form 59 Informal Brief on May 23, 2024, which states that the Single Commissioner failed to consider important reasons for the award of compensation because "all evidence submitted was an accurate depiction of appointments, appointment dates, and appointment times mentioned." Next, the Single Commissioner incorrectly decided the facts because "all facts/evidence submitted should be reconsidered as adequate evidence was submitted for the initial hearing." Appellant requested specific action from the Commission to "reinstate [his] benefits/compensation and ensure prompt medical care is given, to include all injuries mentioned from the date of injury to current.

20. On September 9, 2024, Appellant submitted his Pre-Hearing Brief for the Reset Review Hearing on September 16, 2024. The Pre-Hearing Brief included additional video evidence allegedly from his appointments with Dr. Tavel, a recording of a phone call with Dr. Tavel's office, a recording of a phone call with Palmetto Bone and Joint, a recording regarding subpoenas sent to Dr. Gunter, a recording of his appointment with Dr. Girault, email correspondence with Defense Counsel, and a copy of his missed appointment with Dr. Boyd. Appellant was informed that the Judicial Department was unable to accept Appellant's additional evidence as a part of his Pre-Hearing Brief to the Panel and would need to request the review of additional evidence via Motion.

21. On September 11, 2024, Appellant requested the September 16, 2024 Review Hearing be pulled from the docket. Additionally, he advised that he wished to proceed with a Motion to Submit Additional Evidence. The Judicial Department proceeded to postpone the Review Hearing and, once again, informed the Appellant that he would need to file a separate motion request for additional evidence. However, it does not appear that Appellant filed the Motion to Submit Additional Evidence at that time.

22. The hearing was reset to November 12, 2024. It was later postponed to November 13, 2024.

23. On November 6, 2024, Appellant filed an "Amended Pre-Hearing Brief" which, again, included additional evidence from the already submitted new evidence on September 9, 2024. The new

evidence included email correspondence between Appellant and Dr. Tavel's office, email correspondence between Defense Counsel and Appellant, a notification of Appellant's missed appointment with Dr. Boyd, a copy of Appellant's deposition, and an order relieving Appellant's counsel in January of 2023. Appellant was informed by the Judicial Department that the only evidence that would be reviewed by the panel at the Review Hearing was the evidence submitted in his first Motion to Submit Additional Evidence on March 4, 2024. He was informed that if he intended to submit evidence different to the evidence submitted on March 4, 2024, he would need to file a new motion, and the current hearing would need to once again be postponed.

24. Appellant responded to the Judicial Department that he wanted to proceed with the Motion submitted on November 6, 2024, which included additional evidence and a correction of the previously submitted evidence.

25. The Judicial Department informed the Appellant that the review hearing scheduled November 13, 2024, would need to be postponed and an additional Motion to Submit New Evidence would need to be ruled upon separately from the March 4, 2024 Motion to Submit New Evidence.

FIRST MOTION TO SUBMIT ADDITIONAL EVIDENCE

26. In addition to the Form 30 Request for Commission Review, on March 4, 2024, Appellant submitted a request to submit additional evidence to his Appeal. He included additional alleged "authenticated" videos recorded during his medical appointments, as well as additional emails from Dr. Tavel's office with Angela Buxton.

27. Pursuant to S.C. Code Ann. § 1-23-330, in contested cases, irrelevant, immaterial or unduly repetitious evidence shall be excluded. While the statute goes on to state *except in proceedings before the Industrial Commission* the rules of evidence as applied in civil cases in the court of common pleas shall be followed, the South Carolina Court of Appeals stated in *Cantrell v. Carolinas Recycling Group* that though the Rules of Evidence are not mandatory in workers' compensation proceedings, "*they serve as a guide in determining the authenticity* of documents relied on by the Appellate Panel. 2011 WL 11733620 1 (S.C. Ct. App. Mar. 29, 2011). The Appellate Court goes on to note that the question of authenticity rests with

the discretion of the single commissioner and Appellate panel. *Id.*

28. During the Single Commission Hearing on November 28, 2023, Appellant submitted audio/video submissions. The Single Commissioner found that Appellant's audio/video submission "were not authenticated with no way of knowing if those were the only conversations [Appellant] had with the physicians and their staff." Accordingly, the Single Commissioner gave the evidence little weight.

29. Again, Appellant submitted a video recording supposedly from his appointment with Dr. Girault titled "Girault 06-22-2023, only appointment." Also included is the video titled "Unanswered Subpoena Delivery to Dr. Gunter's Office" from September 28, 2023, and another video titled "Tavel dismissed me due to 'not being a good fit" from April 25, 2023. A version of this evidence was submitted into evidence by the Single Commissioner during the Hearing on November 28, 2023 for the narrow scope of contradicting Appellant's medical records. Appellant has now altered the videos to show the phone data documenting the date and time the recordings were made; however, this does not address the single Commissioner's concerns for authentication as the videos still do not show whether these were the only conversations the Appellant had with the physicians or their staff.

30. As this evidence was already reviewed and decided upon by the Single Commissioner for the narrow scope of contradicting Appellant's medical record, Respondents do not dispute this evidence being submitted for the Review Hearing. Respondents maintain that the evidence has not been authenticated, as determined by the Single Commissioner. Verifying the date or time that the videos were taken were not the concern that led to the ultimate decision that the evidence was afforded little weight, but rather that there is no way to determine whether additional discussions were made beyond the recordings to the physicians or their staff.

31. The video "Girault 06-22-2023, only appointment," depicts only a partial conversation presumably between Appellant, his girlfriend, and Dr. Girault, recorded without consent. Dr. Girault's face is not shown; however, Appellant discusses his claim, including how an attorney will not "dig" for his claim and won't have anything to do with it, that an attorney advised him to stop calling for pain medications because it makes Appellant look like a drug seeker, which is 'so unfair," and that Respondents knew they

had lied. His girlfriend specifically states, "we've been screaming please give us help. Please give us pain meds something." Respondents first assert that this video should be given little weight, as it is only a partial conversation and there is no indication that it has not been edited. Alternatively, should this panel find this video to be an accurate and full representation of Appellant's conversation with Dr. Girault, Respondents assert that it is evidence of drug seeking behavior. Further, Respondents assert that regardless of the conversation that occurred in Dr. Girault's office, she still dismissed Appellant from treatment and refused to further see him after this visit.

32. The video "Unanswered Subpoena Delivery to Dr. Gunter's office," depicts an unknown female, who is presumably Appellant's girlfriend, show 2 copies of a request for medical records. The female then hands an envelope with the subpoenas to an unknown front desk attendant. Candidly, Respondents are unaware of the evidentiary value of this video.

33. The video "Tavel dismissed me due to 'not being a good fit," depicts a phone call where no faces or proof of telephone number are shown. An unknown female does identify herself as calling from Dr. Tavel's office and informs Appellant that all future appointments have been cancelled because "they are not a good fit." Presumably, Appellant wishes to use this video as evidence that he was not dismissed due to aggressive behavior. Respondents first assert that Appellant's evidence should not be given much weight, as no faces or proof of telephone number are shown, so this could simply be an individual imitating Dr. Tavel's office employee on the phone. Second, should this panel find the video is an accurate representation of a phone call with Dr. Tavel's office, Respondents assert that Appellant's video evidence actually supports that he was actively obstructing examination during appointments with Dr. Tavel, as Dr. Tavel's office explicitly stated the necessity of Appellant being released from the practice.

34. The additional evidence included in Appellant's March 4, 2024 submission include emails from the Appellant and Dr. Tavel's office dating from May 15, 2023, to May 19, 2023. The correspondence includes a request from the Appellant as to his status at the Pain Specialists of Charleston as well as an inquiry into why his future appointments were cancelled.

35. Pursuant to S.C. Code Ann. Regs. 67-707, when additional evidence is *necessary* for the

completion of the record in a case on review, the Commission *may*, in its discretion, order such evidence taken before a Commissioner.

36. In *Harry Sims v.Evans & Sons Process Tank Co., Emp. & Legion Ins. Co.*, the Workers' Compensation Appellate Panel concluded that pursuant to S.C. Code Ann. Regs. 67-707, the only evidence which can be admitted before the Full Commission is additional and newly discovered evidence, which is defined as evidence which is not cumulative or impeaching, would likely have produced a different result at the first hearing and was not known to the moving party at the time of the first hearing and by reasonable diligence could not have been secured. No. 9803906, 1999 WL 33223933, 6 (S.C. Work. Comp. Comm. May 24, 1999).

37. Additionally, the Appellate Panel held that the Appellant has the burden of showing that the evidence sought to be introduced complies with the rule and has the burden of showing that any alleged new evidence is brought to the attention of the Commission immediately upon its discovery. *Harry Sims*, 1999 WL 33223933, 6.

38. S.C. Code Ann. Regs. 67-707(C) requires the Appellant to file an affidavit along with the Motion to Submit Additional Evidence stating that the evidence proposed to be included was not known to him and could have been discovered by reasonable diligence.

39. First and foremost, the purported evidence does not meet the standard required for new or additional evidence required in S.C. Code Ann. Regs. 67-707. Even should the evidence not be found cumulative or impeaching, the addition of several emails seeking why he was discharged from Dr. Tavel's facility does not change that he was released from Dr. Tavel's office due to his aggressive behavior. The proposed lack of communication from Dr. Tavel's office following the discharge has no bearing on the Appellant's prior constructive noncompliance. Accordingly, the email showing a lack of communication with the Appellant *after* he was discharged from care would not have proved a different result at the first hearing as it does not bear on Appellant's noncompliant behavior during his appointments.

40. In any event, Respondents fail to see why the above communications with Dr. Tavel's office are *necessary* for the completion of the record in this case. The proposed evidence does not contradict

the medical records submitted by the Respondents, nor do contradict the assertion that Appellant has been noncompliant throughout his workers' compensation claim.

41. Further, the Appellant would be unable to prove that the communications were unknown or not discoverable to him prior to the filing of the Motion on March 4, 2024, as these were direct communications with the Appellant himself and Dr. Tavel's office between the dates of May 15, 2023 to May 19, 2023. Accordingly, this evidence was available to the Appellant prior to the Single Commission Hearing on November 28, 2023, and should have been submitted for review prior to the Single Commission Hearing.

42. Furthermore, the Appellant's Motion to Submit Additional Evidence was not accompanied with an affidavit proving the evidence purported in the email with Dr. Tavel's office was not discoverable or known to him prior to the Single Commission Hearing on November 28, 2023. As such, the Motion was improperly submitted according to S.C. Code Ann. Regs. 67-707(C)(2)(c) in light of failing to submit the accompanying affidavit.

43. On April 8, 2024, the Motion Commissioner ordered the Motion to Submit Additional Evidence filed March 4, 2024 be ruled upon for the Hearing before the Full Commission.

44. Pursuant to S.C. Code Ann. Regs 67-707(C)(2)(c), an oral argument cannot be heard on the motion and the Commission must act upon the motion and issue an order before the review hearing is held.

45. In light of the above, Respondents respectfully request that Appellant's Motion to Submit Additional Evidence on March 4, 2024 be denied and decided on prior to the hearing before the panel without an oral argument pursuant to the Regulations.

SECOND MOTION TO SUBMIT ADDITIONAL EVIDENCE

46. On November 7, 2024, Appellant filed a second Motion for Additional Evidence to include the evidence submitted in the amended November 6, 2024 "Pre-Hearing Brief". Appellant noted all evidence submitted had been "authenticated" as per the requirement "implied" by the Single Commissioner's Decision and Order dated January 26, 2024.

could not be accessed by the Respondents nor the Judicial Department. Accordingly, the evidence was improperly served as Respondents were unable to review the evidence submitted.

49. On December 9, 2024, Respondents were served with Appellant's Motion to Submit Additional Evidence with access to view the accompanying Exhibits as previously described in Appellant's Exhibit list.

Exhibit 4a: Email – Inquiries to Dr. Tavel's office regarding the cancellation of [Appellant's] appointments

50. The Motion lists the new evidence presented includes Exhibit 4a, which includes the email chain with Dr. Tavel's office already included in Appellant's previous Motion for Additional Evidence on March 4, 2024. As such, this piece of evidence has already been addressed above.

Exhibit 4b: Email – Ms. Claudia Piechota claiming "aggressive actions"

51. Additionally addressed in the Motion as new evidence is Exhibit 4b which includes email with Defense Counsel claiming "aggressive actions." The emails included are date May 17, 2023, including correspondence from the Appellant and Defense Counsel in which the Appellant calls the defense counsel a "beginner/associate attorney." Appellant was then informed by defense counsel that Dr. Gunter and Dr. Tavel released him from care due to his aggressive actions towards staff and the doctors.

52. As previously stated, pursuant to S.C. Code Ann. Regs. 67-707, when additional evidence is *necessary* for the completion of the record in a case on review, the Commission *may*, in its discretion, order such evidence taken before a Commissioner. Additionally, pursuant to S.C. Code Ann. Regs. 67-707, the only evidence which can be admitted before the Full Commission is additional and newly discovered evidence, which is defined as evidence which is not cumulative or impeaching, would likely have produced a different result at the first hearing and was not known to the moving party at the time of the first hearing and by reasonable diligence could not have been secured. *Harry Sims*, 1999 WL 33223933, 6.

53. Again, Respondents fail to see how the presented email correspondence would be deemed necessary for completion for the record on review. The purported evidence was detailed in Respondent's previously submitted Motion to Limit Communications, which was included as evidence in the Single Commission Hearing. Should the evidence be found necessary to complete the record, Appellant again

would not be able to meet the standard put forth per S.C. Code Ann. Regs. 67-707 as the evidence is not newly discovered. The emails correspondence included the Appellant himself, meaning he had access to the correspondence on the date of the exchange, May 17, 2023. Accordingly, Exhibit 4b should have been previously submitted ***before*** the Single Commission Hearing on November 28, 2023.

54. Accordingly, Respondents request that Exhibit 4b be excluded from evidence for the review hearing before the panel as (1) it is unnecessary to complete the record as a whole, and (2) the evidence does not meet the standard for newly discovered evidence.

Exhibit 12a: Email – to Ms. Claudia Piechota, regarding missed appointment with Dr. Scott Boyd

55. The Motion to Submit Additional Evidence documents Exhibit 12a titled "Email-To Ms. Claudia, regarding missed appointment with Dr. Scott Boyd as new evidence to be submitted with Appellant's Amended "Pre-Hearing Brief." The email correspondence includes an email from the Appellant inquiring about his scheduled appointment with Dr. Boyd. This correspondence was included as part of Respondent's Exhibits from the Single Commission Hearing and is thus already in evidence for the panel's review.

56. Accordingly, Respondents request this that Exhibit 12a be excluded from evidence (1) as it is not required to complete the record as a whole seeing as the exchange is already in evidence and (2) it does not meet the standard for newly admitted evidence as it is duplicative.

Exhibit 13: Scanned Document – Regarding Compensation, Page 52, Line 19 of Deposition dated November 18, 2022

57. Also noted as new evidence is Exhibit 13 which includes a page from Appellant's deposition transcript. Appellant's deposition occurred November 18, 2022, while the Appellant was represented by his first attorney. Appellant highlights pg. 52, ll 19-20, when Defense Attorney asked how much Appellant's weekly worker's compensation benefits were made out for. He proceeds to answer "500-something."

58. Again, Respondents fail to see how the evidence presented is necessary to complete the record. Appellant is attempting to show the Defense Counsel was aware of his compensation rate at the

time of the deposition on November 18, 2022. First, Appellant did not give a proximate answer regarding his compensation rate but rather a vague "500-something." Second, the issue of whether Defense Counsel knew the rate of compensation at which Appellant was being paid temporary benefits does not weigh on whether the *calculation* of said compensation rate was correct. Respondents provided Appellant's payroll records to the Single Commissioner at the hearing on November 28, 2023 as well as their calculations to determine Appellant's compensation rate of $361.84.

59. Again, should the evidence be found necessary to complete the record, Appellant again would not be able to meet the standard put forth per S.C. Code Ann. Regs. 67-707 as the evidence is not newly discovered. Appellant's deposition took place on November 18, 2022. Appellant's previous attorney should have been afforded a copy of the deposition transcript following the deposition.

60. Accordingly, Respondents request that Exhibit 13 be excluded from evidence for the review hearing before the panel as (1) it is unnecessary to complete the record as a whole, and (2) the evidence does not meet the standard for newly discovered evidence.

Exhibit 14: Scanned Document – Order Relieving Counsel

61. Lastly, noted as new evidence is Exhibit 14 – "Order Relieving Counsel" which is the court order documenting the dismissal of Appellant's first attorney. The motion notes Defense Counsel stated Appellant has been relieved by two attorneys, noting that Appellant dismissed his first attorney due to personal reasons. The Order notes that the attorney was relieved as Appellant's counsel. Admittedly, the Respondents are unclear as to why the evidence is being admitted given that it in fact shows that Appellant's first attorney filed a Consent Order to be Relieved as Counsel for the Appellant.

62. In any event, Respondents cannot find a reason as to why the Exhibit 14 is necessary to complete the record as a whole, nor would the admission of this evidence obtain a different result as to whether the Appellant was non-compliant at the Single Commission Hearing. Appellant's representation status is not at issue.

63. Additionally, Exhibit 14 does not meet the standard per S.C. Code Ann. Regs. 67-707 as the evidence is not newly discovered. The Order Relieving Counsel was issued on February 1, 2023, well

before the date of the Single Commission Hearing on November 28, 2023.

64. Accordingly, Respondents request that Exhibit 14 be excluded from evidence for the review hearing before the panel as (1) it is unnecessary to complete the record as a whole, and (2) the evidence does not meet the standard for additional and newly discovered evidence.

65. Not included in Appellant's additional Motion to Submit Additional Evidence are Exhibit 1: Dr. Gundu's office notes discontinuing Steroid Injections; Exhibit 2: "Authenticated" video – appointment with Ms. Sydney Burrell PA-C, Pain Specialists of Columbia; Exhibit 3: "Authenticated" video – appointment with Dr. Edward Tavel, MD, Pain Specialists of Charleston; Exhibit 5: Email – Ms. Claudia Piechota's claim that Dr. Davis refuses to see me; Exhibit 6: Authenticated video – Dr. Samuel Davis, MD's office confirming I am an active patient; Exhibit 7: Authenticated Video – Delivery of Dr. Brett Gunter's subpoenas; Exhibit 8: Authenticated Video – Dr. Gisele Girault Appointment; Exhibit 9: Doctor's Notes – Dr. Brett Gunter's IME report; Exhibit 10: Doctor's Notes – Sydney Burrell, PA-C/Dr. Edward Tavel's Report; Exhibit 11: Doctor's Notes – Dr. Edward Tavel IME Report; and Exhibit 12: Scanned Document – Dr. Scott Boyd, MD – Notification of Missed Appointment.

Exhibit 1: Dr. Gundu's office notes discontinuing Steroid Injections

66. Appellant's proposed Exhibit 1 is a copy of Appellant's medical record from Dr. Gundu's office dated August 2, 2022. A copy of this medical narrative is already included within the evidence before the panel within Respondent's APAs for the Single Commission Hearing. Accordingly, the evidence should not be admitted through Appellant's Motion to Submit Additional Evidence as it is duplicative and does not meet the standard pursuant to S.C. Code Ann. Regs. 67-707.

67. Respondents request that Appellants Exhibit 1 not be admitted for review at the Appellate Panel Review Hearing (1) as it is not required to complete the record as a whole seeing as the exchange is already in evidence and (2) it does not meet the standard for additional and newly discovered evidence as it is duplicative.

Exhibit 2: "Authenticated" video – appointment with Ms. Sydney Burrell PA-C, Pain Specialists of Columbia

68. Appellant's proposed Exhibit 2 is a video recording of Appellant's visit with Dr. Tavel's staff on April 25, 2023, which has been recorded without Dr. Tavel or his staff's permission. The video does not show the face of the individual speaking and documents the Appellant becoming upset and raising his voice at Dr. Tavel's staff, as well as the Appellant attempting to direct his own medical care by demanding surgery and pain medication for treatment.

69. The video is "authenticated" by showing the video data which notes the date and time the recording was taken; however, as noted previously, it does not address the Single Commissioner's concern that there is no way to discern whether the entire interaction was captured.

70. Again, Respondent's maintain that the proposed evidence does not meet the standard for additional and newly discovered evidence. The video was captured and recorded on April 25, 2023 by the Appellant. Therefore, the video was in the Appellant's possession at the time of the Single Commission Hearing on November 28, 2023 and should have been submitted then. Should the evidence be admitted, Respondents maintain that the video should not be given much weight as it does not show the face of the individual speaking and does not address the Single Commissioner's concern that it cannot be determined that the video was not edited and captured the entire interaction between the Appellant and Dr. Tavel's staff.

71. Accordingly, Respondents request that Appellant's Exhibit 2 not be admitted as additional evidence before the review panel (1) it does not meet the standard for additional and newly discovered evidence as it was within the Appellant's possession at the time of the Single Commission Hearing, and (2) the video has not been authenticated.

Exhibit 3: "Authenticated" video – appointment with Dr. Edward Tavel, MD, Pain Specialists of Charleston

72. Appellant's proposed Exhibit 3 is a continuation of Appellant's visit at Dr. Tavel's office on April 25, 2023; however, the video secretly records Dr. Tavel as he attempts to calm the Appellant after he became irate over Dr. Tavel's recommendation for his course of treatment. The video begins as Dr. Tavel is mid-conversation and cuts off as the Appellant becomes increasingly more aggressive. The video is only 42 seconds long.

73. Similar to above, the video is "authenticated" by showing the video data which notes the date and time the recording was taken. It is clear from this video that the entire interaction was not captured, and it is unclear how the Appellant reacts once the recording ends and is thus not an accurate depiction of Appellant's full appointment with Dr. Tavel to prove that he was "compliant" as he so claims.

74. Just as above, Respondents request that Appellant's Exhibit 3 not be admitted as additional evidence before the review panel (1) it does not meet the standard for additional and newly discovered evidence as it was within the Appellant's possession at the time of the Single Commission Hearing, and (2) the video has not been authenticated. In the event that Exhibit 3 is admitted into evidence before the Review Panel, Respondents request the evidence be given little weight as determined by the Single Commissioner.

Exhibit 5: Email – Ms. Claudia Piechota's Claim that Dr. Davis Refuses to See [Appellant]

75. Appellant's proposed Exhibit 5 consists of correspondence from the Appellant demanding to be taken under the care of Dr. Davis, despite being notified by the Defense Counsel that Dr. Davis has refused to continue care. Correspondence goes on to demand that Respondents schedule Appellant for a neurology visit, which Respondents did with Dr. Boyd. The correspondence dates between June 12, 2023 to June 14, 2023.

76. Again, Respondents fail to see how the presented email correspondence would be deemed necessary for completion for the record on review. If anything, the correspondence from the Appellant demonstrates his continued harassing behavior towards the Respondents, sending multiple correspondence in a single day requesting correspondence by the end of the week; however, berating the Respondents prior to his self-set deadline. Respondent's do not contest that Appellant made multiple requests to direct his treatment of care and the correspondence does not prove to serve that Appellant was compliant during his the course of his medical treatment. Therefore, the evidence would not meet the standard for Additional and Newly Discovered Evidence as it does not bear on whether Claimant was compliant during his course of treatment and thus would not result in a different result.

77. Additionally, the correspondence does not meet the standard pursuant to S.C. Code Ann. Regs. 67-707 for Additional and Newly Discovered Evidence. Again, Exhibit 5 consists of correspondence

from the Appellant himself to Respondents, and thus would have been in his possession as of June 14, 2023. Therefore, the evidence should have been submitted prior to the Single Commission Hearing.

78. Accordingly, Respondents request that Exhibit 5 be excluded from evidence for the review hearing before the panel as (1) it is unnecessary to complete the record as a whole, and (2) the evidence does not meet the standard for Additional and Newly Discovered Evidence.

Exhibit 6: Authenticated video – Dr. Samuel Davis, MD's Office Confirming [Appellant is] an Active Patient

79. Appellant's proposed Exhibit 6 is a video recording the includes the text "authenticated" on the screen and again shows the video data confirming the recording was made on November 27, 2023. The video continues to show text edited onto the video presumably by the Appellant detailing his proposed argument at the upcoming Review Hearing. It proceeds to include the recording of a phone call with a Brittany from Palmetto Bone and Joint (without the speaker's permission to record); however, does not include any other form of identification to verify both individuals on the line. The woman speaking to the office introduces herself as the girlfriend of a patient of Dr. Davis and requests a reason as to why Dr. Davis has refused to see the patient. Brittany proceeds to state that the Appellant was an active patient and there was nothing more that Dr. Davis was able to provide him with at the time.

80. Similar to above, the video is "authenticated" by showing the video data which notes the date and time the recording was taken. Again, the date and time that the recording was completed was not the Single Commissioner's concern, but rather that there is no way to determine whether this was the only interaction the Appellant had with the physician's staff. This also goes to prove that the Appellant was in possession of the recording as of November 27, 2023, exactly one day prior to the Single Commission Hearing. Appellant proceeded to submit additional evidence at the Single Commission Hearing, despite Respondents' objections. It is unclear why this recording was not submitted at that time.

81. Furthermore, the proposed recording includes self-serving "evidence" which in reality is the Respondent's proposed argument for the upcoming review panel including allegations of defamation against the Respondents.

82. Accordingly, Respondents request that Appellant's Exhibit 6 not be admitted as additional evidence before the review panel as (1) it does not meet the standard for Additional and Newly Discovered Evidence as it was within the Appellant's possession at the time of the Single Commission Hearing, (2) the video has not been authenticated, and (3) the proposed exhibit include self-serving evidence. In the event Exhibit 6 is admitted for review at the panel hearing, Respondents request that the evidence be given little weight in light of the lack of authentication.

Exhibit 7: Authenticated Video – Delivery of Dr. Brett Gunter's Subpoenas

83. Exhibit 7 is a video of an individual delivering subpoenas to Dr. Gunter's office which was previously included in Appellant's Motion for Additional Evidence on March 4, 2024. As such, this piece of evidence has already been addressed above.

Exhibit 8: Authenticated Video – Dr. Gisele Girault Appointment

84. Exhibit 8 is a video of Appellant's doctor's appointment obtained without consent of Dr. Girault on June 22, 2023, previously included in Appellant's previous Motion for Additional Evidence on March 4, 2024. As such, this piece of evidence has already been addressed above.

Exhibit 9: Doctor's Notes – Dr. Brett Gunter's IME Report

85. Appellant's proposed Exhibit 9 includes the Independent Medical Evaluation completed by Dr. Gunter on January 6, 2023. A copy of this report was already submitted into evidence in the Respondent's APAs before the Single Commission Hearing. Accordingly, this proposed Exhibit is already in evidence before review by the panel.

86. Accordingly, Respondents request that Appellants Exhibit 9 not be admitted for review at the Appellate Panel Review Hearing (1) as it is not required to complete the record as a whole seeing as the record is already in evidence and (2) it does not meet the standard for Additional and Newly Discovered Evidence as it is duplicative.

Exhibit 10: Doctor's Notes – Sydney Burrell, PA-C/Dr. Edward Tavel's Report

87. Appellant's proposed Exhibit 10 includes the office narrative from the Pain Specialists of Charleston dated April 25, 2023. A copy of this report was already submitted into evidence in the

Respondent's APAs before the Single Commission Hearing. Accordingly, this proposed Exhibit is already in evidence for review by the panel.

88. Accordingly, Respondents request that Appellants Exhibit 10 not be admitted for review at the Appellate Panel Review Hearing (1) as it is not required to complete the record as a whole seeing as the record is already in evidence and (2) it does not meet the standard for Additional and Newly Discovered Evidence as it is duplicative.

Exhibit 11: Doctor's Notes – Dr. Edward Tavel IME Report

89. Appellant's proposed Exhibit 11 is the Independent Medical Evaluation completed by Dr. Tavel on February 14, 2023. This report was submitted into evidence in the Respondent's APAs before the Single Commission Hearing. Accordingly, this proposed Exhibit is already in evidence for review by the panel.

90. Accordingly, Respondents request that Appellants Exhibit 11 not be admitted for review at the Appellate Panel Review Hearing (1) as it is not required to complete the record as a whole seeing as the record is already in evidence and (2) it does not meet the standard for Additional and Newly Discovered Evidence as it is duplicative.

Exhibit 12: Scanned Document – Dr. Scott Boyd, MD – Notification of Missed Appointment

91. Appellant's proposed Exhibit 12 consists of a notification from the Lexington Brain and Spine Institute documenting his missed appointment with Dr. Boyd on September 21, 2023. This correspondence was included in the Appellant's APAs before the Single Commission Hearing. Accordingly, this proposed Exhibit is already in evidence for review by the panel.

92. Accordingly, Respondents request that Appellants Exhibit 11 not be admitted for review at the Appellate Panel Review Hearing (1) as it is not required to complete the record as a whole seeing as the record is already in evidence and (2) it does not meet the standard for Additional and Newly Discovered Evidence as it is duplicative.

CONCLUSION

93. Time and time again, the Appellant has shown a clear disregard for the Worker's

Compensation System. At the Single Commission Hearing, the Appellant attempted to proceed with trial by ambush in submitting multiple exhibits into evidence at the hearing, which was admitted despite the Respondent's objection. Now, in addition to the previously admitted evidence, Appellant has once again attempted to submit additional evidence despite having said evidence in his possession at the time of the Single Commission Hearing. Not one of the proposed exhibits from either of the Appellant's Motion to Submit Additional Evidence is required to complete the record as a whole, nor does it meet the standard for Additional and Newly Discovered Evidence as so required by S.C. Code Ann. Regs. 67-707. Each piece of evidence submitted was in Appellant's possession at the time of the Single Commission Hearing and should have been submitted at that time. Additionally, the proposed evidence would not have resulted in a different result at the Single Commission Hearing as it does not address Appellant's non-compliance or compensation rate calculation. Lastly, Appellant has failed to satisfy S.C. Code Ann. Regs. 67-707(C)(2) by submitting an accompanying affidavit with his Motions to Submit Additional Evidence stating that the evidence could not have been secured prior to the time of the first hearing, namely, because he would have been unable to do so as evidenced above. Appellant's lack of preparation and incompetence has required the Respondents to continue to pay unnecessary litigation expenses due to numerous postponements from the originally scheduled Appellate Review Hearing on May 20, 2024 to September 16, 2024, November 12, 2024, to the now scheduled hearing on January 13, 2025, after having already pushed back the Single Commission Hearing to allow for additional time to seek counsel, only to proceed *Pro Se*.

94. It is also the Respondents position that Appellant's "Amended Pre-Hearing Brief" be excluded from evidence. The Amended Pre-Hearing Brief is essentially the Appellant's proposed oral argument to be heard before the Commission Panel. The "Brief" contains seven pages worth of self-serving statements. Appellant's informal brief is satisfied by completing the Form 59 Informal Brief which was received by the Respondent's on April 23, 2024. Accordingly, Respondents request that the "Amended Pre-Hearing Brief" dated November 5, 2024, also be addressed in Appellant's Motion to Submit Additional Evidence and be denied admission.

95. Respondents would also like to note that allowing videos/recordings made at doctor's

appointments without the physician or their staff's consent into the record may encourage others to also secretly record appointments. This encourages a much larger privacy concern for physicians alike. Accordingly, Respondents request that the videos/recordings captured without the consent of the individuals in said recordings be excluded from evidence.

96. In conclusion, Respondents request that Appellant's Motion to Submit Additional Evidence submitted March 4, 2024, "Amended Pre-Hearing Brief" dated November 5, 2024, and Second Motion to Submit Additional Evidence submitted November 7, 2024 be denied.

97. Additionally, pursuant to S.C. Code Ann. Regs 67-707(C)(2)(c), an oral argument cannot be heard on the motion and the Commission must act upon the motion and issue an order before the review hearing is held. Respondents request that the decision on whether to admit to additional proposed evidence be determined prior to the scheduled Review Panel Hearing.

WHEREFORE, Defendants respectfully request that the Appellant's Motion to Submit Additional Evidence submitted March 4, 2024, "Amended Pre-Hearing Brief" dated November 5, 2024, and Second Motion to Submit Additional Evidence submitted November 7, 2024 be denied and that the Motion Hearing be reviewed on the record.

Respectfully submitted,

Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN & PRICKETT, LLC
945 Houston Northcutt Blvd.
Mount Pleasant, SC 29646
Tel: (843) 310-0485
Fax: (843) 589-9000

ATTORNEY FOR DEFENDANTS

Mount Pleasant, South Carolina.
December 17, 2024

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Claimant, vs. TRACTOR SUPPLY COMPANY, Employer, and STARR SPECIALTY INSURANCE COMPANY, Carrier, Defendants.	**CERTIFICATE OF SERVICE**

The undersigned certifies that they are an employee of HOLDER PADGETT LITTLEJOHN + PRICKETT, and that they have served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Law of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed and/or emailed to:

TO:	Walter Hoover, Jr. 6194 Dogwalla Road Whitmire, SC 29178
TO:	Amy Bracy, Judicial Director S.C. Workers' Compensation Commission Post Office Box 1715 Columbia, South Carolina 29202-1715
DOCUMENT:	Defendant's Response to Motion to Include Additional Evidence
DATE OF MAILING:	December 17, 2024

Jennifer R Vanscyoc
Paralegal

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Walter R. Hoover, Jr., Appellant
v.
Tractor Supply Company, Employer, and
Starr Specialty Insurance Company, Carrier, Respondents

Appellate Case No. 2025-001248

RECORD ON APPEAL

VOLUME II OF II

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Claudia J. Piechota

Reply to: Charleston
office: **(843) 310-0485**
fax: **(843) 589-9000**
cpiechota@hplplaw.com

December 20, 2024

Amy Bracy, Judicial Director
S. C. Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

Re: Walter Hoover v. Tractor Supply Company - 004169-065746-WC-01
WCC File No.: 2207041 - Date of Accident: May 25, 2022
Carrier: Starr Specialty Insurance Company - Claim No.: 004169-065746-WC-01
HPLP File No.: 4240.00034

Dear Ms. Bracy:

Enclosed please find the Original and 2 copies of Defendants' Motion for Appellate Review Hearing to be Reviewed on the Record for filing in the above-referenced matter. Also enclosed is our firm's check in the amount of $50.00 for payment of the Commission's filing fee.

By copy of this letter, we are serving the same upon the Claimant.

If you have any questions, or if you need further assistance from us, please do not hesitate to call.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

Claudia J. Piechota

10832
OF

CJP/jrv
Enclosures
cc: Walter Hoover, Jr., Pro Se Claimant

SCWCC
DEC 23 2024
JUDICIAL
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BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Appellant, vs. TRACTOR SUPPLY COMPANY, Employer, AND STARR SPECIALTY INSURANCE COMPANY, Carrier, Respondents.	**RESPONDENTS' MOTION FOR APPELLATE REVIEW HEARING TO BE REVIEWED ON THE RECORD**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND, PRO SE APPELLANT, MR. WALTER HOOVER:

Tractor Supply Company and Starr Specialty Insurance Company, ("Respondents"), by and through their undersigned legal counsel, hereby move pursuant to South Carolina Code of Regulations R.67-708 for the review hearing scheduled before the Workers' Compensation Panel, January 13, 2025, based on the following grounds:

1. The South Carolina Workers' Compensation Commission has jurisdiction over the parties and subject matter of the claim.

2. Pursuant to his Form 30, *Request for Commission Review*, filed March 4, 2024, Appellant requests a review of the Single Commissioner's findings following the Single Commission Hearing on November 28, 2023.

3. By way of background, on May 11, 2023, Respondents requested a Form 21 Hearing to address suspension, termination, or reduction of temporary disability payments for cause, to assert an overpayment of temporary total disability benefits, and to request a reduction to the correct compensation rate per wage records of $361.84.

4. Appellant, Walter Hoover, requested a Form 50 Hearing on May 16, 2023, to determine whether he was entitled to additional benefits under the Act.

5. The hearing was originally set for July 27, 2023; however, the hearing was postponed to allow Appellant opportunity to obtain counsel to represent his interests, as his two prior attorneys were relieved as counsel. On November 28, 2023, Appellant voluntarily elected to proceed with the hearing *pro se*.

6. Following the November 28, 2023, hearing, the Single Commissioner issued his Decision and Order on February 14, 2024, ordering (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Respondents and purposefully acted belligerently; (3) Respondents were entitled to terminate all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim through medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of TTD benefits during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023.

7. Appellant's appeal of the Single Commissioner's Order allegedly timely followed, solely because Appellant alleged that he did not receive the initial copy of the signed Decision and Order sent via U.S mail from the Commission. The Commission then forwarded a second copy, extending his appeal deadline.

8. Appellant filed a Form 30 Request for Commission Review on March 4, 2024, that did not comply with the required regulations pursuant to Regulation 67-701(3)(a)-(b) [Exh. A].

9. That same day, March 4, 2024, Appellant submitted a request to submit additional evidence to his Appeal. He included additional "authenticated" videos recorded during his medical appointments, as well as additional emails from Dr. Tavel's office with Angela Buxton.

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10. Accordingly, a Form 31 Briefing Schedule and Notice of Appellate Hearing was issued on March 19, 2024, from the Workers' Compensation Commission, plainly documenting the filing date for Appellant's Brief due on April 18, 2024, and the Appellant Hearing scheduled for May 20, 2024.

11. On April 8, 2024, the Motion Commissioner issued an Order that Appellant's Motion for additional evidence would be preserved for a Hearing before the Full Commission [Exh. B].

12. As of April 18, 2024, Respondents had yet to receive a Pre-Hearing Brief from Claimant.

13. Accordingly, on May 2, 2024, 13 days after Appellant's filing deadline, Respondents respectfully requested the Judicial Department remove the review hearing from the docket by issuance an administrative order dismissing the appeal pursuant to S.C. Code Ann. Regs. 67-705(H)(3). Pursuant to that request, the Judicial Department dismissed the appeal due to untimely filing of the Appellant's Brief [Exh. C].

14. On May 6, 2024, Respondents were served by the Commission with what was Claimant alleged Motion to Reinstate his claim. The request read, "I am submitting Form 59 late. I read the Notice of Appellate Hearing incorrectly regarding the due date. Please accept my apologize for misunderstanding and consider this request to continue my claim." [Exh. D].

15. Respondents filed a response to Appellant's Motion to Reinstate on May 16, 2024, requesting the Commission to deny Appellant's Motion in light of his flagrant disregard of the Workers' Compensation System as well as the Appellate Process [Exh. E].

16. On May 20, 2024, the Motion Commissioner granted Appellant's Motion to Reinstate his claim. In light of the improper filing of Appellant's Brief and the granting of the Motion to Reinstate, the May 20, 2024 Review Hearing was reset to September 16, 2024 [Exh. F].

17. Respondents were served with Appellant's Form 59 Informal Brief on May 23, 2024, which states that the Single Commissioner failed to consider important reasons for aware of compensation because "all evidence submitted was an accurate depiction of appointments, appointment dates, and appointment times mentions." Next, the Single Commissioner incorrectly decided the facts because "all facts/evidence submitted should be reconsidered as adequate evidence was submitted for the initial

hearing." Appellant requested specific action from the Commission to "reinstate [his] benefits/compensation and ensure prompt medical care is given, to include all injuries mentioned from the date of injury to current.

18. On September 9, 2024, Appellant submitted his Pre-Hearing Brief for the Reset Review Hearing on September 16, 2024. The Pre-Hearing Brief included additional video evidence allegedly from his appointments with Dr. Tavel, a recording of a phone call with Dr. Tavel's office, a recording of a phone call with Palmetto Bone and Joint, a recording regarding subpoenas sent to Dr. Gunter, a recording of his appointment with Dr. Girault, email correspondence with Defense Counsel, and a copy of his missed appointment with Dr. Boyd. Appellant was informed that the Judicial Department was unable to accept Appellant's additional evidence as a part of his Pre-Hearing Brief to the Appellate Panel and would need to request the review of additional evidence via Motion.

19. On September 11, 2024, Appellant requested the September 16, 2024 Review Hearing be pulled from the docket. [Exh. G].

20. The hearing was reset to November 12, 2024 [Exh. H]. It was later postponed to November 13, 2024, by the Commission [Exh. H, Exh. I].

21. On November 6, 2024, Appellant filed an Amended Pre-Hearing Brief which, again, included additional evidence from the already submitted new evidence on September 9, 2024. The new evidence included email correspondence between Appellant and Dr. Tavel's office, email correspondence between Defense Counsel and Appellant, a notification of Appellant's missed appointment with Dr. Boyd, a copy of Appellant's deposition, and an order relieving Appellant's counsel in January of 2023. Appellant was informed by the Judicial Department that the only evidence that would be reviewed by the panel at the Review Hearing was the evidence submitted in his first Motion to Submit Additional Evidence on March 4, 2024. He was informed that if he intended to submit evidence different to the evidence submitted on March 4, 2024, he would need to file a new motion, and the current hearing would need to once again be

postponed [Exh. J].

22. Appellant responded to the Judicial Department that he wanted to proceed [Exh. J].

23. Yet again, the Judicial Department informed the Appellant that the review hearing scheduled November 13, 2024, would need to be postponed if he wanted to include additional evidence [Exh. J].

24. Appellant requested that all of the evidence included in the March 4, 2024 Motion and the evidence from the Amended Pre-Hearing brief be submitted [Exh. J].

25. On November 7, 2024, Appellant filed a Motion for Additional Evidence to include the evidence submitted in the November 6, 2024 Pre-Hearing Brief [Exh. K].

26. In light of the recent Motion for Additional Evidence filed by the Appellant, the Review Hearing was postponed for the *third time* to January 13, 2025. Please note the postponement from November 12, 2023 to November 13. 2023 is *not* included. Due to the Appellant's actions, the following Full Commission Hearing dates have been postponed: May 20, 2024, September 16, 2024, and November 13, 2024.

27. S.C. Code Ann. Regs. 67-708(C) states that when the appellant has caused postponement of a review hearing ***two*** times, the appellant's request for oral argument is ***deemed waived.*** The case may be reviewed on the record.

28. The Appellant has been informed on numerous occasions that attempting to include additional evidence will cause a postponement. Despite this, he has intentionally continued to delay the Full Commission Hearing on three separate occasions.

29. Per South Carolina Regulations R.67-708, Appellant has waived his request for oral argument. Accordingly, Respondents request that the Full Commission Review Hearing be removed from the docket and reviewed on the record.

WHEREFORE, Defendants respectfully request that the Motion for the Appellate Review Hearing to be Reviewed on the Record be granted.

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Respectfully submitted,



Claudia J. Piechota
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Mount Pleasant, SC 29646
Tel: (843) 310-0485
Fax: (843) 589-9000

ATTORNEY FOR DEFENDANTS

Mount Pleasant, South Carolina. December 19, 2024

Exhibit A

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
803-737-5675 www.wcc.sc.gov

WCC File #: 2207041
Carrier File #:
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter R. Hoover, Jr. SSN: 247-29-5421
Address: 6194 Dogwood Rd.
City: Whitmire State: SC Zip: 29178
Home Phone: (803)394-3047 Work Phone: ( ) -

Employer's Name:
Address:
City: State: Zip:
Insurance Carrier:

Preparer's Name: Law Firm: Preparer's Phone #: ( ) -

REQUEST FOR COMMISSION REVIEW

Request for Commission Review by ☒ Claimant ☐ Employer (check one) Date of Injury or Illness: 05/25/22 (m/d/yyyy)

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

2. Authentication of photos/videos is not required by SC Workers Compensation Law.
3. Videos presented are an accurate representation of my drs visits when called "combative" etc.
4. I took steroids on July 12th, 2023 - noted by Dr. Gundlu, I had an allergic reaction. I am and have been compliant. I am allergic, not non-compliant.
5. I have not abandoned my claim. I had a great visit with Dr. Boyd (Neurologist), instead of steroids, on 11/13/2023

(Check one) Oral argument ☒ is ☐ is not requested. Appellant's request for oral argument is waived if not indicated on this form.
I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to SC WCC
address 1333 Main Street, Ste 105 Columbia SC 29201 on the 11 day of Jan 2024
by ☐ first class postage ☐ certified mail ☒ personal service ☐ electronic service

Walter R Hoover Jr. — Preparer's Signature
Claimant — Title
whoover@gmail.com — Email
01/10/24 — Date

Check this box if you are not represented by an attorney ☑

Questions about the use of this form should be directed to the Judicial Department at 803.737.5675 or appeals@wcc.sc.gov.

RECEIVED

If the claimant appeals and is not represented by counsel, the Judicial Department will properly serve this form pursuant to Reg. 67-607 C. Pursuant to Reg. 67-205 and Reg. 701, the appeal must be postmarked no later than 14 days from the date of service of the Decision and Order of the Hearing Commissioner along with the filing fee. Attach a Form 82, if you are unable to pay the filing fee. Refer to Reg. 67-211 and Reg. 67-701 through 711.

he offered RFA and/or Spinal Fusion. I am interested in either.

6. I request that the evidence be revaluated and my claim reinstated.
7. I deny any claim of non-compliance.
8. I have no argument regarding my Compensation Rate.
9. I am arguing this decision due to multiple, unexplained changes in my compensation rate.

Walter K Hoover Jr 1-10-24

Exhibit B

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041
Carrier File #:
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter R. Hoover
Address:
City: State: Zip:
Home Phone: ( ) - Work Phone: ( ) -
Preparer's Name: Law Firm:

Employer's Name: Tractor Supply Company
Address:
City: State: Zip:
Insurance Carrier:
Preparer's Phone #: ( ) -

THIS MATTER was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference. The Commissioners considered the matter and ordered the matter handled in the following manner:

I. DISPOSITION

☐ **Administrative Appeal.** This action came before the Commission on Appeal of an Administrative Order. The appeal is:
- ☐ Dismissed as Interlocutory
- ☐ Set for Oral Argument before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.

See Section II for additional information.

☒ **Motion**

This action came before the Commission on a motion. The pending motion is:
- ☐ Granted
- ☐ Denied
- ☐ Dismissed
- ☐ Remanded for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
- ☒ Preserved for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☒ Full Commission.
- ☐ Other

See Section II for additional information.

☐ **Appeal.** This action came before the Commission on Appeal from a Single Commissioner Decision & Order. The issues have been heard and a decision rendered. See Section II for additional information. This matter is hereby:

☐ Remanded to take such action and enter an Order consistent with the Commissions' directive. *(CHECK APPLICABLE BOX)*:

☐ Remanded to the Panel as indicated below

_____Barden	_____James	_____Taylor
_____Beck	_____Campbell	_____Wilkerson
	_____McCaskill	

☐ Remanded to the Hearing Commissioner
☐ Remanded to the Jurisdictional Commissioner
☐ Other: _____
☐ Oral Argument to be held by the ☐ Panel or ☐ En Banc

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IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Commission:

II. ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT

This action came to trial or hearing before the Commission. The issues have been heard and a decision rendered.

AND IT IS SO ORDERED.

T. Scott Beck, Chairman
For the Commission

Columbia, South Carolina

4/8/24 Date

CONCURRING:	**NOT PARTICIPATING:**	**DISSENTING:**
Commissioner T. Scott Beck		
Commissioner Cindy Dooley		
Commissioner Melody James		
Commissioner Aisha Taylor		
Commissioner Avery Wilkerson		
Commissioner Michael Campbell	X	
Commissioner Gene McCaskill		

III. CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE-ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPYHEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL

This 8 **day of** April **, 2024.**

By: Valerie D Dellen
SCWCC Judicial Department

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2207041 WALTER HOOVER V TRACTOR SUPPLY COMPANY

Judicial Conference Order

Served via E-Mail:	

Order Served via USPS:

Walter R. Hoover, Claimant
6194 Dogwalla Road
Whitmire, SC 29178

Claudia Plechota, Esquire
Holder Padgett Littlejohn & Prickett LLC
945 Houston Northcutt Blvd.
Mt. Pleasant, SC 29464

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

April 8, 2024

By: Valerie D. Deller, Judicial Department

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Exhibit C

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041

Date of Injury: 05/25/2022

ADMINISTRATIVE ORDER

WALTER HOOVER v. TRACTOR SUPPLY COMPANY
WCC File No: 2207041

The Request for Commission Review in the above captioned case is dismissed. The appellant brief was due on or before April 18, 2024. Brief not timely filed pursuant to R.67-705 H(3).

Amy A. Bracy
Judicial Director

Date: May 2, 2024

CERTIFICATE OF SERVICE

I hereby certify on May 2, 2024, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

WALTER HOOVER
6194 DOGWALLA Road
Whitmire, SC 29178

TRACTOR SUPPLY COMPANY
2808 MAIN STREET
NEWBERRY, SC 29108

Claudia Piechota
Holder Padgett Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464

By: Eugenia C. Hollmon, Judicial Department

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Exhibit D

Re: Walter R Hoover, Jr
WCC File#: 2207041

Dear SC Workers Compensation
Comission,

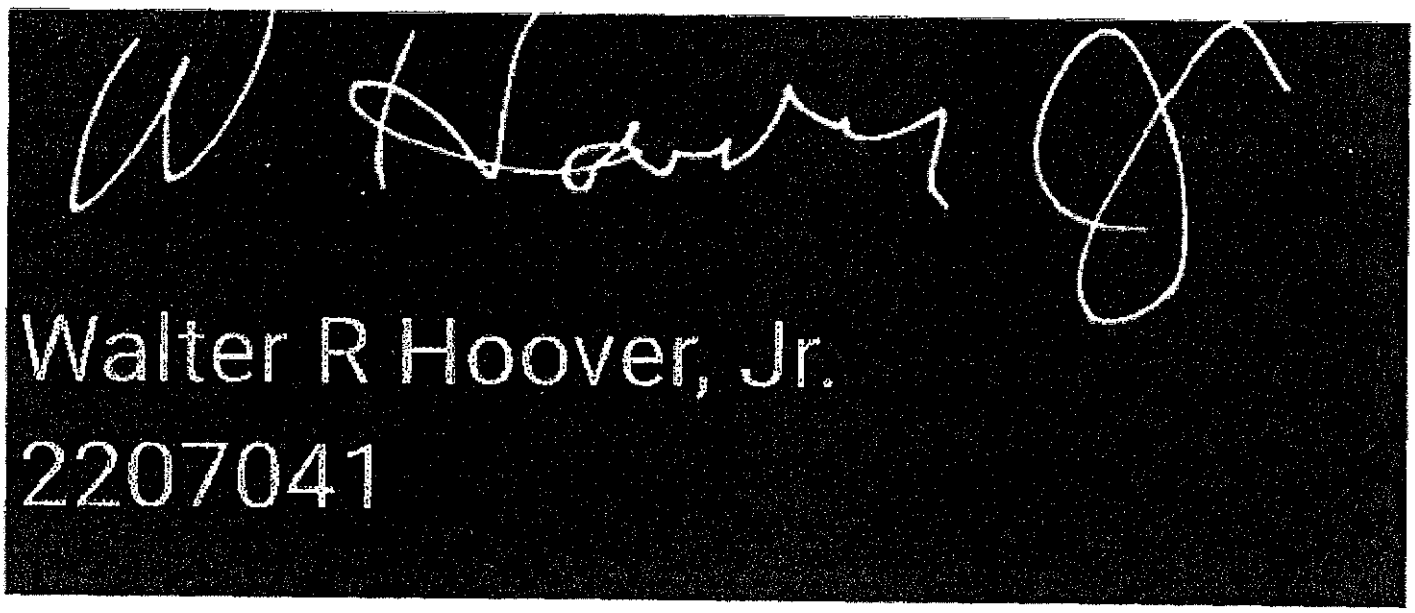
I am submitting Form 59 late. I a
I read the Notice of Apellate Hear
incorrectly regarding the due date

Please accept my apologizes for
misunderstanding and consider t
request to continue my claim.

04/29/2024

pologize.
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the
his as my



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Exhibit E

BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Appellant, vs. TRACTOR SUPPLY COMPANY, Employer, AND STARR SPECIALTY INSURANCE COMPANY, Carrier, Respondents.	**RESPONDENTS' RESPONSE TO APPELLANT'S MOTION TO REINSTATE**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND, PRO SE APPELLANT, MR. WALTER HOOVER

Tractor Supply Company and Starr Specialty Insurance Company, ("Respondents"), by and through their undersigned legal counsel, hereby file this Response to Appellant's Motion to Reinstate, dated April 29, 2024, and served upon Respondents by the Workers' Compensation Commission on May 6, 2024, according to the following:

1. The South Carolina Workers' Compensation Commission has jurisdiction over the parties and subject matter of the claim.
2. By way of background, on May 11, 2023, Respondents requested a Form 21 Hearing to address suspension, termination, or reduction of temporary disability payments for cause, to assert an overpayment of temporary total disability benefits, and to request a reduction to the correct compensation rate per wage records of $361.84.
3. Appellant, Mr. Walter Hoover, requested a Form 50 Hearing on May 16, 2023, to determine whether he was entitled to additional benefits under the Act.

4. The hearing was originally set for July 27, 2023; however, the hearing was postponed in order to allow Appellant opportunity to obtain counsel to represent his interests, as his two prior attorneys filed motions to be relieved as counsel, which were both granted by the Commission. On November 28, 2023, Appellant voluntarily elected to proceed with the hearing *pro se*.

5. Following the November 28, 2023, hearing, the Single Commissioner issued his Decision and Order on February 14, 2024, ordering (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Respondents and purposefully acted belligerently; (3) Respondents were entitled to terminate all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim through medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of TTD benefits during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023.

6. Appellant's appeal of the Single Commissioner's Order allegedly timely followed, solely because Appellant alleged that he did not receive the initial copy of the signed Decision and Order sent via U.S mail from the Commission. The Commission then forwarded a second copy, extending his appeal deadline.

7. Though the appeal may have been timely filed, Appellant's Form 30 Request for Appellate Review did *not* comply with the required regulations, as Regulation 67-701(3)(a)-(b) requires "the grounds for appeal be set out in detail on the Form 30 in the form of questions presented; each question presented must be concise and concern one finding of fact, conclusion of law, or other proposition the appellant believes is in error; and references to evidence must be by

title and exhibit number. Appellant's Request for Appellate review, attached as Exhibit A, clearly does not follow the requirements of the regulation.

8. Respondents first assert that Appellant's Motion to Reinstate his claim should be denied for failure to follow regulatory requirements in filing his Form 30 Request for Appellate Review.

9. Despite Appellant's failure to follow regulatory guidelines in his Form 30 Request for Appellate Review, Respondents received a Form 31 Notice of Appellate Hearing on March 19, 2024, which scheduled the appellate hearing for May 20, 2024. The hearing notice *very clearly* required Appellant to file his appellant brief by April 18, 2024.

10. By May 2, 2024, 13 days after Appellant's filing deadline, Respondents had yet to be served with a brief filed by Appellant. Since the parties had not entered into any agreement of any kind pursuant to Regulation 67-705(H) extending the time for filing with the Judicial Department prior to the filing date, Respondents believed Appellant had never filed an appellant brief. Accordingly, Respondents prepared correspondence to the Commission detailing their position that Regulation 67-705(A) *required* Appellant to file a brief including a statement of the case, questions presented, argument, and conclusion by or on April 18, 2024. Since Appellant had apparently not done so, Respondents respectfully requested the Judicial Department remove the case from the review hearing docket by issuing an administrative order dismissing the appeal. (Exhibit B).

11. The Judicial Department removed the case from the review hearing docket on May 2, 2024, by issuing an administrative order dismissing the appeal pursuant to South Carolina Code Regulation 67-705(H)(3), as requested by Respondents.

12. On May 6, 2024, Respondents were served by the Commission with what is allegedly Appellant's Motion to Reinstate his claim. His request reads, "I am submitting Form 59 late. I read the Notice of Appellate Hearing incorrectly regarding the due date. Please accept my apologize for misunderstanding and consider this request to continue my claim." (Exhibit C).

13. Pursuant to South Carolina Regulation 67-705 (H)(4), "an appeal administratively dismissed by the Judicial Department *may* be reinstated for a good cause upon motion to the commission" (emphasis added). The Commission should "soundly apply the principle of 'good cause' to the facts and circumstances before it." Morris v. BB&T Corp., 885 S.E.2d 394, 398 (2023).

14. Respondents candidly admit that the Court of Appeals of South Carolina has on rare occasion agreed that calendar mistakes leading to missed deadlines have been considered good cause for reinstatement. For example, in the case of *Columbia Pools, Inc. v Galvin*, the Court of Appeals found there was good cause reason to set aside a default judgement because the answer was received one day late. Columbia Pools, Inc. v. Galvin, 339 S.E.2d 524, 525 (Ct. App. 1986). Another case, *Jordan v. Hartford Financial Group, Inc.*, permitted reinstatement of an appeal seeking to enforce a lien against settlement because counsel's paralegal mistakenly believed they were the respondents in the case rather than the appellant, and calendared the brief due date wrong. Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400, 403 (Ct. App. 2021).

15. While at first glance it may appear as though missing a court deadline is an acceptable error that warrants reinstatement of appeal, that is a grievously mistaken view of the opinion of the South Carolina Court of Appeals. To be clear - the Court of Appeals specifically stated that "rules are rules, and due dates matter," and "miscalendaring is *not* always good cause." Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400, 403 (Ct. App. 2021) (emphasis added).

16. Though the *Columbia Pools* and *Jordan* court did ultimately reinstate an appeal request, they were very clear that to warrant relief, there must be **no evidence of blatant and willful disregard** for the judicial system in the record. The *Jordan* court elaborated upon the *Columbia Pools* court's reasoning, stating the court found basis for relief for a party who missed a deadline by 24 hours because the party made a "good faith mistake of fact" *and* made "no attempt to thwart the judicial system." Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400,

403 (Ct. App. 2021). The *Jordan* court went on to express concern with the idea that solely technicalities could keep a party out of court, stating that the practice of law was challenging enough without "overbearing enforcement of technicalities when prejudice is absent from the scene." Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400, 403 (Ct. App. 2021). To summarize, while the Court of Appeals may opine that honest mistakes may not keep a party from being heard, any effort to "thwart the justice system" will, which is to be determined by evaluating the specific facts of the case.

17. Respondents contend that Appellant's incorrect reading of the filing date on the Form 31, which stated, "Filing Date for Appellant's Brief: April 18, 2024," does not constitute good cause reason for reinstatement of the claim in this case due to overwhelming evidence of efforts to thwart the judicial system and prejudice the parties involved in this workers' compensation claim. Throughout the entire claim process, Appellant has had **a blatant and willful disregard for the workers' compensation system,** detailed below.

18. For example, after sustaining an admitted injury by accident to the low back arising out of an in the course and scope of his employment, Appellant underwent medical treatment authorized and provided by Respondents in this case, including imaging, injections, physical therapy, dry needling, and evaluations by multiple specialists including pain management providers and neurologists. During that time, Appellant repeatedly attempted to control his own treatment, despite the fact that he is admittedly not a medical professional, and he continuously frustrated the efforts of the authorized treatment providers by purposefully acting belligerently both in office and through communications with physicians and their staff, as well as towards his assigned nurse case manager.

19. Specifically, records from Southeastern Spine Institute, Lexington Medical Center, Palmetto Bone & Joint, Drayer Physical Therapy, South Carolina Internal Medicine LLC, ImageCare Associates LLC; MUSC Columbia Neurosurgery; and Pain Specialists of Charleston P.A detail Respondents tireless efforts to provide medical treatment for Appellant. Notably,

specific records from three different providers, Dr. Gunter, Dr. Tavel, and Dr. Girault, all document Appellant's release from care or refusal for continued treatment of Appellant due to his belligerent behavior towards the physicians and their staff. On February 14, 2023, Dr. Tavel estimated Appellant would reach MMI in three to six months. (Exhibit D, p. 90.) A few weeks later, on April 25, 2023, Appellant attempted to control his medical treatment in stating he was only interested in moving forward with surgical intervention, though no doctor had determined that to be the appropriate plan of action at that time. (Exhibit D, p. 102.) On May 9, 2023, Respondents received an email from Gallagher Bassetts Field Case Manager, Kimberly Adams, detailing that due to Appellant's aggressive behavior and threats made to the Nurse Case Manager, Randi Walle, the claim must switch to a Telephonic Nurse Case Manager. She additionally noted that Appellant had been released by both Dr. Gunter and Dr. Tavel due to making threatening calls to their office. On May 11, 2023, Dr. Tavel's office confirmed and notified Respondents that they would be releasing Appellant from the practice due to his aggressive behavior. (Exhibit D, p. 93.)

20. To detail Appellant's behavior towards Dr. Gunter, on February 28, 2023, Appellant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a "b****" and a "hag" and threatened to come into their office and "let them have it" because he wanted pain medication. (Exhibit D, p. 91.) Interestingly, Appellant testified at the hearing that he was a bartender for 27 years and "partied on three continents on this earth," so if "[he] want[ed] drugs [he] can get drugs." (Exhibit E, p. 29, line 11-14.) On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Appellant's care, as there appeared to be too much discord within the relationship between the practice and Appellant. (Exhibit D, p. 92.) Dr. Gunter went on to say that Appellant left abruptly after hearing the news; however, he discussed Appellant's dismissal with the young lady present, who asked if Dr. Gunter could refer Appellant to Southeastern Spine Institute,

again in attempt to control medical treatment. (Exhibit D, p. 92.) When asked under oath at the hearing if Appellant went to Dr. Gunter's office on March 6, 2023, with "specific instructions as to what type of treatment he wanted," he answered, "I did." (Exhibit E, p. 23, line 12-16.) Appellant went on to explain Dr. Gunter indicated Appellant's treatment options for the low back were surgery or physical therapy. (Exhibit E, p. 23, line 19-21.) Appellant, though he admitted on record that he is in no way a medical professional, believed Dr. Gunter's opinion as to proper treatment was "not true." (Exhibit E, p. 23, line 21-22; Exhibit E, p. 24, line 7-10.) On March 7, 2023, the nurse case manager notified Respondents that Dr. Gunter's office was under the impression that Appellant's girlfriend had called impersonating a nurse case manager. (Exhibit D, pg. 118.)

21. Respondents then provided an additional medical evaluation on June 22, 2023, with Dr. Girault. (Exhibit D, p. 105.) Again, Dr. Girault would not treat Appellant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." (Exhibit D, p. 105.) Despite Appellant's release from three different physician's offices, Respondents in good faith provided yet another medical evaluation with Dr. Boyd on November 13, 2023, and Appellant refused to allow his nurse case manager to attend the appointment. (Exhibit. D, p. 122.) Another nurse case manager resigned from the claim completely.

22. Appellant's belligerency did not stop at the four walls of the physicians' offices, as Appellant consistently called Defendant's office and the carrier's office making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, the carrier's staff, etc. For example, Appellant called Jeff Close, an employee of the carrier, "loud," "a liar," and "an idiot" via phone call, which was documented by Mr. Close in an email dated July 11, 2023. (Exhibit D, p. 116.) Appellant also recorded the phone call. (Exhibit D, p. 116.) As detailed in Respondents' Exhibit D, pages 117-119, On April 15, 2023, Appellant emailed Defense Counsel alleging she was being rude, intentionally non-compliant with the South Carolina Code, and intentionally withholding mileage reimbursement from Appellant. He requested

she send him the correct amount he was owed for mileage "for the love of God." He then stated he was "going to get back to enjoying [his] Saturday" as, he "didn't plan on waking up and having to do [Defense Counsel's] job for [her.]" On April 27, 2023, Appellant emailed Defense Counsel, stating the incorrect mileage was paid and claiming the math was "obviously" done "by someone's first grader." He called Defense Counsel "sweetie" and stated if she was waiting for him to hire an attorney, she was "out of luck," as he was not able to hire anyone due to the "defamation and slander" by Dr. Gunter's office, Defense Counsel, and by Gallagher Bassett. On May 3, 2023, Appellant emailed Defense Counsel asking if the Commissioner allows her to pay him just when she feels like it. On May 10, 2023, Appellant called Defense Counsel 22 times over the span of 19 minutes and left two voicemails stating he would continue to call until he was answered. On May 17, Appellant called Defense Counsel, referred to her as a "beginner" attorney, and alleged she "deliberately neglected" his medical care. He noted her "neglect" was "malicious" and "very intentional." On May 18, 2023, Appellant emailed Respondents requesting all information on his claim, including a 10-point bulleted list asking for history of all payments, history of all claim adjusters assigned to his case, history of all case managers assigned to his case, history of all communications between the nurse case manager and Respondents, any and all file notes, a copy of the Form 20 and all other documents used to calculate compensation, medical referrals, Notes from One Call, any and all correspondence with health care providers and their staff, all recorded calls regarding the "false accusations" from Dr. Gunter. On May 18, 2023, Appellant emailed Defense Counsel complaining that his new Telephonic Case Manager had not been in contact with him, and he needed an appointment with a neurologist since he was in excruciating pain. Finally, on May 19, 2023, Appellant emailed the new Telephonic Case Manager a lengthy summary of his claim. He noted he had treated with Dr. Davis, then Dr. Gunter, who allegedly told him to "forget everything he had heard before" that appointment and ordered a new MRI. Appellant stated Dr. Gunter prescribed pain medication, which provided the first relief he had

since May 2022. He then claimed Dr. Gunter's office staff "lied" to him, and he was released from care due to a lie. Appellant went on to say he had been forced by the carrier to attend physical therapy until Dr. Tavel's office "put PT on hold" due to the increased pain. He further alleged Gallagher Bassett had forced him into "risky" steroid injections." He admitted to recording Dr. Tavel during an appointment on April 25, 2023, which he wished to share with the Commissioner. Finally, he alleged that Respondents were "all being very vexatious." He stated he could not live the way he was living, as he was in severe pain, gaining weight, could not sleep, and was "agitated and miserable" all the time. He requested to see a neurologist and attempted to direct his own care by expressing interest in discussing plasma-rich-platelet injections in lieu of the Rhizotomy, which was the treatment plan recommended by a licensed medical provider. On September 29, 2023, Appellant emailed Respondents asking to know "exactly" what their "intent" was and accusing them of scheduling him for an appointment without notifying him. Defense Counsel responded stating that his Nurse Case Manager, Dianna, would be in contact with him regarding his upcoming appointment with Dr. Boyd. Appellant then requested the Nurse Case Manager be removed from his claim. After the Nurse Case Manager notified Appellant of his appointment, he again emailed Defense Counsel instructing her again to remove the Nurse Case Manager, as he did not want her contacting him. He requested Defense Counsel notify him of appointments herself. Defense Counsel instructed Appellant to address any issues with the Nurse Case Manager or any other issues he may have at the upcoming hearing after repeated correspondence from Appellant. When Defense Counsel asked Appellant to stop contacting her client, Appellant responded, "before you get hateful and flapping your gums (sic) at me, you need to check yourself young lady."

23. In the meantime, Appellant continued to receive temporary benefits from the Respondents and perform activities of daily life like ride his lawn mower, transport his girlfriend's kids, play basketball, and do "whatever [he] want[s] to do" since his May 25, 2022, work accident

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because in his words, "the damage is done," and he would not "hurt any more part of [his] back." (Exhibit E, p. 27, line 7-9; Exhibit E, p. 31, line 19-25.)

24. To summarize, during the course of his workers' compensation claim, and particularly from February 14, 2023, to November 13, 2023, Appellant failed to cooperate with and participate in his own medical treatment and frustrated the efforts of the other persons involved in his claim, including the medical providers, nurse case managers, and defense counsel, in their diligent attempts to provide him treatment under the Act – all while Appellant was receiving temporary total disability benefits from Respondents. Appellant acted in such a belligerent manner that Dr. Edward Tavel, Dr. Brett Gunter, and Dr. Gisele Girault all released him from their practice or refused to provide additional treatment. A nurse case manager also resigned from his claim due to his threatening behavior, and Respondents filed a Motion for Limited Communications due to his harassment. Accordingly, Respondents requested a hearing in an effort to resolve the claim.

25. Appellant asserted at the November 28, 2023, hearing that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat independently *outside* of the workers' compensation system. (Exhibit E, p. 12, line 20-25; Exhibit E, p. 13, line 1-12.) He requested a nurse case manager *not* be involved with his appointments. (Exhibit E, p. 16, line 13-25.) He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" (Exhibit E, p. 11, line 15-17; Exhibit E, p. 12, ll. 12-13.) Ultimately, he requested to settle his workers' compensation claim and "get on with his life.". (Exhibit E, p. 16, line 3-6.) Similarly, Respondents are at a loss, as they have tirelessly provided evaluation after evaluation, only for Appellant to be released by yet another provider's practice – not to mention being verbally harassed by Appellant themselves while attempting to provide such treatment. It appears that any further effort would be futile and contrary to the goals and objectives of the workers' compensation system, which Appellant has so blatantly disregarded.

Exhibit F

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 22.07041
Carrier File #:
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter R. Hoover
Address:
City: State: Zip:
Home Phone: ( ) - Work Phone: ( ) -
Preparer's Name: Law Firm:

Employer's Name: Tractor Supply Company
Address:
City: State: Zip:
Insurance Carrier:
Preparer's Phone #: ( ) -

THIS MATTER was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference. The Commissioners considered the matter and ordered the matter handled in the following manner:

I. DISPOSITION

☐ **Administrative Appeal.** This action came before the Commission on Appeal of an Administrative Order. The appeal is:
- ☐ Dismissed as Interlocutory
- ☐ Set for Oral Argument before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.

See Section II for additional information.

☒ **Motion**

This action came before the Commission on a motion. The pending motion is:
- ☒ Granted
- ☐ Denied
- ☐ Dismissed
- ☐ Remanded for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
- ☐ Preserved for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.
- ☐ Other

See Section II for additional information.

☐ **Appeal.** This action came before the Commission on Appeal from a Single Commissioner Decision & Order. The issues have been heard and a decision rendered. See Section II for additional information. This matter is hereby:

☐ Remanded to take such action and enter an Order consistent with the Commissions' directive. *(CHECK APPLICABLE BOX)*:

☐ Remanded to the Panel as indicated below

_____Barden	_____James	_____Taylor
_____Beck	_____Campbell	_____Wilkerson
	_____McCaskill	

☐ Remanded to the Hearing Commissioner
☐ Remanded to the Jurisdictional Commissioner
☐ Other:
☐ Oral Argument to be held by the ☐ Panel or ☐ En Banc

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IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Commission:

II. ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT

This action came to trial or hearing before the Commission. The issues have been heard and a decision rendered.

AND IT IS SO ORDERED.

T. Scott Beck, Chairman
For the Commission

Columbia, South Carolina

5/20/24 Date

CONCURRING:	NOT PARTICIPATING:	DISSENTING:
Commissioner T. Scott Beck		
Commissioner Cindy Dooley		
Commissioner Melody James		
Commissioner Aisha Taylor		
Commissioner Avery Wilkerson		
Commissioner Michael Campbell	X	
Commissioner Gene McCaskill		

III. CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE-ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPYHEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL

This 20 **day of** May, **2024.**

By: Valerie D Keller
SCWCC Judicial Department

258

2207041 Walter R. Hoover v Tractor Supply Company

JUDICIAL CONFERENCE ORDER

Served via E-Mail:	

Order Served via USPS:

Walter R. Hoover, Claimant
6194 Dogwalla Road
Whitmire, SC 29178

Claudia Piechota, Esquire
945 Houston Northcutt Blvd
Mt. Pleasant, SC 29464

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

May 20, 2024

By: Valerie D. Deller, Judicial Department

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Exhibit G

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Wednesday, September 11, 2024 3:17 PM
To: Hollmon, Eugenia <EHollmon@wcc.sc.gov>

Cc: Claudia Piechota <cpiechota@hplplaw.com>; Deller, Valerie <VDeller@wcc.sc.gov>
Subject: Re: FW: [External] Walter R. Hoover, Jr - Pre-Hearing Brief

Good afternoon,

I would like to request that my Hearing be pulled off of the docket for September 16th, 2024.

I am also requesting a Motion to submit additional evidence. I simply have an updated, easier to reference thumb drive, storing evidence that corresponds directly with my PHB.

If this request needs to be done in a separate email I can do that. Please let me know.

On Mon, Sep 9, 2024 at 12:53 PM Hollmon, Eugenia <EHollmon@wcc.sc.gov> wrote:

Exhibit H

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
September 13, 2024

NOTICE OF APPELLATE HEARING

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **11/12/24 at 01:30 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, September 13, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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Exhibit I

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
November 7, 2024

NOTICE OF APPELLATE HEARING

POSTPONEMENT

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **11/13/24 at 09:30 AM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5737 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, November 7, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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Exhibit J

On Wed, Nov 6, 2024, 2:35 PM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Thank you.
>
> I would like for all of the evidence included in the most recent Motion to be used along with my Amended Pre-Hearing Brief.
>
> Unfortunately I wasn't aware of a deadline for the Motion and thought it needed to submitted at least 5 days before the hearing, just as the Pre Hearing Brief.
>
> Is there a reference for the deadlines for future reference? I searched, but wasn't able to find anything online.
>
> On Wed, Nov 6, 2024, 12:57 PM Roberts, Keith <keroberts@wcc.sc.gov> wrote:
>
> > Genia,
> >
> > That is correct. If a party wants to file a new motion or ask the Commission to consider additional evidence not previously reviewed by the Commissioner, opposing counsel has ten

days to respond, and any pending hearing will have to be postponed.

J. Keith Roberts
General Counsel
South Carolina Workers' Compensation Commission
1333 Main Street - Suite 500
Columbia, South Carolina 29201
Direct: (803) 737-5701
KeRoberts@wcc.sc.gov

From: Hollmon, Eugenia <EHollmon@wcc.sc.gov>
Sent: Wednesday, November 6, 2024 12:45 PM
To: Walter Hoover,Jr <whooverjr@gmail.com>
Cc: Claudia Piechota <cpiechota@hplplaw.com>; Roberts, Keith <keroberts@wcc.sc.gov>; Bracy, Amy <abracy@wcc.sc.gov>
Subject: RE: FW: [External] 2207041- Hoover

Mr. Hoover,

If I am understanding you correctly, the motion and evidence that you have uploaded today, and paid the fee for, is what you would like the Commission to consider. If this is correct, I will need to postpone the hearing scheduled for Wednesday and get this before the Full Commission. You not able to add or amend a motion once it has been ruled upon. At that point it because a new request that will need to be addressed separately.

I have included our staff attorney on this email to confirm this process. Also, the new motion would need to be served on Ms. Piechota and she is allowed 10 days to respond prior to it being presented to the Full Commission.

I just want to make sure that you understand prior to the processing of this new request.

Genia Hollmon

Eugenia Hollmon
Judicial Docketing Director
South Carolina Workers' Compensation Commission
Ph - 803-737-5737
Fax - 803-737-1281
ehollmon@wcc.sc.gov

Exhibit K

WALTER R HOOVER JR

Claim #: 2207041

EXHIBIT 1: Dr. Gundu's office notes discontinuing Steroid Injections
EXHIBIT 2: Authenticated Video – appointment with Ms. Sydney Burrell PA-C, Pain Specialists of Columbia
EXHIBIT 3: Authenticated Video – appointment with Dr. Edward Tavel, MD, Pain Specialists of Charleston
EXHIBIT 4: Phone Call - Angela Buxton @ Dr. Tavel's office
EXHIBIT 4a: Email - Inquiries to Dr. Tavel's office regarding the cancellation of my appointments
EXHIBIT 4b: Email – From Ms. Claudia Piechota claiming "aggressive actions."
EXHIBIT 5: Email - Ms. Claudia Piechota's claim that Dr. Davis refuses to see me
EXHIBIT 6: Authenticated Video - Dr. Samuel Davis, MD's office confirming I am an active patient
EXHIBIT 7: Authenticated Video - Delivery of Dr. Brett Gunter's subpoenas
EXHIBIT 8: Authenticated video - Dr. Gisele Girault Appointment
EXHIBIT 9: Doctor's Notes - Dr. Brett Gunter's IME Report
EXHIBIT 10: Doctor's Notes - Sydney Burrell, PA-C/Dr. Edward Tavel's Report
EXHIBIT 11: Doctor's Notes -Dr. Edward Tavel's IME Report
EXHIBIT 12: Scanned Document - Dr. Scott Boyd, MD – Notification of Missed appointment
EXHIBIT 12a: Email – To Ms. Claudia Piechota, regarding missed appointment with Dr. Scott Boyd
EXHIBIT 13: Scanned Document – Regarding Compensation Page 52, Line 19 of Deposition dated November 18, 2022
EXHIBIT 14: Scanned Document – Order Relieving Counsel

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CamScanner

MOTION TO SUBMIT ADDITIONAL EVIDENCE

November 6th, 2024

Walter R. Hoover Jr.
SC WCC# 2207041

Dear Commissioners,

There was an unknown uploading-error on my previous submission of evidence.

Unknowingly, I duplicated a video (EXHIBIT 7) when saving my files, which took the place of another very important piece of evidence, which now, is included in my evidence as EXHIBIT 6.

The evidence in this submission follows along with my Amended Pre-Hearing Brief (dated November 6th, 2024). All evidence has been authenticated, as per the requirement implied by the Single Commissioner's Decision & Order dated January 26th, 2024.

New Evidence:

Exhibit 4a & 4b:

EXHIBIT 4a is a copy of an email chain. The initial email was sent to me from Angela Buxton at Dr. Tavel's office shortly after she called to let me know that Dr. Tavel didn't think I would be a good fit for the practice. The email contained the office notes from my last visit in Dr. Tavel's office (dated 05/02/2025) [Exhibit 11]- The office notes failed to mention the cancellation of my future appointments, as expected them too. As you will see, this email was also forwarded, by me, to the General Inbox for The Pain Specialists of Charleston for clarification of the "cancellation of future appointments."

Please note: Dr. Tavel's office note, dated 5/2/2023 (exhibit- my last visit (also the last time I had any communication with the office or the office staff) instructs me to: *Follow up in 3 weeks.*

EXHIBIT 12a: This additionally provides proof that while an appointment was scheduled for me with Dr. Scott Boyd, I was never notified by the Nurse Case Manager or anyone else. I missed an opportunity for treatment and no one bothered to take responsibility for their error.

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EXHIBIT 13:

A review of EXHIBIT 13 will show that Ms. Piechota was made aware of my compensation rate in November of 2022. She inquired about my compensation during my deposition and my response is documented. To add, between June 2022 and August 2022 my compensation changed 3 times due to clerical errors by Claudia and "her folks" - the "folks" whom she directly blamed for the compensation rate error during the Single Commission hearing. This is a self-admitted error by the defense.

Changes in my compensation:
June 17th 2022 - $340.77
June 22nd, 2022 - $298.17
July 21st, 2022 - $247.96
August 22nd, 2022 - $596.32

EXHIBIT 14:

Ms. Piechota has communicated multiple times that I was released by two attorneys that I previously hired. A review of EXHIBIT 14 will provide you official documented proof, issued directly from the SC Workers Compensation Commission, showing that my previous attorney, Jerry Reardon did not release me as a client as Ms. Piechota has confidently communicated to the Commission. Mr. Reardon was dismissed by me for my own personal reasons. As I have stated previously, I paid the fee directly to the SC Workers Compensation Commission in January 2023 to release Mr. Reardon from service on my claim. This is the defense's effort to amplify their case for their benefit and this is also yet, another lie confidently communicated to the Commission, by Ms. Claudia Piechota.

CamScanner

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO: 2207041

WALTER HOOVER, JR., Employee, Claimant, vs. TRACTOR SUPPLY COMPANY, Employer, and STARR SPECIALTY INSURANCE COMPANY, Carrier, Defendants.	)	**CERTIFICATE OF SERVICE**

The undersigned certifies that they are an employee of HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC, and they have served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, and/or email addressed to:

TO:	Walter Hoover, Jr. 6194 Dogwalla Road Whitmire, SC 29178
TO:	Amy Bracy, Judicial Director S. C. Workers' Compensation Commission Post Office Box 1715 Columbia, South Carolina 29202-1715
Document:	Motion for Appellate Review Hearing to Be Reviewed on the Record
Date of Mailing:	December 20, 2024

Jennifer R Vanscyoc
Paralegal to Claudia J. Piechota

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South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: **2207041**
Carrier File #: **004169-065746-WC-01**
Carrier Code #: **01132**
Employer FEIN #: **133139732**

Claimant's Name: WALTER R HOOVER JR
Address: 6194 DOGWALLA DR
City: WHITMIRE State: SC Zip: 29178
Home Phone: (803)394-3047 Work Phone:

Employer's Name: TRACTOR SUPPLY COMPANY
Address: 2808 MAIN STREET
City: NEWBERRY State: SC Zip: 29108
Insurance Carrier: STARR SPECIALTY

Preparer's Name: TANNA DISCHER Law Firm: Preparer's Phone #: (954) 378-5335

1. Date of injury: 05/25/2022 (m/d/yyyy)

2. Total Weeks Compensation Paid: 84 2/7

3. Type of Compensation Paid (TP or TT)/Periods of Payment:

		(m/d/yyyy)	(m/d/yyyy)
Type:	TT	From: 05/26/2022	To: 06/10/2022
Type:	TT	From: 06/12/2022	To: 01/06/2024
Type:	N/A	From:	To:
Type:	N/A	From:	To:

4. Date of First Payment: 06/17/2022 (m/d/yyyy)

5. Total Amount Paid
(a) Compensation: $ 49391.74
(b) Medical (Include Nursing, Hospital, Drugs, Etc.): $ 18844.98

TANNA DISCHER
Employer's Representative

(954) 378-5335
Phone

11/22/2024
Date

Type or print all information. File this form six months after the alleged injury date and each six months until the Commission's File is closed. Form 18 must be filed whether or not compensation is ongoing. Refer to R.67-413, and R.67-804 for further information.

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WCC Form # 18
Rev. Date **01/19**

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Periodic Report

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700

WCC File #: 2207041
Carrier File #: 004169065746WC01
November 19, 2024

NOTICE OF APPELLATE HEARING

WALTER R HOOVER v TRACTOR SUPPLY COMPANY

Subject: **Set on Review.**

Date: **01/13/25 at 01:30 PM**

Location: **This hearing will be conducted electronically via the Zoom application. Instructions to participate via Zoom will be emailed to the parties.**

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The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel B

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

By: Eugenia Hollmon, SC Workers' Compensation, November 19, 2024

Party	Attorney
Employee: WALTER R HOOVER 6194 DOGWALLA Road Whitmire, SC 29178	
Employer: TRACTOR SUPPLY COMPANY Carrier: Starr Specialty Insurance Company	Claudia Piechota cpiechota@hplplaw.com 843-701-4357

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WALTER R HOOVER JR

Claim #: 2207041

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CamScanner

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November 6th, 2024

Walter R. Hoover Jr.
SC WCC# 2207041

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<u>New Evidence:</u>

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CamScanner

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Changes in my compensation:
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June 22nd, 2022 - $298.17
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August 22nd, 2022 - $596.32

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Ms. Piechota has communicated multiple times that I was released by two attorneys that I previously hired. A review of EXHIBIT 14 will provide you official documented proof, issued directly from the SC Workers Compensation Commission, showing that my previous attorney, Jerry Reardon did not release me as a client as Ms. Piechota has confidently communicated to the Commission. Mr. Reardon was dismissed by me for my own personal reasons. As I have stated previously, I paid the fee directly to the SC Workers Compensation Commission in January 2023 to release Mr. Reardon from service on my claim. This is the defense's effort to amplify their case for their benefit and this is also yet, another lie confidently communicated to the Commission, by Ms. Claudia Piechota.

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CamScanner

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Claimant, vs. TRACTOR SUPPLY COMPANY, Employer, and STARR SPECIALTY INSURANCE COMPANY, Carrier, Defendants.	)	**CERTIFICATE OF SERVICE**

The undersigned certifies that they are an employee of HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC, and that they have served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Law of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to, and/or emailed to:

TO: Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, SC 29202-1715
(VIA EMAIL ONLY: judicialanalysts@wcc.sc.gov)

TO: Walter Hoover, Jr.
6194 Dogwalla Rd.,
Whitmire, SC 29178
(VIA EMAIL: whooverjr@gmail.com and USPS First-Class Mail)

DOCUMENT: Respondents' Brief to the Full Commission

DATE OF MAILING: June 7, 2024

Jarrod P Bartlett
Paralegal to Claudia J. Piechota

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South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: **2207041**
Carrier File #: **004169-065746-WC-01**
Carrier Code #: **01132**
Employer FEIN #: **133139732**

Claimant's Name: WALTER R HOOVER JR
Address: 6194 DOGWALLA DR
City: WHITMIRE State: SC Zip: 29178
Home Phone: (803) 394-3047/ (803) 622-0650 Work Phone: ( ) -

Employer's Name: TRACTOR SUPPLY COMPANY
Address: 2808 MAIN STREET
City: NEWBERRY State: SC Zip: 29108
Insurance Carrier: STARR SPECIALTY

Preparer's Name: TANNA DISCHER Law Firm: Preparer's Phone #: (954) 378-5335

1. Date of injury: 05/25/2022 (m/d/yyyy) 2. Total Weeks Compensation Paid: 84 2/7

3. Type of Compensation Paid (TP or TT)/Periods of Payment:

		(m/d/yyyy)		(m/d/yyyy)
Type:	TT	From: 05/26/2022	To:	06/10/2022
Type:	TT	From: 06/12/2022	To:	01/06/2024
Type:		From:	To:	
Type:		From:	To:	

4. Date of First Payment: 06/17/2022 (m/d/yyyy)

5. Total Amount Paid
(a) Compensation: $ 49391.74
(b) Medical (Include Nursing, Hospital, Drugs, Etc.): $ 18844.98

TANNA DISCHER
Employer's Representative

(954) 378-5335
Phone

05/24/2024
Date

Type or print all information. File this form six months after the alleged injury date and each six months until the Commission's File is closed. Form 18 must be filed whether or not compensation is ongoing. Refer to R.67-413, and R.67-804 for further information.

WCC Form # 18
Rev. Date **01/19**

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Periodic Report

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041

Date of Injury: 05/25/2022

WALTER HOOVER v. TRACTOR SUPPLY COMPANY
WCC File No. 2207041

The Commission is hereby providing you a copy of the Appellant's Brief filed by the unrepresented claimant pursuant to R.67-705 G.

Amy A. Bracy
Judicial Director

Date: May 23, 2024

CERTIFICATE OF SERVICE

I hereby certify on May 23, 2024, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

WALTER HOOVER
6194 DOGWALLA Road
Whitmire, SC 29178

TRACTOR SUPPLY COMPANY
2808 MAIN STREET
NEWBERRY, SC 29108

Claudia Piechota
Holder Padgett Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, SC 29464

By: Eugenia C. Hollmon, Judicial Department

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South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 2207041
Carrier File #: _____
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Walter R. Hoover
Address: _____
City: _____ State: ____ Zip: _____
Home Phone: ( ) - _____ Work Phone: ( ) - _____
Preparer's Name: _____ Law Firm: _____

Employer's Name: Tractor Supply Company
Address: _____
City: _____ State: ____ Zip: _____
Insurance Carrier: _____
Preparer's Phone #: ( ) - _____

THIS MATTER was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference. The Commissioners considered the matter and ordered the matter handled in the following manner:

I. DISPOSITION

☐ **Administrative Appeal.** This action came before the Commission on Appeal of an Administrative Order. The appeal is:
- ☐ Dismissed as Interlocutory
- ☐ Set for Oral Argument before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.

See Section II for additional information.

☒ **Motion**

This action came before the Commission on a motion. The pending motion is:
- ☒ Granted
- ☐ Denied
- ☐ Dismissed
- ☐ Remanded for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
- ☐ Preserved for Hearing before the:
  - ☐ Hearing Commissioner
  - ☐ Jurisdictional Commissioner
  - ☐ Full Commission.
- ☐ Other

See Section II for additional information.

☐ **Appeal.** This action came before the Commission on Appeal from a Single Commissioner Decision & Order. The issues have been heard and a decision rendered. See Section II for additional information. This matter is hereby:

☐ Remanded to take such action and enter an Order consistent with the Commissions' directive. *(CHECK APPLICABLE BOX)*:

☐ Remanded to the Panel as indicated below

_____Barden	_____James	_____Taylor
_____Beck	_____Campbell	_____Wilkerson
	_____McCaskill	

☐ Remanded to the Hearing Commissioner
☐ Remanded to the Jurisdictional Commissioner
☐ Other: _____
☐ Oral Argument to be held by the ☐ Panel or ☐ En Banc

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IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Commission:

II. ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT

This action came to trial or hearing before the Commission. The issues have been heard and a decision rendered.

AND IT IS SO ORDERED.

T. Scott Beck, Chairman
For the Commission

Columbia, South Carolina

5/20/24 Date

CONCURRING:	NOT PARTICIPATING:	DISSENTING:
Commissioner T. Scott Beck		
Commissioner Cindy Dooley		
Commissioner Melody James		
Commissioner Aisha Taylor		
Commissioner Avery Wilkerson		
Commissioner Michael Campbell	X	
Commissioner Gene McCaskill		

III. CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE-ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPYHEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL

This _____day of _____, 2024.

By: _____
SCWCC Judicial Department

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2207041 Walter R. Hoover v Tractor Supply Company

JUDICIAL CONFERENCE ORDER

Served via E-Mail:	

Order Served via USPS:

Walter R. Hoover, Claimant
6194 Dogwalla Road
Whitmire, SC 29178

Claudia Piechota, Esquire
945 Houston Northcutt Blvd
Mt. Pleasant, SC 29464

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

May 20, 2024

By: Valerie D. Deller, Judicial Department

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BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Appellant, vs. TRACTOR SUPPLY COMPANY, Employer, AND STARR SPECIALTY INSURANCE COMPANY, Carrier, Respondents.	**RESPONDENTS' RESPONSE TO APPELLANT'S MOTION TO REINSTATE**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND, PRO SE APPELLANT, MR. WALTER HOOVER

Tractor Supply Company and Starr Specialty Insurance Company, ("Respondents"), by and through their undersigned legal counsel, hereby file this Response to Appellant's Motion to Reinstate, dated April 29, 2024, and served upon Respondents by the Workers' Compensation Commission on May 6, 2024, according to the following:

1. The South Carolina Workers' Compensation Commission has jurisdiction over the parties and subject matter of the claim.
2. By way of background, on May 11, 2023, Respondents requested a Form 21 Hearing to address suspension, termination, or reduction of temporary disability payments for cause, to assert an overpayment of temporary total disability benefits, and to request a reduction to the correct compensation rate per wage records of $361.84.
3. Appellant, Mr. Walter Hoover, requested a Form 50 Hearing on May 16, 2023, to determine whether he was entitled to additional benefits under the Act.

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4. The hearing was originally set for July 27, 2023; however, the hearing was postponed in order to allow Appellant opportunity to obtain counsel to represent his interests, as his two prior attorneys filed motions to be relieved as counsel, which were both granted by the Commission. On November 28, 2023, Appellant voluntarily elected to proceed with the hearing *pro se*.

5. Following the November 28, 2023, hearing, the Single Commissioner issued his Decision and Order on February 14, 2024, ordering (1) Appellant sustained a compensable injury to his back arising out of and in the course and scope of his employment with Employer, Tractor Supply Company, on May 25, 2022; (2) Appellant was non-compliant with medical treatment from February 14, 2023, to November 13, 2023, when he attended appointments authorized and scheduled by Respondents and purposefully acted belligerently; (3) Respondents were entitled to terminate all benefits as of January 4, 2024; (4) Appellant was not entitled to benefits under the Act due to constructive abandonment of the claim through medical non-compliance, and the claim was dismissed without prejudice; (5) Appellant's average weekly wage is $542.73 and compensation rate is $361.84; and (6) Respondents were entitled to a credit of $30,107.06 for overpayment due to the incorrect compensation rate and credit for payment of TTD benefits during the period of Appellant's medical non-compliance, which was February 14, 2023, to November 13, 2023.

6. Appellant's appeal of the Single Commissioner's Order allegedly timely followed, solely because Appellant alleged that he did not receive the initial copy of the signed Decision and Order sent via U.S mail from the Commission. The Commission then forwarded a second copy, extending his appeal deadline.

7. Though the appeal may have been timely filed, Appellant's Form 30 Request for Appellate Review did *not* comply with the required regulations, as Regulation 67-701(3)(a)-(b) requires "the grounds for appeal be set out in detail on the Form 30 in the form of questions presented; each question presented must be concise and concern one finding of fact, conclusion of law, or other proposition the appellant believes is in error; and references to evidence must be by

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title and exhibit number. Appellant's Request for Appellate review, attached as Exhibit A, clearly does not follow the requirements of the regulation.

8. Respondents first assert that Appellant's Motion to Reinstate his claim should be denied for failure to follow regulatory requirements in filing his Form 30 Request for Appellate Review.

9. Despite Appellant's failure to follow regulatory guidelines in his Form 30 Request for Appellate Review, Respondents received a Form 31 Notice of Appellate Hearing on March 19, 2024, which scheduled the appellate hearing for May 20, 2024. The hearing notice *very clearly* required Appellant to file his appellant brief by April 18, 2024.

10. By May 2, 2024, 13 days after Appellant's filing deadline, Respondents had yet to be served with a brief filed by Appellant. Since the parties had not entered into any agreement of any kind pursuant to Regulation 67-705(H) extending the time for filing with the Judicial Department prior to the filing date, Respondents believed Appellant had never filed an appellant brief. Accordingly, Respondents prepared correspondence to the Commission detailing their position that Regulation 67-705(A) *required* Appellant to file a brief including a statement of the case, questions presented, argument, and conclusion by or on April 18, 2024. Since Appellant had apparently not done so, Respondents respectfully requested the Judicial Department remove the case from the review hearing docket by issuing an administrative order dismissing the appeal. (Exhibit B).

11. The Judicial Department removed the case from the review hearing docket on May 2, 2024, by issuing an administrative order dismissing the appeal pursuant to South Carolina Code Regulation 67-705(H)(3), as requested by Respondents.

12. On May 6, 2024, Respondents were served by the Commission with what is allegedly Appellant's Motion to Reinstate his claim. His request reads, "I am submitting Form 59 late. I read the Notice of Appellate Hearing incorrectly regarding the due date. Please accept my apologize for misunderstanding and consider this request to continue my claim." (Exhibit C).

13. Pursuant to South Carolina Regulation 67-705 (H)(4), "an appeal administratively dismissed by the Judicial Department *may* be reinstated for a good cause upon motion to the commission" (emphasis added). The Commission should "soundly apply the principle of 'good cause' to the facts and circumstances before it." Morris v. BB&T Corp., 885 S.E.2d 394, 398 (2023).

14. Respondents candidly admit that the Court of Appeals of South Carolina has on rare occasion agreed that calendar mistakes leading to missed deadlines have been considered good cause for reinstatement. For example, in the case of *Columbia Pools, Inc. v Galvin*, the Court of Appeals found there was good cause reason to set aside a default judgement because the answer was received one day late. Columbia Pools, Inc. v. Galvin, 339 S.E.2d 524, 525 (Ct. App. 1986). Another case, *Jordan v. Hartford Financial Group, Inc.*, permitted reinstatement of an appeal seeking to enforce a lien against settlement because counsel's paralegal mistakenly believed they were the respondents in the case rather than the appellant, and calendared the brief due date wrong. Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400, 403 (Ct. App. 2021).

15. While at first glance it may appear as though missing a court deadline is an acceptable error that warrants reinstatement of appeal, that is a grievously mistaken view of the opinion of the South Carolina Court of Appeals. To be clear - the Court of Appeals specifically stated that "rules are rules, and due dates matter," and "miscalendaring is *not* always good cause." Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400, 403 (Ct. App. 2021) (emphasis added).

16. Though the *Columbia Pools* and *Jordan* court did ultimately reinstate an appeal request, they were very clear that to warrant relief, there must be **no evidence of blatant and willful disregard** for the judicial system in the record. The *Jordan* court elaborated upon the *Columbia Pools* court's reasoning, stating the court found basis for relief for a party who missed a deadline by 24 hours because the party made a "good faith mistake of fact" *and* made "no attempt to thwart the judicial system." Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400,

403 (Ct. App. 2021). The *Jordan* court went on to express concern with the idea that solely technicalities could keep a party out of court, stating that the practice of law was challenging enough without "overbearing enforcement of technicalities when prejudice is absent from the scene." Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400, 403 (Ct. App. 2021). To summarize, while the Court of Appeals may opine that honest mistakes may not keep a party from being heard, any effort to "thwart the justice system" will, which is to be determined by evaluating the specific facts of the case.

17. Respondents contend that Appellant's incorrect reading of the filing date on the Form 31, which stated, "Filing Date for Appellant's Brief: April 18, 2024," does not constitute good cause reason for reinstatement of the claim in this case due to overwhelming evidence of efforts to thwart the judicial system and prejudice the parties involved in this workers' compensation claim. Throughout the entire claim process, Appellant has had **a blatant and willful disregard for the workers' compensation system**, detailed below.

18. For example, after sustaining an admitted injury by accident to the low back arising out of an in the course and scope of his employment, Appellant underwent medical treatment authorized and provided by Respondents in this case, including imaging, injections, physical therapy, dry needling, and evaluations by multiple specialists including pain management providers and neurologists. During that time, Appellant repeatedly attempted to control his own treatment, despite the fact that he is admittedly not a medical professional, and he continuously frustrated the efforts of the authorized treatment providers by purposefully acting belligerently both in office and through communications with physicians and their staff, as well as towards his assigned nurse case manager.

19. Specifically, records from Southeastern Spine Institute, Lexington Medical Center, Palmetto Bone & Joint, Drayer Physical Therapy, South Carolina Internal Medicine LLC, ImageCare Associates LLC; MUSC Columbia Neurosurgery; and Pain Specialists of Charleston P.A detail Respondents tireless efforts to provide medical treatment for Appellant. Notably,

specific records from three different providers, Dr. Gunter, Dr. Tavel, and Dr. Girault, all document Appellant's release from care or refusal for continued treatment of Appellant due to his belligerent behavior towards the physicians and their staff. On February 14, 2023, Dr. Tavel estimated Appellant would reach MMI in three to six months. (Exhibit D, p. 90.) A few weeks later, on April 25, 2023, Appellant attempted to control his medical treatment in stating he was only interested in moving forward with surgical intervention, though no doctor had determined that to be the appropriate plan of action at that time. (Exhibit D, p. 102.) On May 9, 2023, Respondents received an email from Gallagher Bassetts Field Case Manager, Kimberly Adams, detailing that due to Appellant's aggressive behavior and threats made to the Nurse Case Manager, Randi Walle, the claim must switch to a Telephonic Nurse Case Manager. She additionally noted that Appellant had been released by both Dr. Gunter and Dr. Tavel due to making threatening calls to their office. On May 11, 2023, Dr. Tavel's office confirmed and notified Respondents that they would be releasing Appellant from the practice due to his aggressive behavior. (Exhibit D, p. 93.)

20. To detail Appellant's behavior towards Dr. Gunter, on February 28, 2023, Appellant called Dr. Gunter's office and berated the office staff, including calling the staff out by name, calling one staff member a "b****" and a "hag" and threatened to come into their office and "let them have it" because he wanted pain medication. (Exhibit D, p. 91.) Interestingly, Appellant testified at the hearing that he was a bartender for 27 years and "partied on three continents on this earth," so if "[he] want[ed] drugs [he] can get drugs." (Exhibit E, p. 29, line 11-14.) On March 6, 2023, Dr. Gunter's office documented a disagreement between the patient, his family, and Dr. Gunter's office, and noted it "certainly" did not appear possible to continue Appellant's care, as there appeared to be too much discord within the relationship between the practice and Appellant. (Exhibit D, p. 92.) Dr. Gunter went on to say that Appellant left abruptly after hearing the news; however, he discussed Appellant's dismissal with the young lady present, who asked if Dr. Gunter could refer Appellant to Southeastern Spine Institute,

again in attempt to control medical treatment. (Exhibit D, p. 92.) When asked under oath at the hearing if Appellant went to Dr. Gunter's office on March 6, 2023, with "specific instructions as to what type of treatment he wanted," he answered, "I did." (Exhibit E, p. 23, line 12-16.) Appellant went on to explain Dr. Gunter indicated Appellant's treatment options for the low back were surgery or physical therapy. (Exhibit E, p. 23, line 19-21.) Appellant, though he admitted on record that he is in no way a medical professional, believed Dr. Gunter's opinion as to proper treatment was "not true." (Exhibit E, p. 23, line 21-22; Exhibit E, p. 24, line 7-10.) On March 7, 2023, the nurse case manager notified Respondents that Dr. Gunter's office was under the impression that Appellant's girlfriend had called impersonating a nurse case manager. (Exhibit D, pg. 118.)

21. Respondents then provided an additional medical evaluation on June 22, 2023, with Dr. Girault. (Exhibit D, p. 105.) Again, Dr. Girault would not treat Appellant because he was combative upon his arrival to the office and told Dr. Girault "what to do and not do." (Exhibit D, p. 105.) Despite Appellant's release from three different physician's offices, Respondents in good faith provided yet another medical evaluation with Dr. Boyd on November 13, 2023, and Appellant refused to allow his nurse case manager to attend the appointment. (Exhibit. D, p. 122.) Another nurse case manager resigned from the claim completely.

22. Appellant's belligerency did not stop at the four walls of the physicians' offices, as Appellant consistently called Defendant's office and the carrier's office making threatening and disrespectful comments to Defense Counsel, Defense Counsel's staff, the carrier's staff, etc. For example, Appellant called Jeff Close, an employee of the carrier, "loud," "a liar," and "an idiot" via phone call, which was documented by Mr. Close in an email dated July 11, 2023. (Exhibit D, p. 116.) Appellant also recorded the phone call. (Exhibit D, p. 116.) As detailed in Respondents' Exhibit D, pages 117-119, On April 15, 2023, Appellant emailed Defense Counsel alleging she was being rude, intentionally non-compliant with the South Carolina Code, and intentionally withholding mileage reimbursement from Appellant. He requested

she send him the correct amount he was owed for mileage "for the love of God." He then stated he was "going to get back to enjoying [his] Saturday" as, he "didn't plan on waking up and having to do [Defense Counsel's] job for [her.]" On April 27, 2023, Appellant emailed Defense Counsel, stating the incorrect mileage was paid and claiming the math was "obviously" done "by someone's first grader." He called Defense Counsel "sweetie" and stated if she was waiting for him to hire an attorney, she was "out of luck," as he was not able to hire anyone due to the "defamation and slander" by Dr. Gunter's office, Defense Counsel, and by Gallagher Bassett. On May 3, 2023, Appellant emailed Defense Counsel asking if the Commissioner allows her to pay him just when she feels like it. On May 10, 2023, Appellant called Defense Counsel 22 times over the span of 19 minutes and left two voicemails stating he would continue to call until he was answered. On May 17, Appellant called Defense Counsel, referred to her as a "beginner" attorney, and alleged she "deliberately neglected" his medical care. He noted her "neglect" was "malicious" and "very intentional." On May 18, 2023, Appellant emailed Respondents requesting all information on his claim, including a 10-point bulleted list asking for history of all payments, history of all claim adjusters assigned to his case, history of all case managers assigned to his case, history of all communications between the nurse case manager and Respondents, any and all file notes, a copy of the Form 20 and all other documents used to calculate compensation, medical referrals, Notes from One Call, any and all correspondence with health care providers and their staff, all recorded calls regarding the "false accusations" from Dr. Gunter. On May 18, 2023, Appellant emailed Defense Counsel complaining that his new Telephonic Case Manager had not been in contact with him, and he needed an appointment with a neurologist since he was in excruciating pain. Finally, on May 19, 2023, Appellant emailed the new Telephonic Case Manager a lengthy summary of his claim. He noted he had treated with Dr. Davis, then Dr. Gunter, who allegedly told him to "forget everything he had heard before" that appointment and ordered a new MRI. Appellant stated Dr. Gunter prescribed pain medication, which provided the first relief he had

since May 2022. He then claimed Dr. Gunter's office staff "lied" to him, and he was released from care due to a lie. Appellant went on to say he had been forced by the carrier to attend physical therapy until Dr. Tavel's office "put PT on hold" due to the increased pain. He further alleged Gallagher Bassett had forced him into "risky" steroid injections." He admitted to recording Dr. Tavel during an appointment on April 25, 2023, which he wished to share with the Commissioner. Finally, he alleged that Respondents were "all being very vexatious." He stated he could not live the way he was living, as he was in severe pain, gaining weight, could not sleep, and was "agitated and miserable" all the time. He requested to see a neurologist and attempted to direct his own care by expressing interest in discussing plasma-rich-platelet injections in lieu of the Rhizotomy, which was the treatment plan recommended by a licensed medical provider. On September 29, 2023, Appellant emailed Respondents asking to know "exactly" what their "intent" was and accusing them of scheduling him for an appointment without notifying him. Defense Counsel responded stating that his Nurse Case Manager, Dianna, would be in contact with him regarding his upcoming appointment with Dr. Boyd. Appellant then requested the Nurse Case Manager be removed from his claim. After the Nurse Case Manager notified Appellant of his appointment, he again emailed Defense Counsel instructing her again to remove the Nurse Case Manager, as he did not want her contacting him. He requested Defense Counsel notify him of appointments herself. Defense Counsel instructed Appellant to address any issues with the Nurse Case Manager or any other issues he may have at the upcoming hearing after repeated correspondence from Appellant. When Defense Counsel asked Appellant to stop contacting her client, Appellant responded, "before you get hateful and flapping your gums (sic) at me, you need to check yourself young lady."

23. In the meantime, Appellant continued to receive temporary benefits from the Respondents and perform activities of daily life like ride his lawn mower, transport his girlfriend's kids, play basketball, and do "whatever [he] want[s] to do" since his May 25, 2022, work accident

because in his words, "the damage is done," and he would not "hurt any more part of [his] back." (Exhibit E, p. 27, line 7-9; Exhibit E, p. 31, line 19-25.)

24. To summarize, during the course of his workers' compensation claim, and particularly from February 14, 2023, to November 13, 2023, Appellant failed to cooperate with and participate in his own medical treatment and frustrated the efforts of the other persons involved in his claim, including the medical providers, nurse case managers, and defense counsel, in their diligent attempts to provide him treatment under the Act – all while Appellant was receiving temporary total disability benefits from Respondents. Appellant acted in such a belligerent manner that Dr. Edward Tavel, Dr. Brett Gunter, and Dr. Gisele Girault all released him from their practice or refused to provide additional treatment. A nurse case manager also resigned from his claim due to his threatening behavior, and Respondents filed a Motion for Limited Communications due to his harassment. Accordingly, Respondents requested a hearing in an effort to resolve the claim.

25. Appellant asserted at the November 28, 2023, hearing that he was entitled to additional medical treatment; however, he specifically requested the ability to choose his medical treatment and treat independently *outside* of the workers' compensation system. (Exhibit E. p. 12, line 20-25; Exhibit E, p. 13, line 1-12.) He requested a nurse case manager *not* be involved with his appointments. (Exhibit E, p. 16, line 13-25.) He requested to "discontinue [himself]" of the system and "to close and get out of it and take care of [himself.]" (Exhibit E, p. 11, line 15-17; Exhibit E, p. 12, ll. 12-13.) Ultimately, he requested to settle his workers' compensation claim and "get on with his life.". (Exhibit E, p. 16, line 3-6.) Similarly, Respondents are at a loss, as they have tirelessly provided evaluation after evaluation, only for Appellant to be released by yet another provider's practice – not to mention being verbally harassed by Appellant themselves while attempting to provide such treatment. It appears that any further effort would be futile and contrary to the goals and objectives of the workers' compensation system, which Appellant has so blatantly disregarded.

26. The appellate panel has the discretion to decide whether Appellant is permitted to reinstate his claim; however, "discretion is not whim, and limiting discretion according to legal standards helps promote the basic principle of justice that like cases should be decided alike. Jordan v. Hartford Fin. Grp., Inc., 868 S.E.2d 400, 402 (Ct. App. 2021). Respondents respectfully request this panel to consider the facts of this case, particularly Appellant's willful disregard of the workers' compensation system and continued harassment of the doctors, carriers, and case managers attempting to perform their jobs. Considering the principle of like cases should be treated alike, we beg this court not to reward this Appellant's behavior and disrespect for the judicial process.

WHEREFORE, Respondents respectfully request that Appellant's Motion to Reinstate be denied.

Respectfully submitted,



Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN & PRICKETT, LLC
1201 Main Street, Suite 1430
Columbia, SC 29201
Tel: (843) 310-0485
Fax: (843) 589-9000

ATTORNEY FOR RESPONDENTS

Columbia, South Carolina.
May 16, 2024

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EXHIBIT A
FORM 30

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
803-737-5675 www.wcc.sc.gov

WCC File #: 2207041
Carrier File #:
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter R. Hoover, Jr. SSN: 247-29-5421
Address: 6194 Dogwood Rd.
City: Whitmire State: SC Zip: 29178
Home Phone: 8033943047 Work Phone: ( ) -

Employer's Name:
Address:
City: State: Zip:
Insurance Carrier:

Preparer's Name: Law Firm: Preparer's Phone #: ( ) -

REQUEST FOR COMMISSION REVIEW

Request for Commission Review by ☒ Claimant ☐ Employer (check one) Date of Injury or Illness: 05/20/22 (m/d/yyyy)

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

2. Authentication of photos/videos is not required by SC Workers Compensation Law.
3. Videos presented are an accurate representation of my drs visits when called "combative" etc.
4. I took steroids on July 12th 2023 - noted by Dr. Gunclu. I had an allergic reaction. I am and have been compliant. I am allergic, not non-compliant.
5. I have not abandoned my claim. I had a great visit with Dr. Boyd (Neurologist). Instead of steroids, on 11/13/2023

(Check one) Oral argument ☒ is ☐ is not requested. Appellant's request for oral argument is waived if not indicated on this form.
I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to SC WCC
address 1333 Main Street, Ste 108 Columbia SC 29201 on the 11 day of Jan 2024

by ☐ first class postage ☐ certified mail ☒ personal service ☐ electronic service

Walter R Hoover Jr
Preparer's Signature

Claimant
Title

whoover@gmail.com
Email

01/10/24
Date

Check this box if you are not represented by an attorney ☑

Questions about the use of this form should be directed to the Judicial Department at 803.737.5675 or appeals@wcc.sc.gov.

RECEIVED
JAN 24 2024

If the claimant appeals and is not represented by counsel, the Judicial Department will properly serve this form pursuant to Reg. 67-607 C. Pursuant to Reg. 67-205 and Reg. 701, the appeal must be postmarked no later than 14 days from the date of service of the Decision and Order of the Hearing Commissioner along with the filing fee. Attach a Form 2 if you are unable to pay the filing fee. Refer to Reg. 67-211 and Reg. 67-701 through 711.

he offered RFA and/or Spinal Fusion. I am interested in either.

6. I request that the evidence be revaluated and my claim reinstated.
7. I deny any claim of non-compliance.
8. I have no argument regarding my Compensation Rate.
9. I am arguing this decision due to multiple, unexplained changes in my compensation rate.

Walter K Hoover Jr 1-10-24

EXHBIT B
LETTER TO DISMISS CLAIM

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Claudia J. Piechota

Reply to: Charleston
direct: **(843) 310-0485**
fax: **(843) 589-9000**
cpiechota@hplplaw.com

May 2, 2024

VIA EMAIL ONLY: judicialanalysts@wcc.sc.gov
Amy Bracy, Judicial Director
Post Office Box 1715
Columbia, South Carolina 29202-1715

Re: Walter Hoover, Jr., Appellant, v. Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, Of which Tractor Supply Company is the Respondent.
Appellate Case No. 2207041

Dear Ms. Bracy:

Repondants received the Form 31 Notice of Appellate Hearing sent March 19, 2024, which indicates the above-referenced matter has been set to be heard on May 20, 2024. Persuant to Regulation 67-705(A) the appellant, Mr. Walter Hoover, was *required* to file a brief including a statement of the case, questions presented, argument, and conclusion by or on April 18, 2024, which is the date listed on the Form 31, as the regulation in relevant part states, "the appellant *shall* file the brief...on or before the date on the Form 31" (emphasis added.) Since he is unrepresented, Mr. Hoover was required to mail a copy of his brief to the Commission by the filing date. The Judicial Department would have then prepared additional copies and served the brief on Respondants. Reg. 67-705(G).

The parties made no agreement of any kind to extend the time for filing with the Judicial Department prior to the filing date of April 18, 2024, persurant to Regulation 67-705(H), and as of the date of this letter, which is now 13 days after the filing deadline, Defendants have yet to receive a copy of Mr. Hoover's brief. Accordingly, it is our understanding that an appellant brief was never filed with the Commission as required by the regulations.

Persuant to Regulation 67-705(H)(3), if the appellant fails to file a brief, which appears to be the present case, the Judicial Department may remove the case from the review hearing docket by issuing an administrative order dismissing the appeal. The Respondents respectfully request an order for the same.

Sincerely,

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HPL+P LLC
ATTORNEYS AT LAW



Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN + PRICKETT
945 Houston Northcutt Blvd.
Mount Pleasant SC 29464
(843) 310-0485
Attorney for Respondent

cc: Walter Hoover, Jr.
6194 DOGWALLA Road
Whitmire, SC 29178

EXHIBIT C
CLAIMANT'S MOTION
TO REINSTATE

Re: Walter R Hoover, Jr
WCC File#: 2207041

Dear SC Workers Compensation Comission,

I am submitting Form 59 late. I a
I read the Notice of Apellate Hea
incorrectly regarding the due dat

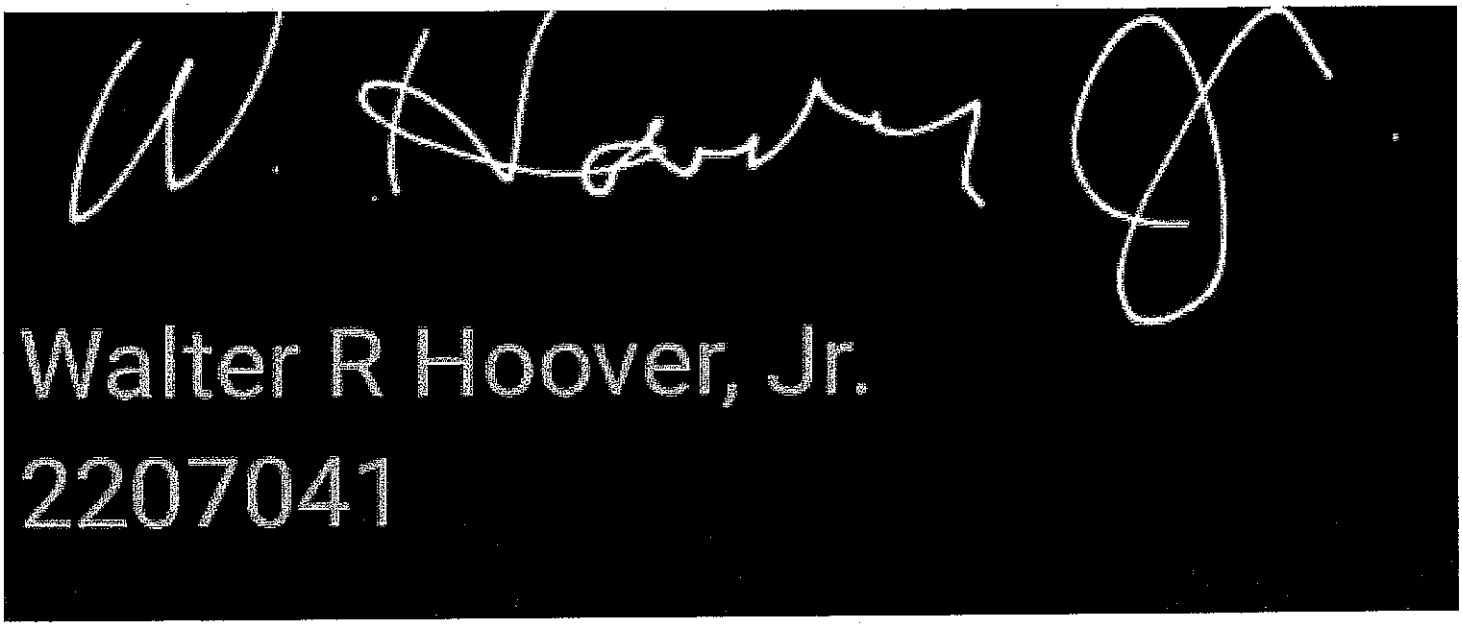
Please accept my apologizes for
misunderstanding and consider t
request to continue my claim.

304

04/29/2024

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his as my


Walter R Hoover, Jr.
2207041

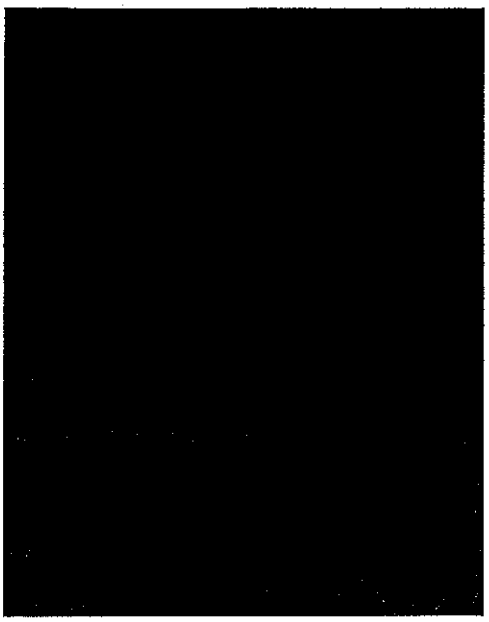


EXHIBIT D
DEFENDANT'S PRE-HEARING
BRIEF APA'S AND EXHIBITS

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Claudia J. Piechota

Reply to: Charleston
direct: **(843) 310-0485**
fax: **(843) 589-9000**
cpiechota@hplplaw.com

October 31, 2023

VIA ECASE
The Honorable Commissioner R. Michael Campbell, II
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

Re: Walter Hoover v. Tractor Supply Company
WCC File No.: 2207041 - Date of Accident: May 25, 2022
Carrier: Starr Specialty Insurance Company - Claim No.: 004169-065746-WC-01

Dear Commissioner R. Michael Campbell, II:

Enclosed herein please find the Defendants' Amended Pre-Hearing Brief as well as the Notice of Witnesses and Written Medical Reports which lists the documents I intend to submit at the hearing of the above-referenced matter pursuant to the South Carolina Administrative Procedures Act.

By copy of this letter, I am providing a copy of these forms and reports to, Claimant's attorney.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC

Claudia J. Piechota

CJP/jpb
Enclosure

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South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5700 www.wcc.sc.gov

AMENDED PRE-HEARING BRIEF
WCC File No: 2207041

Claimant's Name: Walter Hoover, Jr.
Address: 6194 Dogwalla Road
Whitmire, SC 29178
City: Whitmire State: SC Zip: 29178
Home Phone: (803) 394-3047 Work Phone: ( ) -

Employer's Name: Tractor Supply Company
Address: 5401 Virginia Way
Brentwood, TN 37027
City: Brentwood State: TN Zip: 37027
Carrier: Starr Specialty Insurance Company

Preparer's Name: Claudia J. Piechota, Esquire
Preparer's Phone #: (843) 310-0485

A claim for workers' compensation benefits is made based on the following grounds:
☒ Injury ☐ Illness ☐ Repetitive Trauma

1. Compensation Rate: $361.84 2. AWW: $542.73 **Date of Injury:** 5/25/2022
3. Type of injury and body part(s): Admitted for lower back injury; however, the extent is under investigation.
4. Facts in controversy: 1)Whether Claimant has reached MMI, and if so, as of what date? 2) Extent of disability, if any. 3) Whether Claimant is entitled to additional medical treatment. 4) Whether Defendants are entitled to credit for overpayment of temporary benefits.5) Whether Claimant has been noncompliant with medical treatment based on his actions towards numerous doctors.
5. Legal issues involved: §42-9-30; §42-15-60; §42-9-210; Morgan v. JPS Automotives, and other applicable statutes, regulations, and case law. See #4 above.
6. Unusual aspects: Defendants reserve the right to and may move to either postpone or adjourn the scheduled hearing to exercise due process rights afforded by law to cross examine, respond to, and otherwise oppose evidence presented by Claimant.
7. Witnesses (designate if expert):* Representatives of the Employer may be called to testify.
8. Exhibits: Claimant's personnel and/or payroll records may be submitted in response to testimony; Claimant's deposition transcript may be submitted in response to testimony.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance):
Please see attached APA submissions. Defendants reserve the right to rely on evidence submitted in Claimant's Pre-Hearing Brief and APA Submissions.
10. Name, address, and specialty, if any, of the treating physician: Lexington Medical Center, Palmetto Bone and Joint, Palmetto Imaging, Chapin Orthopaedic Surgery Center, Drayer Physical Therapy Institute, MUSC Health Neurosurgery Columbia, Pain Specialists of Charleston, BenchMark Physical Therapy.
11. Impairment rating(s); body part(s); physician and date of opinion: N/A
12. I am amending my Form 50/51 in the following manner: N/A

☐ **Mediation**
- ☐a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- ☐b. Mediation is required pursuant to Reg. 67-1802.
- ☐c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
- ☐d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to **mediation@wcc.sc.gov**.

I certify I have served this document pursuant to Reg. 67-211. See attached certificate of service.

I verify the contents of this form are accurate and true to the best of my knowledge.

Signature: Email: cpiechota@hplplaw.com

Date of hearing: November 14, 2023 Time needed for hearing: 1 hour

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615; as well as Regulation 67- 1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. * Commissioners reserve the right to admit expert witnesses at hearings.

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5675 www.wcc.sc.gov

WCC File #: **2207041**
Carrier File #: **004169-065746-WC-01**
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter Hoover, Jr.
Address: 6194 Dogwalla Road
Whitmire, SC 29178

Employer's Name: Tractor Supply Company
Address: 5401 Virginia Way
Brentwood, TN 37027

Home Phone: (803) 394-3047 Work Phone: ( ) -

Carrier: Starr Specialty Insurance Company

Preparer's Name: Claudia J. Piechota, Esquire

Preparer's Phone #: (843) 310-0485

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AMENDED NOTICE OF WITNESSES AND WRITTEN MEDICAL EVIDENCE

TO: South Carolina Workers' Compensation Commission and:

YOU ARE HEREBY NOTIFIED THAT DEFENDANTS, pursuant to the provisions of the South Carolina Workers' Compensation Act and South Carolina Code Section 1-23-330, (1976, as amended), herewith submits the following medical reports as direct evidence on behalf of the Defendants, to wit:

NAME OF PHYSICIAN/OTHER	DATE OF REPORT	PAGE
1. Southeastern Spine Institute	03/08/2019 – 04/29/2019	1-34
2. Lexington Medical Center	06/01/2022	35-53
3. Palmetto Bone & Joint	06/10/2022 – 09/09/2022	54-66, 78-83
4. Drayer Physical Therapy	08/29/2022	67-75
5. South Carolina Internal Medicine, LLC	09/01/2022	76
6. ImageCare Associates, LLC	06/27/22	77
7. MUSC Columbia Neurosurgery	01/06/2023	84-88, 91-95
8. Pain Specialists of Charleston, P.A.	02/14/2023 – 04/25/2023	89-90, 100-104
9. Bench Mark Physical Therapy	04/17/2023	96-99
10. Pain Medicine Specialists	06/22/2023	105-107

EXHIBITS	DATE OF REPORT	PAGE
A. Payroll Records	12/31/2021 – 05/01/2022	108
B. Compensation Rate Calculations		109
C. List Claim Payments	06/17/2022 – 07/05/2023	110-115
D. Gallagher Bassett Emails	07/11/2023	116
E. Defendants' Notice of Motion and Motion to Limit Communication	05/22/2023	117-146
F. Emails and Correspondence from Claimant	10/03/2023-10/17/2023	147-164

YOU ARE FURTHER HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the depositions of any of the physicians, whose reports are submitted, for the purposes of cross-examination.

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YOU ARE FURTHER NOTIFIED that the originals of the documents referred to herein, or photocopies received from said physicians/others, are being herewith forwarded to the South Carolina Workers' Compensation Commission, for insertion in the file of the South Carolina Workers' Compensation Commission and inclusion into the evidence on behalf of the Defendants.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the Defendants: See Pre-Hearing Brief.



Claudia J. Piechota, Esquire
Holder Padgett Littlejohn + Prickett, LLC

October 31, 2023

November 14, 2023
(hearing date)

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO: 2207041

WALTER HOOVER, JR.,

Employee,

Claimant,

vs.

TRACTOR SUPPLY COMPANY,

Employer,

and

STARR SPECIALTY INSURANCE COMPANY,

Carrier,

Defendants.

CERTIFICATE OF SERVICE

The undersigned certifies that they are an employee of HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC, and that they have served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Rule 67-211 of the South Carolina Workers' Compensation Commission, by depositing a copy of same in the United States Mail, postage prepaid, addressed to and/or emailed to:

TO: The Honorable Commissioner R. Michael Campbell, II
S.C. Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715
(VIA ECASE UPLOAD)

TO: Walter Hoover, Jr.
6194 Dogwalla Rd.,
Whitmire, SC 29178
(VIA EMAIL ONLY: whooverjr@gmail.com)

DOCUMENT: Pre-Hearing Brief and Notice of Witnesses and Written Medical Evidence

DATE OF MAILING: October 31, 2023

Jarrod P Bartlett
Paralegal to Claudia J. Piechota

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover | Encounter Date: 3/8/2019 | Date of Birth: 9/6/1968
Account Number: 1116780

Chief Complaint: low back and right leg pain

History of Present Illness: Mr Hoover is a pleasant 50-year-old male who is seen in clinic today for evaluation of aching, burning, and stabbing pain in the lower back that radiates into the posterior lateral aspect of the right lower extremity. He also reports numbness in this distribution as well. He says his low back pain has been ongoing for over 10 years but the lower extremity symptoms began within the past year. He denies any recent traumatic event or injury. His symptoms have been getting progressively worse with time. He says "everything" will make his symptoms worse, particularly bending. He will have improvement with Aleve or sleeping with a sleeping bag between his legs. He is rating his current pain level as a 9/10 and says it is 75% back pain and 25% leg pain. He has done physical therapy in the past and has been continuing with a daily home exercise program but has not found this helpful. He does report a feeling of weakness in his lower back. He has Lortab from a recent hernia surgery and has been breaking the tablets in half when his pain is severe, but tries not to take these if possible. He denies any bladder or bowel incontinence. He has not had any recent imaging of the lumbar spine. He has never had any spinal injections or spinal surgeries.

Past Medical History: Hernia

Past Surgical History: Hernia repair Dec. 2018

Current Medications: Hydrocodone 7.5 mg-acetaminophen 325 mg tablet Oral

Drug Allergies: No known allergies

Family History: stroke

Personal and Social History: Mr. Hoover currently lives in Chapin, South Carolina. He is employed in food services at Spring Hill high school. He has never had a blood transfusion. He admits to smoking one pack of cigarettes per week for the past 15 years.

Review of Systems: As reviewed per patient intake packet

Physical Examination: On physical exam, Mr. Hoover is in no acute distress. He is alert and oriented ×3. Cranial nerves II through XII are grossly intact. He is 6 feet tall and 225 pounds. Strength is diminished at a 3/5 in the right EHL and a 4/5 in the right TA, and he does have difficulty heel and toe walking on the right; otherwise strength is a 5/5 in the

ELECTRONICALLY SIGNED BY G. Robert Richardson, III, MD
3/11/2019

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remaining muscle groups of the lower extremities. He reports decreased sensation to light touch over the lateral aspect of the right lower extremity below the knee. Right Achilles reflex is diminished as compared to the left which is 2+. Patellar reflexes are 2+ and symmetrical. Downgoing Babinski's bilaterally. Positive straight leg raise on the right. Negative straight leg was on the left. Negative Patrick's sign bilaterally. He is tender to palpation over the lumbar spine and paraspinal musculature, right more so than left. He is limited with flexion of the lumbar spine. His gait is antalgic favoring the right lower extremity. No dysvascular skin changes or rashes. No acute cardiovascular or respiratory distress. No edema noted.

Imaging Orders: 4 views of the lumbosacral spine were ordered, obtained and interpreted from an orthopedic standpoint.
Imaging Findings: AP, lateral, flexion and extension views of the lumbosacral spine were taken today, reviewed, and discussed with the patient. There is evidence of disc space narrowing noted L3/4 through L5/S1 and is most pronounced at the L3/4 level. There is osteophyte associated with this. No evidence of fracture or subluxation. No instability noted on flexion and extension views.

Diagnosis Codes:
M51.16 Intervertebral disc disorders with radiculopathy, lumbar region
M51.36 Other intervertebral disc degeneration, lumbar region
M47.896 Other spondylosis, lumbar region

Impression:

1. Right low back and lower extremity pain secondary to lumbar radiculitis with neurologic deficits on today's exam.
2. Lumbar degenerative disc disease.
3. Lumbar spondylosis.

Treatment Plan: Given his significant radicular symptoms and neurologic deficit that we move forward with a lumbar MRI scan. I will look into scheduling this as soon as possible. This is to include 3D reformations to better evaluate the exit foramen in anticipation of potential future injections and/or surgical considerations. Scheduling for this is currently underway. Patient is to return to clinic once the scan has been completed. Further treatment options will be discussed at that time. In the meantime I have written for Norco to be taken as needed for more severe pain. I have written for samples of Movantik to take before consultation as pain medications tend to cause him significant constipation.

Norco 5 mg-325 mg tablets were prescribed; side effects were discussed and appropriate instructions were provided. The patient was given sample of Movantik 25mg. An MRI of the lumbar spine was ordered. The scan will need to include 3-D reformations to evaluate for any potential extraforaminal herniations as well as anticipation of injection therapy or surgical intervention. The patient is to return when the result of MRI is available.

G. Robert Richardson, III, MD

GRR/MN/jbe

SOUTHEASTERN SPINE INSTITUTE AND AMBULATORY SURGERY CENTER

Southeastern Spine Institute
1106 Chuck Dawley Blvd.,
Mount Pleasant, SC 29464
T 843-849-1551

Patient Name:	HOOVER, WALTER	**Accession Number:**	G190308102026133
Patient ID:	1116780SSI	**Requested Date:**	March 8, 2019 10:47
Gender:	Male	**Report Status:**	Final
Date of Birth:	September 6, 1968	**Requested Procedure:**	1
Home Phone:			
Referring Physician:	RICHARDSON,RICKY,	**Procedure Description:**	LUMBAR WO
Organization:	SSI	**Modality:**	MR

Findings

Reporting MD: Holgate, MD, Richard
Dictation Time: March 8, 2019 10:51
Transcriptionist: Not available
Transcription Date:

LUMBAR

TECHNIQUE:

[The patient is examined on the High Field GE MR System a phased array coil is used to obtain images of the lumbar spine.]

SERIES:

[A multi-sequence, multi-angled, multi slice examination was carried out including myelotomography and 3-D reformations.]

OVERVIEW:

[Overview of the lumbar spine shows normal bony alignment and normal marrow signal apart from modic changes with no evidence of a congenital anomaly of the spine images of the hips, sacroiliac joints, piriformis muscles and proximal sciatic nerves reveal no abnormality.]

THORACIC SPINE:

[Views of the distal thoracic spine show a normal spinal cord and conus medullaris, normal vertebrae and mild spondylosis.

INTERVERTEBRAL DISCS:

[L1-2. Mild non-compressive spondylosis.

L2-3. Moderate facet arthropathy and mild bulge with moderate to severe bilateral lateral recess stenosis and potential compression of the L3 roots.

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L3-4. Moderate facet arthropathy, signal loss, disc space narrowing and shallow protrusion with moderate to severe bilateral lateral recess stenosis and probable compression of the L4 roots.

L4-5. Moderate facet arthropathy, signal loss and shallow protrusion with central accentuation with annular tear. There is severe bilateral lateral recess stenosis and probable compression of the L5 roots.

L5-S1. Moderate facet arthropathy, signal loss and a right lateral recess herniation with displacement probable compression of the right S1 root.]

3D REFORMATIONS AND MYELOTOMOGRAPHY:

[MR myelotomography is a 3D sequence which displays the distribution of cerebral spinal fluid within the lumbar subarachnoid space and simulates an x-ray myelogram without spinal injection. Multiple oblique projections were performed and confirm the findings above.]

OPINION:

[MRI of the lumbar spine including 3D myelotomographic images and multiplanar reformations shows spondylosis with potential/probable bilateral root compression at L2-3, L3-4 and L4-5. There is right-sided herniation at L5-S1 with probable compression of the right S1 root.]

PATIENT HISTORY:

50/M WITH LOW BACK AND RIGHT LEG PAIN FOR 10 YEARS. NO RECENT TRAUMA.

6'
225 LBS.

JAD
MRI A

Electronically signed by: Richard Holgate, MD (Mar 08, 2019 10:52:51)

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

MRI REQUEST FORM

Name: **Walter Hoover**	Home Phone: **(803) 394-3047**	Weight: **Weight 225lbs**
DOB: **9/6/1968**	Cell Phone: **(803) 394-3047**	Sex: **male**
ACTT #: **1116780**		

Reason for test:	Pain
Referring Provider:	G. Robert Richardson, III, MD
Referring Provider NPID:	1417932252
Reporting Physician:	
Suggested Diagnosis:	**M51.16 Intervertebral disc disorders with radiculopathy, lumbar region** **M51.36 Other intervertebral disc degeneration, lumbar region** **M47.896 Other spondylosis, lumbar region** R93.7 Abnormal Findings Diagnostic Imaging Musculoskeletal
Test Requested:	**MRI of the lumbar spine** ☑ 3D Holograph Images ☐ With/Without Contrast ☐ With Contrast ☑ Without Contrast
X-ray Screening Cleared:	Walter Hoover Oral Sedation Given ☐ Yes ☑ No
Claustrophobic:	☐ Yes ☑ No
MRI Appointment:	Date: 3/8/2019 Time: Bldg: ☑ A ☐ B
Doctor Appointment:	Date: Time:
Instructions:	

GRS

Electronically signed by: G. Robert Richardson, III, MD

MRI PRE-SCREEN FORM

Patient Name: Walter Hoover
Date: 3/8/2019

Prescreening Questions: (prior to making appt)

1. In the past, have you ever worked with metal?	☑ Yes	☐ No
2. Have you ever had metal in your eyes?	☑ Yes	☐ No
If Yes please order orbit xray		
3. Any chance of pregnancy?	☐ Yes	☐ No
If patient is pregnant, get written premission from SSI MD and send note to MRI.		
4. Brain Surgery? Type:	☐ Yes	☑ No
5. Pacemaker, Neurostimulator, Internal Insulin Pump?	☐ Yes	☑ No
6. Heart/Heart Valve Surgery?	☐ Yes	☑ No
7. Cardiac Stent? Name: year	☐ Yes	☑ No
8. Metallic/Other Implants?	☐ Yes	☑ No
Type: Location:		
9. Abdominal Surgery? Colonoscopy with biopsy within the last 90 days.	☐ Yes	☑ No
If yes, obtain medical records and order abdomen xray.		
10. Intravascular Stent? Name/Location:	☐ Yes	☑ No
11. Diabetic? (Get labs)	☐ Yes	☑ No
12. Renal Failure/Dialysis	☐ Yes	☑ No
13. Renal Disease/Insufficiency?	☐ Yes	☑ No
14. Hypertension?	☐ Yes	☑ No
15. History of severe liver disease/transplant or pending liver transplant?	☐ Yes	☑ No
16. Previous surgery of area?	☐ Yes	☑ No

Notes:

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 3/12/2019 Date of Birth: 9/6/1968
Account Number: 116780

Mr. Hoover is seen today in follow up for complaints of low back and right lower extremity pain. Since his last visit he has undergone a lumbar MRI scan. This has been reviewed and discussed with the patient. There is evidence of multilevel disc degeneration primarily L3/4 through L5/S1. Findings are most pronounced at the L5/S1 level where there is a rather large right sided disc herniation with extruded disc material extending inferiorly behind the S1 vertebral body with entrapment of the transiting right S1 root. At L3/L4 and L4/L5 there is mild disc bulging and facet arthropathy resulting in a degree of bilateral lateral recess stenosis. There is also evidence of increased signal noted at the posterior aspect of the disc consistent with annular tear.

Mr. Hoover has ongoing complaints of pain radiating from the back to the right buttock extending to the posterior aspect of the thigh and posterolateral calf.

On exam, there is weakness noted primarily of the right EHL as well as gastrocnemius. Achilles reflex is absent on the right. Gait is antalgic. He has difficulty with heel and toe walking on the right.

Given his radicular complaints with neurologic deficits and findings of his MRI scan, I recommend at this point referral for consultation with one of our surgical partners. If surgery is not indicated at this time, I would be happy to see him back for consideration of epidural steroid injection. He will otherwise return to see me on a prn basis.

Diagnosis Codes:
M51.17 Intervertebral disc disorders with radiculopathy, lumbosacral region
M51.36 Other intervertebral disc degeneration, lumbar region
M47.896 Other spondylosis, lumbar region

Treatment Plan: Requested consult with surgeon.

G. Robert Richardson, III, MD

GRR/jbe

ELECTRONICALLY SIGNED BY G. Robert Richardson, III,
MD
3/19/2019

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 3/21/2019 Date of Birth: 9/6/1968
Account Number: 1116780

History of Present Illness: I'm seeing the patient does request of Dr. Richardson for evaluation of lumbar radiculopathy

50-year-old male who comes in with complaints of back pain and right-sided leg pain. He states that he was working on a home exercise program about a month ago and he felt excruciating right-sided leg pain. He's had difficulty walking due to the severe pain. His pain is intense. He has had long-standing back pain for many years this was following an injury. His pain is severe traveling on the right leg to the foot numbness and tingling in the sole in the foot. His pain he rates as a 9 out of 10. It is worse with activity. Rest and medication is seen help his pain. No change in bowel or bladder function. No left-sided symptoms.

Past Medical History: Hernia

Past Surgical History: Hernia repair 2018

Current Medications: hydrocodone 7.5 mg-acetaminophen 325 mg tablet Oral, Norco 5 mg-325 mg tablet 1 tablet (s) by mouth Q4-6h

Drug Allergies: No known allergies

Family History: Family history positive for stroke. Negative for diabetes and glaucoma.

Personal and Social History: He is employed. He smokes 1 pack per week. He does not drink.

Review of Systems: 10 system review of systems completed by the patient intake questionnaire. Please see for details.

Physical Examination: No acute distress. Alert and oriented. Normal mood and affect.
Unlabored respirations.
Pupils equally round.
Stands upright, with the head well centered over the pelvis both the coronal and sagittal planes.
Walks with an antalgic gait.

Bilateral upper extremity:

Sensation intact to light touch C4-T2.
Motor 5 out of 5 deltoid, biceps, triceps, wrist extension, wrist flexion, grip, and hand intrinsics.
Pulses 2+ and symmetric

Back:
Skin intact.

Bilateral lower extremities:
Sensation intact to light touch L1 to S1.
4 out of 5 right EHL and gastrocsoleus, 5 minus out of 5 right tibialis anterior otherwise 5 out of 5 strength.
Hypoesthesias in the posterior aspect of the calf and sole of the foot.

Imaging Orders: 1 or more views of the pelvis was ordered, obtained and interpreted from an orthopedic standpoint.
Imaging Findings: AP pelvis shows no severe hip arthrosis.

Lumbar radiographs 4 view show lumbar spondylosis most severe L5-S1.

MRI lumbar spine from March 2019 does show a right L5-S1 disc extrusion with severe compression of the S1 root. There also does appear to be a component of foraminal stenosis at this level.

Diagnosis Codes:
M54.16 Radiculopathy, lumbar region
M47.896 Other spondylosis, lumbar region

Treatment Plan: 50-year-old male with right L5-S1 disc herniation and lumbar spondylosis with lateral recess stenosis and a component of foraminal stenosis with weakness on push off

I did have extensive discussion with the patient the office. His symptoms are primarily consistent with an S1 radiculopathy on the right. He has severe compression S1 root. This is due to his discrimination. He does have a component of foraminal stenosis at the L5-S1 level on the right side. He does have some mild weakness with EHL. He does not have a footdrop. We did discuss options for management of his condition. Given his severe pain and weakness I'm recommending surgical intervention. We will proceed an axillary manner with decompression and potential fusion. Fusion is indicated if we have to resect more than 50% of the facet joint at L5-S1. I'm planning on proceeding with a decompression alone L5-S1 with microdiscectomy and foraminotomy. He potentially could require transforaminal lumbar body fusion. We discussed these risks and benefits in great detail. He stated understanding. We will proceed with surgery.

We did discuss the risks and benefits of surgery including but not limited to risk of recurrence of her leg pain, persistent or worsening of her back pain, adjacent segment disease, pseudoarthrosis, postoperative hematoma, infection, postoperative neurological deficit, neurological injury, vascular injury, bleeding possibly necessitating a blood

transfusion, damage to neural structures structures, cerebrospinal fluid leak possibly requiring bed rest for a few days or revision surgery and possibly even a lumbar cerebrospinal fluid drain, the need for revision operation, faluire of fixation, faliure of instrumentation, malpositioned instrumentation, blood clots, pulmonary embolism, heart attack, stroke, and death. I did specifically reviewed that this may not be the last operation. There is always the risk of developing adjacent segment disease above and below the surgical site. I also specifically discussed the complication of a postoperative infection and that this complication can be catastrophic and require revision operations as well as long-term IV antibiotics and in some cases life long supressive antibiotics. We did review the possible need for post-operative inpatient rehabilitation. After reviewing these risks and benefits, the patient stated understanding and provided verbal consent to proceed with the above mentioned surgery.

Recommending operative intervention in the form of lumbar spine laminectomy. The patient understands that they may not have immediate or dramatic relief but there is reason to be hopeful for clinical improvement with postoperative rehabilitation. The patient understands the risks include but are not limited to bleeding, infection, nerve damage, worsening pain, no relief of pain, need for further procedures and need for further surgery and hospitalization. The patient understands the surgery is designed to minimize symptoms but is not necessarily designed to alter their state of disability. Also given Walter's history, physical exam and diagnostic imaging, I do feel Walter would benefit from a custom fitted prefabricated LSO. As each patient's body habitus is unique, the orthosis will be adjusted to provide an individualized fit leading to optimal control thus facilitating the most effective results. An additional frontal corset low profile front panel has been ordered to be utilized during activities such as prolonged sitting. The orthosis will help reduce his pain by restricting mobility of the trunk as well as supporting spinal muscles. This will also provide increased lumbosacral stability which will reduce stress to the spinal structures and thereby aid in reducing his pain. Walter is instructed to begin wearing as of today.

Tim Bryan, MD

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 3/21/2019 Date of Birth: 9/6/1968
Account Number: 1116780

Patient Name: Walter Hoover

Walter Hoover is a patient of Dr. Bryan . He has ordered a custom fit spinal orthosis to be fit under his supervision for the patient to wear in times of increased activity to increase function, lumbar stabilization and pain control. It was determined based on the patient's height and weight they would be custom fit with a standard Orthomerica Carolina Custom Fit brace and front corset, modified to a large/XL. The orthosis was custom fitted to patient while standing. After evaluation the posterior panel was custom molded/bent to fit the patient's lordotic curve. Anterior and Posterior panels were confirmed to provide stabilization and coverage without soft tissue or bony structure interference. The belt was modified to allow for expansion for proper waistline fit. Pull closures were adjusted for optimum intracavitary pressure and for patient ease to use. To provide lateral strength and patient comfort, rigid lateral panels were trimmed as necessary. We achieved an excellent fit both sitting and standing. Patient was instructed of the donning and doffing of the orthosis. Instructions were given on the modular aspect of the orthosis from acute to chronic management. Patient has been given all written and verbal instructions on the wearing schedule, maintenance and care of the orthosis. The patient was very satisfied with the fit and function at the time of delivery.

M Newby

Electronically signed by: Meghan Newby
Date: 3/21/2019

EAST COOPER MEDICAL CENTER

Date of surgery: 3/29/2019	Time of surgery: 9:30
Admitting MD: Tim Bryan, MD	Assisting MD:
Incision to Dressing Time: 2'	Type of anesthesia: GENERAL
☑ MAIN or ☐ AMBULATORY	
Patient Name (Last, First): Hoover, Walter	
Patient Address: 140 Bakersland Road Chapin SC 29036	
Date of Birth: 9/6/1968 Age: 50	Patient Contact Number: (803) 394-3047
Next of Kin:	Patient Alternate Contact Number: (803) 394-3047
Admitting Diagnosis:M54.16 Radiculopathy, lumbar region M47.896 Other spondylosis, lumbar region	
Supporting Diagnosis:	
ADMIT TO: ☑ INPATIENT ☐ OUTPATIENT	
Post Operative Bed Request: ☐ M/S Floor ☐ PCU ☐ ICU ☐ WOMEN'S SERVICE	

Surgical consent for: RIGHT L5-S1 DECOMPRESSION WITH POSSIBLE FUSION

☑ Right ☐ Left ☐ Bilateral

CPT Code: Requested PAT Date: 3/21/2019

Special O.R. Needs or Equipment Requests:C-ARM, GLOBUS, CELLSAVER, MONITORING, Jackson table **HOSPITALIST** pt. on the way after lunch

INSURANCE INFORMATION	
Primary Insurance Name: Sc Bcbs State	Secondary Insurance Name:
Name/DOB of Insured:	Name/DOB of Insured:
Address: P O Box 100605 Columbia, SC 292600605	Address:
Phone Number: 8455632000	Phone Number:
ID Number: ZCS78455499	ID Number:
Employer:	Employer:
Group Number:	Group Number:
Pre-Certified Physician's Office? ☐ Yes ☐ No	
Pre-Certification Number: Number of Days:	

Physician Signature: Date:3/21/2019 Time:1:03 PM

Tim Bryan MD

FAX Signed Posting Orders to 416-6922
SCHEDULING PHONE # 416-6067
PRE-ADMISSION TESTING # 416-6180
After 5pm same day add on- Call OR 416-6280

EAST COOPER MEDICAL CENTER
POSTING ORDER

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

DME ORDER FORM

Patient Information

Name: Walter Hoover
DOB: 9/6/1968
Home Phone: (803) 394-3047
Work Phone:
Weight: Weight 225lbs
Sex: male

Ordering Provider:	Tim Bryan, MD
Diagnosis:	M51.36- Other intervertebral disc degeneration, lumbar region
Equipment Requested:	L0639, L0972 - LSO s/c shell / panel prefab with Corset Start Date: 3/21/2019
Manufacturer	Orthomerica
Name:	Carolina Custom Fit and additional Step Down Front Corset
Qty:	1 each
Comments:	

Electronically signed by: Tim Bryan, MD
Date: 3/21/2019

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Medical Necessity

Patient Name: Walter Hoover

Initial Date of Need: 3/21/2019

Estimate Length of Need: ☐ Weeks ☐ Months ☐ Years ☑ Lifetime

Diagnosis: ☐ M43.16 ☐ M54.16 ☐ M51.16 ☐ M48.07 ☐ M51.26 ☐ M47.816 xM51.36

Prognosis: Fair

Justification:
☑ Reduce pain by restricting mobility of trunk
☐ Facilitate healing from spinal or soft tissue injury of the spine
☐ Facilitate healing following a surgical procedure of the spine
☑ As support for weak spinal musculature or a spinal deformtiy that significantly impacts the ability to preform activities of daily living

Description/ Usage of Supplies: L0639, L0972 - LSO s/c shell / panel prefab with Corset

Signature of provider certifies that the above represents his/her judgement of the patient's need for the item.

Electronically signed by: Tim Bryan, MD
Date: 3/21/2019

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Date: 3/27/2019

To Whom It May Concern:

Please be advised that Walter Hoover is/has been under my orthopedic care.

- He is unable to work beginning today, 03/27/19. He is scheduled for lumbar spine surgery 03/29/19 and will need post-operative care and recovery for approximately six to twelve weeks.

Electronically signed by: Tim Bryan, MD
Date: 3/27/2019

Admit Order Form

Surgery Date: Fri 3/29/19 Surgery Time: 9:30

SOUTHEASTERN SPINE INSTITUTE AND AMBULATORY SURGERY CENTER

Name: **Walter Hoover**
Address: **140 Bakersland Road**
Chapin, SC 29036

Home Phone: **(803) 394-3047**
Work Phone:
Cell Phone: **(803) 394-3047**

Weight: **Weight 225lbs; 6'0"**
Sex: **male**
DOB: **9/6/1968**

Surgeon: Tim Bryan, MD

Classification: ☑ Inpatient Admit ☐ Outpatient Admit ☐ Outpt place in bed ☐ Short Stay

Pre-Admission Testing Date: ** on the way to PAT after lunch
Pre-admission Testing:

- ☑ CBC w/ diff
- ☑ BMP
- ☐ PT/PTT
- ☐ Type and Screen
- ☑ EKG
- ☐ BNP
- ☐ Chest X-Ray
- ☐ Hospitalist
- ☐ Anesthesia Consult
- ☐ A1C
- ☑ Issue SCD

Obtain Consent: **63030 - Lumbar Laminectomy**

Surgical Procedure: Right L5-S1 decompression with possible fusion (2 hours)

Diagnosis: **M54.16 Radiculopathy, lumbar region**
M47.896 Other spondylosis, lumbar region

Pre-op Spine Orders:

- ☑ Pre-op Education -Surgical nurse
- ☑ Pre-op Education - Anesthesia
- ☑ NPO after midnight
- ☐ Bowel Prep (day prior)
- ☐ Clear Liquid diet (day prior)
- ☑ May use intradermal Lidocaince 1% 0.1 ml before IV start
- ☑ Start LR IV at KVO rate (use Normal Saline and Renal Failure Pts)
- ☑ Cefuroxime 1.5 grams IVPB prior to incision
- ☑ If allergic to above medication, give: Vancomycin 1 gram IVPB prior to incision

Pain: ☑ Right ☐ Left ☐ Bilateral ☐ R>L ☐ L>R

Instrumentation

- ☑ Yes Cell Saver
- ☑ Yes Monitoring
- ☑ Yes C-Arm
- ☐ Yes Nuvasive
- ☑ Yes Globus
- ☑ Yes Other: Jackson table

SSI Use Only

- ☐ H&P
- ☑ MRI Rpt
- ☐ Office Note
- ☑ Team Appr

1625 Hospital Drive
Mt. Pleasant, SC 29464
(843) 849-1551

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Electronically signed by: Tim Bryan, MD
Date: 3/21/2019

Scheduled by: Kim Kettrick **Date:** 3/21/2019 **Time: 1:02**

ECH - East Cooper Medical Center

2000 Hospital Drive
Mt. Pleasant, SC 29464
(843)881-0100

Date and Time Generated: Tue Apr 02 2019 13:28:30 GMT-0400 (Eastern Daylight Time)
Generated by: Sunny Case

SIGNED

HOOVER, WALTER R (SU 0403 0)

Report Name	Operative Note EMR No Cosign	**Dictation Date/Time**	03/29/2019 10:40:00
Dictating Physician	BRYAN, TIMOTHY P	**Transcription Date/Time**	03/29/2019 10:40:00
Medical Record Number	5697248	**Document ID**	5786200781
Account Number	22501571	**Admit Date**	03/29/2019 06:15:00
Date Of Birth	09/06/1968	**Discharge Date**	03/29/2019 16:00:00

Operative Report

Date/Time Note Created: 03/29/2019 10:40

Procedure(s) Performed:

1. Right L5-S1 decompression with partial medial facetectomy, hemilaminotomy, foraminotomy
2. Right L5-S1 discectomy

Procedure/Surgery Start:

3/29/2019_

Primary Surgeon(s):

Timothy P Bryan MD_

Assisted By:

Danny Butler PA_

Anesthesiologist/CRNA:

See anesthesia note_

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Anesthesia Type:

See anesthesia note_

Pre-Operative Diagnosis:

1. Right L5-S1 disc extrusion
2. Right L5-S1 calcified disc herniation
3. L5-S1 spondylosis
4. Right S1 radiculopathy_

Post-Operative Diagnosis:

Same_

Indications for Procedure:

50-year-old male with above-mentioned diagnoses. He failed conservative treatment. We did discuss options for management of his condition after failure of conservative treatment he elected to proceed with surgery. Risk benefits were explained and he gave verbal written consent to proceed._

Description of Procedure(s):

The patient was met in the preoperative holding area. The operative site was identified and marked. I once again reviewed the proposed procedure with the patient as well as risks and benefits. Verbal and written consent were obtained. Patient was taken to the operating room where general anesthesia was induced. IV access was obtained and secured. Spinal cord monitor needles were placed. The patient was placed prone on theopen frame table. All bony prominences were well padded. He was secured to the table. He was prepped and draped in typical sterile orthopedic fashion. Following this, a timeout was performed verifying, verified by all members of the operating team verifying the correct patient, procedure, site. That preoperative antibiotics had been given. Bilateral sequential compression devices were on and

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functioning. Following this, time-out, we commenced with surgery.

AP and lateral fluoroscopy was used to localize the disk space. Following this, a midline skin incision was made centered over the L5-S1 disk space. A right-sided subperiosteal exposure was performed exposing the spinous process, lamina, facet joint. The facet joint capsule was preserved. The McCullough retractor was then placed. This exposed an interlaminar space. A Penfield was placed in the interlaminarspace and lateral fluoroscopy confirming the correct interlaminar space. Following this, ligamentum flavum was cleared off. I clearly identified the lamina above, lateral aspect of the pars and the facet joint. The facet joint capsule was preserved at all times. Hemilaminotomy was performed with Kerrisons and rongeur. This was taken up to the insertion of the ligamentum. The ligamentum flavum was then reflected with the nerve hook and resected with Kerrison rongeur.

Partial medial facetectomy was then performed. At all times, lateral aspect of the pars and the facet joint were identified to ensure there was not an extensive bony resection causing iatrogenic instability. Following this, the thecal sac and traversing root were easily identified. There was significant compression in the lateral recess of the traversing root. A partial medial facetectomy was then performed removing less than 50% of the facet joint. The root was then followed out distally. Following this, the traversing root was then mobilized with the Penfield and nerve root retractor. Paracentral disk herniation was identified. Please note there was an extrusion with cranial migration. This was removed in multiple large pieces. Then, a 90 degree ball probe was swept multiple times beneath the traversing root and thecal sac. There was calcified disc in the lateral recess and large osteophytes off the posterior lateral aspect of the vertebral body narrowing the lateral recess. There was extensive scar between the traversing root and this osteophyte. The Penfield was used to free up the nerve root and then the

calcified disc and osteophyte was removed with pituitary rongeur. There was a small amount of bone still adherent to the traversing root that was thinned but was unable to be completely removed. 90 degree ball probe then passed easily up and down following the traversing root and out the foramen. Ball probe also passed easily out the L5-S1 foramen. There was noted to be no residual fragments or compression. Multiple checks were made with a 90-degree ball probe and make sure no residual compression on the exiting root or the traversing root. This following the decompression, there was no residual compression noted on the traversing root. Meticulous hemostasis was obtained with bipolar electrocautery, FloSeal and bone wax. The wound was copiously irrigated. The wound was closed in layers.

The patient was extubated uneventfully and transferred to recovery room without apparent complication._

Finding(s):

Disc extrusion L5-S1 was calcified disc and posterior osteophytes and lateral recent_

Complications:

None_

Specimens Removed:

L5-S1 disc extrusion_

Implants/Explants:

None_

Estimated Blood Loss:

See anesthesia_

334

Patient Condition:

Stable_

Electronically Signed On 03/29/19 10:44 EDT

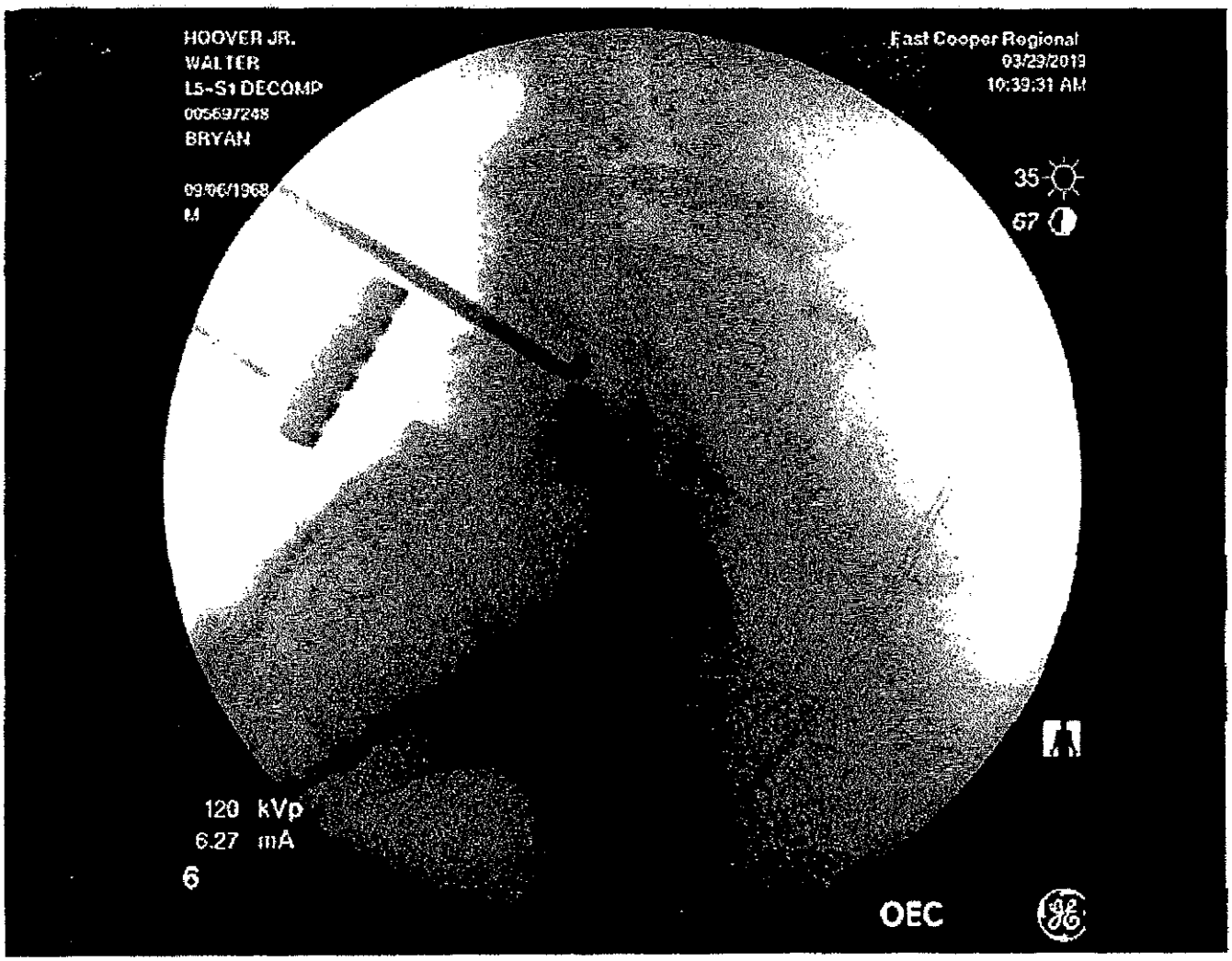
BRYAN MD, TIMOTHY P

End of Report

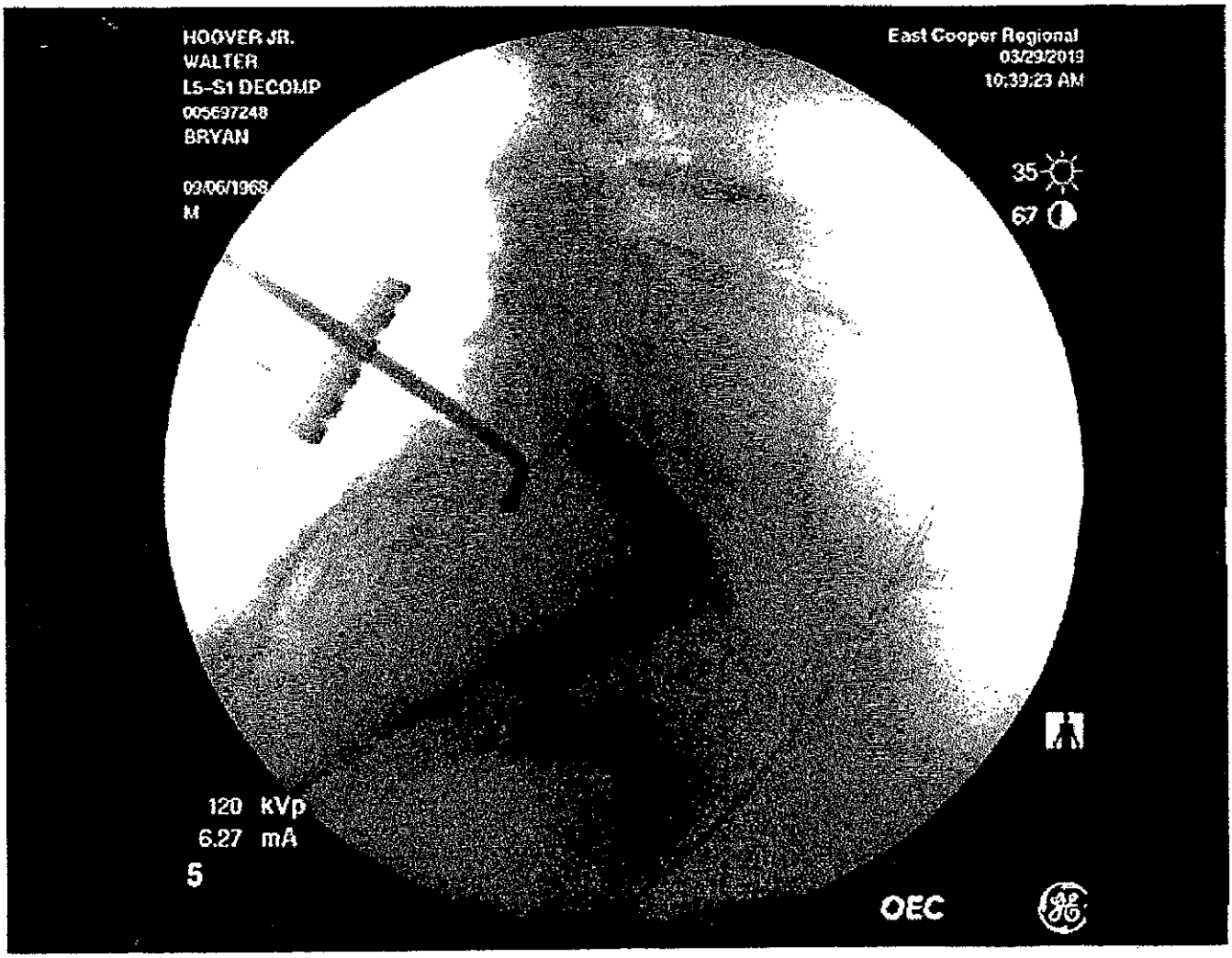
SIGNED

End of Report

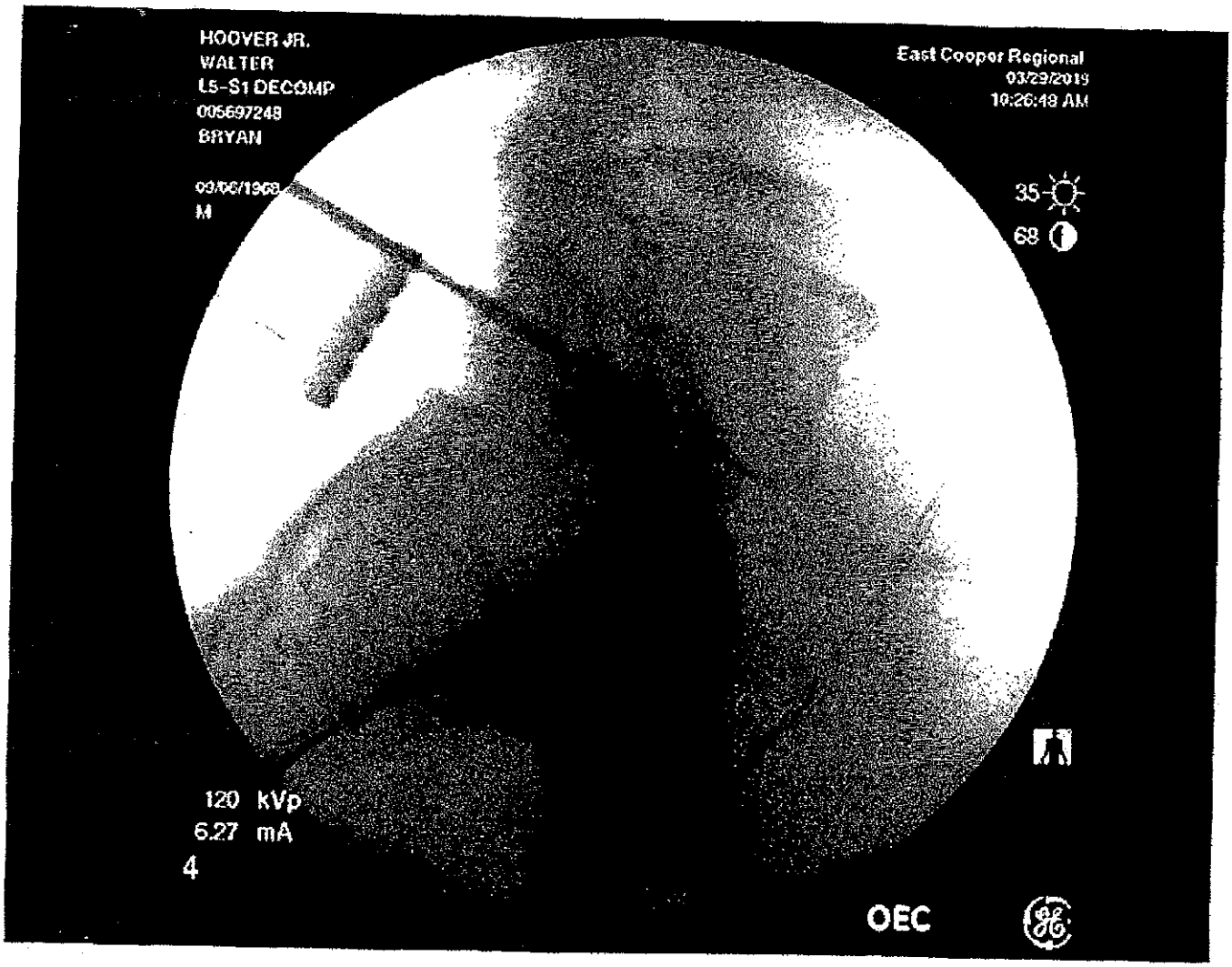
335


HOOVER JR.
WALTER
L5-S1 DECOMP
00569724S
BRYAN
09/06/1968
M
East Cooper Regional
03/29/2019
10:39:31 AM
35
67
120 kVp
6.27 mA
6
OEC

336


HOOVER JR.
WALTER
L5-S1 DECOMP
005697248
BRYAN
02/06/1968
M
East Cooper Regional
03/29/2019
10:39:23 AM
35
67
120 kVp
6.27 mA
5
OEC

337


HOOVER JR.
WALTER
L5-S1 DECOMP
005697249
BRYAN
03/06/1968
M
East Cooper Regional
03/29/2019
10:26:48 AM
35
68
120 kVp
6.27 mA
4
OEC

338


East Cooper Regional
L5-S1 DECOMP
BRYAN
M
64
120 kVp
6.27 mA
3
OEC

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 4/16/2019 Date of Birth: 9/6/1968
Account Number: 1116780

CC: First post op

HPI: Mr. Hoover returns to the office for his first postoperative follow-up. He is 2 weeks status post right L5-S1 decompression and discectomy. His operation was completed on 3/29/19 by Dr. Timothy Bryant secondary to disc herniation and S1 radiculopathy. He rates his pain as a 2/10 on the visual analog scale. He reports near-complete resolution of his preoperative right lower extremity pain. He has some residual numbness to the plantar aspect of his foot but states his strength has improved. He denies completing any postoperative antibiotics or taking any pain medications. He denies fever, chills, shortness of breath, chest pains, lower extremity edema, bladder/bowel incontinence. He has been ambulating some throughout the day but not as much as recommended.

Imaging: AP and lateral lumbar films were obtained and reviewed. These are compared to his preoperative images. He has no evidence of instability

Incisions were inspected, bandages were removed. The incision/s are well approximated, clean, dry, and intact. There is no erythema, hematoma, exudates. He has 5/5 strength of the lower extremities bilaterally without focal muscle deficits. Negative Homans sign.

Generalized precautions, restrictions, red flag symptoms and wound care were discussed at today's visit. All questions were answered. I would like for the patient to follow-up in 4 weeks' time for reevaluation. Due to financial hardship he is requesting to return to work in a supervisory fashion. I have filled out a detailed work note to include restrictions. I also reviewed in great detail red flag symptoms and continued precautions. They are to contact the office sooner with any change in symptoms or concerns.

Imaging Orders:
X-rays of the lumbosacral spine were ordered, obtained and interpreted from an orthopedic standpoint.
Diagnosis Codes:
Z47.89 Encounter for other orthopedic aftercare

Treatment Plan: A work status report was created and given to the patient. Patient to return in 4 weeks for follow up.

Kimsey Cooper, PA-C

ELECTRONICALLY SIGNED BY Kimsey Cooper, PA-C
4/16/2019

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

STATUS / PROGRESS REPORT OF ILLNESS / INJURY

Date: 4/16/2019

Employee Name: **Walter Hoover** DOB: **9/6/1968**

Physician: **Kimsey A Cooper**

Work Related? ☐ Yes ☑ No ☐ Indeterminate at this time

Work Status

- ☐ Cannot work
- ☐ Return to work immediately
- ☐ Released from office
- ☐ PPI assessed
- ☑ Return to work with modified duties
- ☐ Modified duties effective until return visit
- ☐ These restrictions are permanent
- ☐ Do not return to work until:

Work Restrictions

Upper Extremity ☑ Right ☑ Left

- ☐ No use of affected extremity
- ☐ No firm gripping
- ☐ Must wear sling/cast
- ☐ No awkward wrist position
- ☑ No lifting over 10lbs.
- ☐ No repetitive motion
- ☐ No vibratory tools
- ☐ No overhead work (above shoulder)
- ☐ No commercial driving

Lower Extremity ☑ Right ☑ Left

- ☐ Seated work only/mainly
- ☑ No squatting/kneeling/twisting
- ☑ No climbing stairs/ladders
- ☐ No prolonged standing or walking
- ☑ Work with brace/cast
- ☑ No lifting over 10 lbs.
- ☐ Elevate when possible/continuous
- ☐ Crutches/cane/walker
- ☑ No twisting, pushing, pulling

Other Appropriate Duties / Comments:
If no job is available with the stated modified duties, consider Walter Hoover to be off work.
Special Instructions:
STatus will be reevaluated at his next follow up in 4 weeks

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Kimsey Cooper-PAC

Electronically signed by: Kimsey Cooper, PA-C
Date: 4/16/2019

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

STATUS / PROGRESS REPORT OF ILLNESS / INJURY

Date: 4/25/2019

Employee Name: **Walter Hoover** DOB: 9/6/1968
Physician: Kimsey A Cooper

Work Related? ☐ Yes ☑ No ☐ Indeterminate at this time

Work Status

- ☐ Cannot work
- ☐ Return to work immediately
- ☐ Released from office
- ☐ PPI assessed
- ☐ Return to work with modified duties
- ☐ Modified duties effective until return visit
- ☐ These restrictions are permanent
- ☑ Do not return to work until: 5/1/19

Work Restrictions

Upper Extremity ☐ Right ☐ Left

- ☐ No use of affected extremity
- ☐ No firm gripping
- ☐ Must wear sling/cast
- ☐ No awkward wrist position
- ☐ No lifting over lbs.
- ☐ No repetitive motion
- ☐ No vibratory tools
- ☐ No overhead work (above shoulder)
- ☐ No commercial driving

Lower Extremity ☐ Right ☐ Left

- ☐ Seated work only/mainly
- ☐ No squatting/kneeling/twisting
- ☐ No climbing stairs/ladders
- ☐ No prolonged standing or walking
- ☐ Work with brace/cast
- ☐ No lifting over lbs.
- ☐ Elevate when possible/continuous
- ☐ Crutches/cane/walker
- ☐ No twisting, pushing, pulling

Other Appropriate Duties / Comments:
If no job is available with the stated modified duties, consider Walter Hoover to be off work.
Special Instructions:

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Kimsey Cooper-PAC

Electronically signed by: Kimsey Cooper, PA-C
Date: 4/25/2019

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SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 4/25/2019 Date of Birth: 9/6/1968
Account Number: 1116780

Mr. Hoovers work will not let him return with light duty restrictions. He has contacted the office asking us to release him to work full duty with the understanding he is advised not to bend, twist, lift greater than 10 pounds. He is in agreement that he will not complete tasks that require these activities/motions.

Kimsey Cooper-PAC

Electronically signed by: Kimsey Cooper, PA-C
Date:4/25/2019

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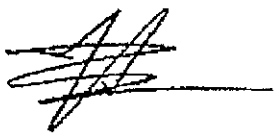
SOUTHEASTERN SPINE INSTITUTE
1106 Chuck Dawley Blvd., Suite 200 ■ Mt. Pleasant, SC 29464

Date: 4/29/2019

To Whom It May Concern:

Please be advised that Walter Hoover is/has been under my orthopedic care.

- He may return to work on 5/1/2019
- After further review on patient's improvement and how well he is doing since his surgery of 03/29/19, restrictions have been lifted. He is able to return to work. He is able to resume regular work schedule beginning 05/01/19 without any of the former restrictions that were in place. I would like him to continue to wear his back brace until his next follow up on 05/15/19. He will be four and a half weeks out from his surgery on 05/01 and protocol following the type of surgery Mr Hoover had, patients normally return to work anywhere between 2 weeks and six weeks. He is doing extremly well and has not had any problems following his surgery. Any questions, feel free to contact me at the office.



Electronically signed by: Tim Bryan, MD
Date: 4/29/2019

****
*** FAX TX REPORT ***
****

TRANSMISSION OK

JOB NO.	1717
DESTINATION ADDRESS	918034768206
SUBADDRESS	
DESTINATION ID	
ST. TIME	04/29 13:01
TX/RX TIME	01'12
PGS.	2
RESULT	OK

FAX COVER SHEET

SOUTHEASTERN SPINE INSTITUTE
ALWAYS ONE STEP AHEAD

1106 Chuck Dawley Blvd, Mount Pleasant, SC 29464
Phone: 843-849-1551
www.southeasternspine.com

TO: Corie Carmichael School District 5 FROM: Sandy/Dr Dennis/Dr Bryan

FAX#: 803-476-8206 FAX#: 843-654-8849

PHONE: DATE: 4/29/19

RE: Walter Hoover PAGES: 2

✓ Urgent ✓ For Review ___ Please Comment ___ Please Reply ___ Please Recycle

Return to work note

PRIVILEDGED AND CONFIDENTIAL: This document and the information contained herein are confidential and protected from disclosure pursuant to Federal law. This message is intended only for the use of the Addressee (s) and may contain information that is PRIVILEDGED AND CONFIDENTIAL. If you are not the intended recipient, you are hereby

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06/01/2022 - UC in LMC Chapin Urgent Care

Reason for Visit

Chief Complaint *[last edited by Jacobs, Mellada, RN on 6/1/2022 1737]*

- Back Pain (C/o mid lower back pain since Friday after lifting a heavy object at work. The pain is where he had surgery 2 years ago)

Visit Diagnosis *[last edited by Head, Lashell L, NP on 6/1/2022 1758]*

Name	Is ED?
Acute right-sided low back pain with right-sided sciatica (primary)	Yes

Visit Information

Admission Information

Arrival Date/Time:	06/01/2022 1549	Admit Date/Time:	06/01/2022 1740	IP Adm. Date/Time:	
Admission Type:	Emergency	Point of Origin:	Non-healthcare Facility	Admit Category:	
Means of Arrival:	Car	Primary Service:	Emergency Medicine	Secondary Service:	N/A
Transfer Source:		Service Area:	LCHSD SERVICE AREA	Unit:	LMC Chapin Urgent Care
Admit Provider:		Attending Provider:	Head, Lashell L, NP	Referring Provider:	

ED Disposition

ED Disposition	Condition	User	Date/Time	Comment
Discharge	--	Head, Lashell L, NP	Wed Jun 1, 2022 6:00 PM	--

Discharge Information

Date/Time: 06/01/2022 1807 | Disposition: Home Or Self Care | Destination: —
Provider: — | Unit: LMC Chapin Urgent Care

Follow-up Information

Follow up With	Specialties	Details	Why	Contact Info
LMC Chapin Urgent Care	Urgent Care		If symptoms worsen or go to ER	557 Columbia Ave Chapin South Carolina 29036-8324 803-932-0655
LEXINGTON BRAIN AND SPINE INSTITUTE		Schedule an appointment as soon as possible for a visit	for recurrent sciatica and right low back pain	222 E Medical Lane, Ste 200 West Columbia South Carolina 29169-4848 935-8410

Level of Service

Level of Service
PR OFFICE/OUTPATIENT NEW LOW MDM

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Events

Admission at 6/1/2022 1740

Unit: LMC Chapin Urgent Care | Room: 02 | Bed: 1-02
User: Jacobs, Mellada, RN | Patient class: Urgent Care | Service: Emergency Medicine

Discharge at 6/1/2022 1807

Unit: LMC Chapin Urgent Care | Room: 02 | Bed: 1-02
User: Jacobs, Mellada, RN | Patient class: Urgent Care | Service: Emergency Medicine

348 000035

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Medication List

Medication List

This report is for documentation purposes only. The patient should not follow medication instructions within. For accurate instructions regarding medications, the patient should instead consult their physician or after visit summary.

Prior To Admission

None

Discharge Medication List

Medications last reviewed by Jacobs, Mellada, RN on 6/1/2022 1739

predniSONE 10 mg (STERAPRED DS) 6 day pak

Instructions: Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);
Authorized by: Head, Lashell L, NP
Start date: 6/1/2022
Refill: No refills remaining

Ordered on: 6/1/2022
Quantity: 1 kit

Stopped in Visit

None

ED Provider Note

No documentation.

ED Notes

No documentation.

Clinical Notes

06/01/2022

MD Info for AVS by Head, Lashell L, NP at 6/1/2022 1759

Version 1 of 1

Author: Head, Lashell L, NP
Filed: 06/01/22 1759
Status: Written

Service: —
Date of Service: 06/01/22 1759
Editor: Head, Lashell L, NP (Nurse Practitioner)

Author Type: Nurse Practitioner
Creation Time: 06/01/22 1759

Heat to affected area
No bending/lifting for 1 week[LH.1M]

Electronically signed by Head, Lashell L, NP at 06/01/22 1759

Attribution Key

LH.1 - Head, Lashell L, NP on 06/01/22 1759
M - Manual

UC Provider Note by Head, Lashell L, NP at 6/1/2022 1807

Version 1 of 1

Author: Head, Lashell L, NP
Filed: 06/01/22 1858
Status: Signed

Service: —
Date of Service: 06/01/22 1807
Editor: Head, Lashell L, NP (Nurse Practitioner)

Author Type: Nurse Practitioner
Creation Time: 06/01/22 1854

History[LH.1T]

Chief Complaint

Patient presents with

- Back Pain

  C/o mid lower back pain since Friday after lifting a heavy object at work. The pain is where he had surgery 2 years ago[LH.2T]

Patient is a 53 y.o. male.The history is provided by[LH.1T] the patient[LH.1M].[LH.1T] No language interpreter was used[LH.1M].[LH.1T]

Ortho - Spine[LH.1M]
Primary Symptom:[LH.1T] **Lumbar**[LH.1M]
Onset:[LH.1T] **Acute**[LH.1M]
Episode Duration:[LH.1T] **6 days**[LH.1M]
Frequency:[LH.1T] **Constantly**[LH.1M]
Progression:[LH.1T] **Unchanged**[LH.1M]
Severity:[LH.1T] **Moderate**[LH.1M]
Location:[LH.1T] **lumbosacral**[LH.1M]
Radiation:[LH.1T] **Right leg**[LH.1M]
Quality:[LH.1T] **Aching**[LH.1M]
Associated Symptoms:[LH.1T] **no urinary retention**[LH.1M],[LH.1T] **no bladder incontinence**[LH.1M],[LH.1T] **no neurological deficit**[LH.1M] and[LH.1T] **no saddle parethesia**
walter Hoover Jr. Presents with right lumbar back pain after lifting heavy 5 days ago. Hx of back surgery in Charleston. He tried to see his neurosurgeon but was unable And would like to establish with someone local. He feels pain down the posterior right leg to knee level and numbness in the bottom of the right foot. No neurological symptoms otherwise. Aleve has not helped.[LH.1M]

Past Medical History:

Diagnosis	Date
• Hernia, inguinal	

Past Surgical History:

Procedure	Laterality	Date
• HERNIA REPAIR		
• KNEE SURGERY		
• TYMPANOSTOMY TUBE PLACEMENT		

Family History

Problem	Relation	Age of Onset
• Stroke	Father	

Social History

Social History Narrative

- Not on file

Social History

Tobacco Use
- Smoking status: Former Smoker
  - Packs/day: 0.50
  - Types: Cigarettes
- Smokeless tobacco: Never Used

Substance Use Topics
- Alcohol use: No
- Drug use: Yes
  - Types: Marijuana

Allergies

Allergen	Reactions
• Tylenol [Acetaminophen]	Swelling

Home Medications

Medication	Sig	Discontinued?
predniSONE 10 mg (STERAPRED DS) 6 day pak	**Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);**[LH.2T]	

Review of Systems
Constitutional:[LH.1T] Negative[LH.1M].
Genitourinary: Negative for[LH.1T] bladder incontinence[LH.1M] and[LH.1T] difficulty urinating[LH.1M].
Musculoskeletal: Positive for[LH.1T] back pain[LH.1M]. Negative for[LH.1T] gait problem[LH.1M].
Neurological: Positive for[LH.1T] numbness[LH.1M].[LH.1T]
All other systems reviewed and are negative[LH.1M].

Physical Exam

Initial UC Vital Signs:[LH.1T]
Blood Pressure: 144/82 Heart Rate: 64 Temp: 98.3 °F (36.8 °C) Resp: 18 SpO2: 98 %[LH.2T]

Last Documented Vital Signs This Encounter:[LH.1T]
BP 144/82 | Pulse 64 | Temp 98.3 °F (36.8 °C) | Resp 18 | Ht 6' (1.829 m) | Wt 104.3 kg (230 lb) | SpO2 98% | BMI 31.19 kg/m²[LH.2T]

Visual Acuity:

Physical Exam[LH.1T]
Vitals[LH.1M] and[LH.1T] nursing note[LH.1M] reviewed.
Constitutional:
General: He is[LH.1T] not in acute distress[LH.1M].
Appearance:[LH.1T] Normal appearance[LH.1M]. He is not[LH.1T] ill-appearing[LH.1M] or[LH.1T] toxic-appearing[LH.1M].

Clinical Notes (continued)

HENT:
Head:[LH.1T] Normocephalic[LH.1M] and[LH.1T] atraumatic[LH.1M].
Eyes:
Extraocular Movements:[LH.1T] Extraocular movements intact[LH.1M].
Pulmonary:
Effort: Pulmonary effort is[LH.1T] normal[LH.1M].
Musculoskeletal:
General:[LH.1T] Tenderness[LH.1M] and[LH.1T] signs of injury[LH.1M] present.
Comments:[LH.1T] **Decreased lumbar flexion and lateral rotation noted. Right lumbar paraspinal muscles and SI joint tenderness noted.**[LH.1M]
Skin:
General: Skin is[LH.1T] warm[LH.1M] and[LH.1T] dry[LH.1M].
Findings: No[LH.1T] rash[LH.1M].
Neurological:
General:[LH.1T] No focal deficit[LH.1M] present.
Mental Status: He is[LH.1T] alert[LH.1M] and[LH.1T] oriented to person, place, and time[LH.1M].
Motor: No[LH.1T] weakness[LH.1M].
Gait:[LH.1T] Gait[LH.1M] normal.
Deep Tendon Reflexes:[LH.1T] Reflexes normal[LH.1M].
Comments:[LH.1T] **(-) SLR bilat**[LH.1M]
Psychiatric:
Mood and Affect:[LH.1T] Mood[LH.1M] normal.

UC Course[LH.1T]

Orders Placed This Encounter
- predniSONE 10 mg (STERAPRED DS) 6 day pak[LH.2T]

Procedures[LH.1M]

No orders to display

Labs - No data to display

UC Discharge Orders (From admission, onward)
None

UC Prescriptions

Medication	Sig	Dispense	Start Date	End Date	Auth. Provider

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06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Clinical Notes (continued)

Medication	Sig	Dispense	Start Date	End Date	Auth. Provider
predniSONE 10 mg (STERAPRED DS) 6 day pak	Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);	1 kit	6/1/2022		Head, Lashell L, NP[LH.2T]

Diagnosis:[LH.1T]

Final diagnoses:
Acute right-sided low back pain with right-sided sciatica (Primary)[LH.2T]

Follow Up Instructions:[LH.1T]

LMC Chapin Urgent Care
557 Columbia Ave
Chapin South Carolina 29036-8324
803-932-0655

If symptoms worsen or go to ER

LEXINGTON BRAIN AND SPINE INSTITUTE
222 E Medical Lane, Ste 200
West Columbia South Carolina 29169-4848
935-8410
Schedule an appointment as soon as possible for a visit for recurrent sciatica and right low back pain

Disposition: Discharge
Departure Condition: Stable
Mobility at Departure: Ambulatory
Patient Teaching: Discharge instructions reviewed, Follow-up care reviewed, Medications discussed, Patient verbalized understanding, Family member verbalized understanding
Departure Mode: With family

Instructions from your Urgent Care Provider

Heat to affected area
No bending/lifting for 1 week[LH.2T]

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LMC UC MDM CODING:
Review of Previous:[LH.1T] **Notes**[LH.1M]
Notes comment:[LH.1T] **Prior visits noted**[LH.1M]
Interpretation:[LH.1T] **Pulse ox**[LH.1M]
Pulse Ox comment:[LH.1T] **98%**[LH.1M]
Consult other physician:[LH.1T] **No**[LH.1M]
Patient Progress:[LH.1T] **Stable**[LH.1M]
MDM Comments:[LH.1T] **Walter Hoover Jr presents with right LBP and right sciatica x 6 days after lifting heavy. (+) right leg pain and foot numbness. NAD on exam. Neg neuro findings. SI joint TTP on the right. Decreased lumbar flexion. Discharged with oral steroids. Apply heat. Follow up in ER if worse; otherwise recommended establish with Lexington Brain and Spine for local care.**[LH.1M]

NOTICE FOR THE PATIENT: This clinical note is not designed to be interpreted by patients, and I do not recommend reading it unless you have medical training. These notes may contain candid and (unintentionally) offensive descriptions, which are sometimes required for accurate documentation. If you would like more information about your healthcare, please obtain it directly from myself or my staff/colleagues - never solely from the note. Thank you for your understanding and cooperation.

LaShell L. Head, FNP
Lexington Medical Center
Chapin Urgent Care[LH.1T]

Electronically signed by Head, Lashell L, NP at 06/01/22 1858

Attribution Key

LH.1 - Head, Lashell L, NP on 06/01/22 1854
LH.2 - Head, Lashell L, NP on 06/01/22 1858
M - Manual, T - Template

Labs with Orders

No documentation.

Imaging with Orders

No documentation.

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Procedures

No documentation.

Other Orders

Medications

predniSONE 10 mg (STERAPRED DS) 6 day pak (Active)

Electronically signed by: **Head, Lashell L, NP on 06/01/22 1759** Status: **Active**
Ordering user: Head, Lashell L, NP 06/01/22 1759 Ordering provider: Head, Lashell L, NP
Authorized by: Head, Lashell L, NP Ordering mode: Standard
Frequency: Routine 06/01/22 - Until Discontinued Class: Normal
Admin instructions: Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);

Flowsheets

Anthropometrics

Row Name	06/01/22 1737
Anthropometrics	
Weight Change	0 % -MJ at 06/01/22 1738

ASSESSMENT ACUITY

Row Name	06/01/22 1740
ASSESSMENT ACUITY	
Patient Acuity	Non-Urgent -MJ at 06/01/22 1740
Initial Assessment Complete	Initial Assessment Complete -MJ at 06/01/22 1740

Custom Formula Data

Row Name	06/01/22 1737
OTHER	
Rate (mL/hr)	62.6 -MJ at 06/01/22 1738
ABW	88.29 -MJ at 06/01/22 1738
Rate (mL/hr)	125.2 -MJ at 06/01/22 1738
Rate (mL/hr)	187.8 -MJ at 06/01/22 1738
Rate (mL/hr)	250.4 -MJ at 06/01/22 1738
Rate (mL/hr)	313 -MJ at 06/01/22 1738
Rate (mL/hr)	375.6 -MJ at 06/01/22 1738
Rate (mL/hr)	438.2 -MJ at 06/01/22 1738
Rate (mL/hr)	500.8 -MJ at 06/01/22 1738
Rate (mL/hr)	563.4 -MJ at 06/01/22 1738
Increment Vol	31.3 -MJ at 06/01/22 1738
Increment Vol	62.6 -MJ at 06/01/22 1738
Increment Vol	93.9 -MJ at 06/01/22

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

	1738
Increment Vol	125.2 -MJ at 06/01/22 1738
Increment Vol	156.5 -MJ at 06/01/22 1738
Increment Vol	187.8 -MJ at 06/01/22 1738
Increment Vol	219.1 -MJ at 06/01/22 1738
Increment Vol	250.4 -MJ at 06/01/22 1738
Increment Vol	281.7 -MJ at 06/01/22 1738
Total Vol	31.3 -MJ at 06/01/22 1738
Total Vol	93.9 -MJ at 06/01/22 1738
Total Vol	187.8 -MJ at 06/01/22 1738
Total Vol	313 -MJ at 06/01/22 1738
Total Vol	469.5 -MJ at 06/01/22 1738
Total Vol	657.3 -MJ at 06/01/22 1738
Total Vol	876.4 -MJ at 06/01/22 1738
Total Vol	1126.8 -MJ at 06/01/22 1738
Total Vol	1408.5 -MJ at 06/01/22 1738
BSA (Calculated - sq m)	2.3 sq meters -MJ at 06/01/22 1738
BMI (Calculated)	31.2 -MJ at 06/01/22 1738
IBW/kg (Calculated) Male	77.6 kg -MJ at 06/01/22 1738
IBW/kg (Calculated) FEMALE	73.1 kg -MJ at 06/01/22 1738
Dishcarge weight	3680 -MJ at 06/01/22 1738
Weight in (lb) to have BMI = 25	183.9 -MJ at 06/01/22 1738
BMI	31.2 -MJ at 06/01/22 1738
Ideal Body Weight (kg)	80.74 kg -MJ at 06/01/22 1738
Ideal Body Wgt (lb)	178 lb -MJ at 06/01/22 1738
Percent of Ideal Body Weight	129.21 Percent -MJ at 06/01/22 1738
Excess Body Weight (kg)	23.56 kg -MJ at 06/01/22 1738
Excess Body Wgt (lb)	52 lb -MJ at 06/01/22 1738
Percent Weight Change Since Birth	0 -MJ at 06/01/22 1738
IBW/kg (Calculated)	77.6 -MJ at 06/01/22 1738
Low Range Vt 6cc/kg	465.6 mL -MJ at 06/01/22 1738
Adult Moderate Range Vt 8cc/kg	620.8 mL -MJ at 06/01/22 1738

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06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Adult High Range Vt 10cc/kg	776 mL -MJ at 06/01/22 1738
Increment Vol	15.7 -MJ at 06/01/22 1738
Increment Vol	31.3 -MJ at 06/01/22 1738
Increment Vol	47 -MJ at 06/01/22 1738
Increment Vol	37.6 -MJ at 06/01/22 1738
Increment Vol	47 -MJ at 06/01/22 1738
Increment Vol	56.3 -MJ at 06/01/22 1738
Increment Vol	65.7 -MJ at 06/01/22 1738
Increment Vol	75.1 -MJ at 06/01/22 1738
Rate (mL/hr)	31.3 -MJ at 06/01/22 1738
Rate (mL/hr)	62.6 -MJ at 06/01/22 1738
Rate (mL/hr)	93.9 -MJ at 06/01/22 1738
Rate (mL/hr)	125.2 -MJ at 06/01/22 1738
Rate (mL/hr)	156.5 -MJ at 06/01/22 1738
Rate (mL/hr)	187.8 -MJ at 06/01/22 1738
Rate (mL/hr)	219.1 -MJ at 06/01/22 1738
Rate (mL/hr)	250.4 -MJ at 06/01/22 1738
Total Vol	15.7 -MJ at 06/01/22 1738
Total Vol	47 -MJ at 06/01/22 1738
Total Vol	94 -MJ at 06/01/22 1738
Total Vol	131.6 -MJ at 06/01/22 1738
Total Vol	178.6 -MJ at 06/01/22 1738
Total Vol	234.9 -MJ at 06/01/22 1738
Total Vol	300.6 -MJ at 06/01/22 1738
Total Vol	375.7 -MJ at 06/01/22 1738
Dose	15.7 -MJ at 06/01/22 1738
Increment Vol	31.3 -MJ at 06/01/22 1738
Increment Vol	62.6 -MJ at 06/01/22 1738
Increment Vol	93.9 -MJ at 06/01/22 1738
Increment Vol	75.1 -MJ at 06/01/22 1738
Increment Vol	93.9 -MJ at 06/01/22 1738
Increment Vol	112.7 -MJ at 06/01/22 1738
Increment Vol	131.5 -MJ at 06/01/22 1738
Increment Vol	150.2 -MJ at 06/01/22 1738
Increment Vol	169 -MJ at 06/01/22 1738
Rate (mL/hr)	62.6 -MJ at 06/01/22 1738

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Rate (mL/hr)	125.2 -MJ at 06/01/22 1738
Rate (mL/hr)	187.8 -MJ at 06/01/22 1738
Rate (mL/hr)	250.4 -MJ at 06/01/22 1738
Rate (mL/hr)	313 -MJ at 06/01/22 1738
Rate (mL/hr)	375.6 -MJ at 06/01/22 1738
Rate (mL/hr)	438.2 -MJ at 06/01/22 1738
Rate (mL/hr)	500.8 -MJ at 06/01/22 1738
Rate (mL/hr)	563.4 -MJ at 06/01/22 1738
Total Vol	15.7 -MJ at 06/01/22 1738
Total Vol	93.9 -MJ at 06/01/22 1738
Total Vol	187.8 -MJ at 06/01/22 1738
Total Vol	262.9 -MJ at 06/01/22 1738
Total Vol	356.8 -MJ at 06/01/22 1738
Total Vol	469.5 -MJ at 06/01/22 1738
Total Vol	601 -MJ at 06/01/22 1738
Total Vol	751.2 -MJ at 06/01/22 1738
Total Vol	920.2 -MJ at 06/01/22 1738

GYN Bundle - Risk Assessment

BMI (Calculated)	31.2 -MJ at 06/01/22 1738

Adult IBW/VT Calculations

IBW percentage	4742.27 -MJ at 06/01/22 1738

Departure Condition

Row Name	06/01/22 1807

Departure Condition

Mobility at Departure	Ambulatory -MJ at 06/01/22 1807
Patient Teaching	Discharge instructions reviewed;Follow-up care reviewed;Medications discussed;Patient verbalized understanding;Family member verbalized understanding -MJ at 06/01/22 1807
Departure Mode	With family -MJ at 06/01/22 1807

DI BP Formula

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06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Row Name	06/01/22 1737
OTHER	
BP Formula	144 -MJ at 06/01/22 1738

Disposition/Condition

Row Name	06/01/22 1800
Disposition/Condition	
Disposition	Discharge -LH at 06/01/22 1800
Departure Condition	Stable -LH at 06/01/22 1800

Pain Assessment

Row Name	06/01/22 1737
ED Pain Assessment Timer	
ED Auto Pain Reassessment	Yes -MJ at 06/01/22 1738

Shock Index

Row Name	06/01/22 1737
OTHER	
Shock Index	0.44 -MJ at 06/01/22 1738

Tetanus

Row Name	06/01/22 1740
Tetanus up to date	
Tetanus up to date?	Yes -MJ at 06/01/22 1740

Travel/Exposure Screening

Row Name	06/01/22 1737
Travel Screening	
Have you traveled in the last 30 days?	No -MJ at 06/01/22 1737
Exposure Screening	
Have you been in contact with anyone that has been diagnosed with an infectious disease within the last 30 days?	No -MJ at 06/01/22 1737

Vaccination Screening

Row Name	06/01/22 1740
Covid-19 Vaccine Screen - Year Round	
If eligible to	No -MJ at 06/01/22 1740

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06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

receive a dose of the Covid vaccine, are you interested?

Visit History

Row Name	06/01/22 1605
OTHER	
Visit History	New -NS at 06/01/22 1605

Vital Signs

Row Name	06/01/22 1737
Height and Weight	
Height	6' (1.829 m) -MJ at 06/01/22 1738
Height Method	Stated -MJ at 06/01/22 1738
Weight	104.3 kg (230 lb) - MJ at 06/01/22 1738
Weight Method	Stated -MJ at 06/01/22 1738
Vital Signs	
Temp	98.3 °F (36.8 °C) - MJ at 06/01/22 1738
Temp src	Oral -MJ at 06/01/22 1738
Pulse	64 -MJ at 06/01/22 1738
Resp	18 -MJ at 06/01/22 1738
Respiration Description	Regular;Non-Labored -MJ at 06/01/22 1738
BP	144/82 -MJ at 06/01/22 1738
Pain Assessment	
Pain Assessment	0-10 -MJ at 06/01/22 1738
Pain Score	7 -MJ at 06/01/22 1738
Oxygen Therapy	
SpO2	98 % -MJ at 06/01/22 1738
O2 Device	None (Room air) - MJ at 06/01/22 1738

Vitals Reassessment

Row Name	06/01/22 1737
Vitals Timer	
Automatic Restart Vitals Timer	Yes -MJ at 06/01/22 1738

Vitals Reassessment

Row Name	06/01/22 1737
Vitals Timer	
Automatic Restart Vitals	Yes -MJ at 06/01/22 1738

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06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Timer

Vitals Reassessment

Row Name	06/01/22 1737
Vitals Timer	
Automatic Restart Vitals Timer	Yes -MJ at 06/01/22 1738

Work/School Excuse

Row Name	06/01/22 1759
Excuse from Work/School/Sport	
Work/School/Sport	no work for three days -LH at 06/01/22 1800
Excuse Comments	No bending/lifting for 1 week -LH at 06/01/22 1800

User Key

(r) = Recorded By, (t) = Taken By, (c) = Cosigned By

Initials	Name	Effective Dates	Provider Type	Discipline
NS	Swanson, Nicole R	—	—	—
MJ	Jacobs, Mellada, RN	03/03/22 -	Registered Nurse	Nurse
LH	Head, Lashell L, NP	11/23/20 -	Nurse Practitioner	—

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Conditions of Admission and General Consent to treat at Lexington Medical Center

AUTHORIZATION FOR TREATMENT: By my signature below, I consent to any procedure, examination or treatment rendered by the physicians or advanced practice providers taking part in my care. I understand that I am under the control of attending physicians and the hospital is not liable for any act or omission in following the instructions of said physicians. I am aware that the practice of medicine and surgery is not an exact science, and I acknowledge that no guarantees have been made as to the result of treatment or examination. I acknowledge that resident physicians, nurses, students, and other qualified personnel may also assist in, or otherwise take part in, my care.

I consent to appropriate test for the presence of infection, such as, but not limited to, infection by the Hepatitis B virus or the human immunodeficiency virus, if deemed necessary for the protection of others, and I authorize withdrawal of blood or other body fluids this purpose. I also understand the organization is required to disclose the results of some communicable diseases, such as HIV, TB, and Viral Meningitis to DHEC and/or the Center for Disease Control Prevention. I understand that if my medical record contains documentation of alcohol abuse, psychiatric condition, drug abuse, or communicable disease, this information will be released as part of my medical record. I consent to the photographing or televising of any procedure to be performed, including appropriate portions of my body, for medical, scientific or educational purposes, provided my identity is not revealed. I further understand that video cameras may be used in patient rooms for observation purposes.

I consent and give permission to LMC to photograph me in connection with medical identity theft prevention.

I authorize Lexington Medical Center to contact me on any cell phone number provided by me for the purpose of conducting business with me or contacting me concerning my account. I consent to the use of automated dialers for that purpose.

RELEASE OF INFORMATION: I authorize release of medical records/information to health care providers as deemed necessary for the continuity of care and for the purpose of review, payment and appeal by me or on my behalf or my insurance carrier.

Lexington Medical Center will make our best effort to pre-certify and or pre-authorize treatment with third party payers who conduct Utilization Review as a service to patients. However, Lexington Medical Center does not accept responsibility for the lack of pre-certification and/or pre-authorization and is not responsible for the final payment outcomes or timing restraints.

MEDICARE-MEDICAID PATIENT'S CERTIFICATION: I certify that the information given by me in applying for payment under Title XVIII and XIX of the Social Security Act is correct. I request that payment of authorized benefits be made on my behalf.

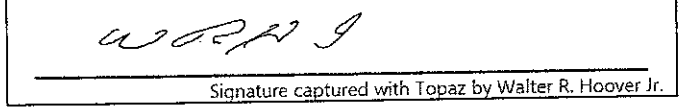
ASSIGNMENT OF INSURANCE/LIABILITY BENEFITS: I authorize and direct my insurers to pay directly to Lexington Medical Center and/or its physicians and and all benefits up to the amount of my bill pertaining to all charges incurred. I assign to Lexington Medical Center, including its affiliates, any and all benefits or proceeds, of any type whatsoever, to which I am entitled, with

respect to the health care service(s) I receive, including but not limited to, the proceeds of any liability settlement or judgment being paid by or on behalf of a third-party and any benefits due from any third-party insurance policy. I direct that all such benefits be paid directly to Lexington Medical Center and/or its affiliates, including its physicians, and applied to my account(s) until the account(s) is paid in full. I understand that I am personally responsible for any remaining fees.

PROMISE TO PAY ACCOUNT: FOR AND IN CONSIDERATION of service rendered by Lexington Medical Center; I promise to pay all charges incurred for the account on the patient. In the event that I default in the obligation of payment to Lexington Medical Center, I understand that my account(s) can be placed with a collection agency and/or Lexington Medical Center can place my account in the Department of Revenue's Debt Set-Off program and /or a judgment may be secured against any owned property to the extent of the unpaid bill. I further agree to pay reasonable attorney's fees, collection fees, Debt Set-Off administrative fees and court costs if my account is placed for legal or third party collection action.

I understand that I am financially responsible to Lexington Medical Center for all charges not covered, approved or considered necessary by my insurance. I will pay at the time of service or have agreeable payment arrangement set up with the Patient Accounts Office.

Patient to initial here

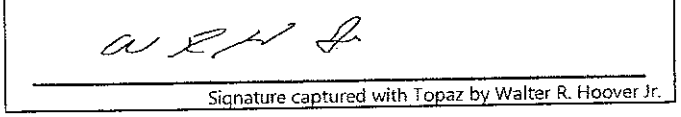


Signature captured with Topaz by Walter R. Hoover Jr.

(Patient to initial here)

HOSPITAL PATIENT SAFETY ACT: I acknowledge that I have received information regarding my rights under the Hospital Patient Safety Act.

Patient to initial here



Signature captured with Topaz by Walter R. Hoover Jr.

(Patient to initial here)

Or brochure Hoover,Walter R Jr.
Print Name

Relationship

PHYSICIANS AS INDEPENDENT CONTRACTORS: I recognize that some physicians who may be involved in my care, such as radiologists and pathologists, are independent contractors and are not employees or agents of the hospital. Separate bills will be sent for their services. I authorize and direct the named insurers to pay benefits directly to these physicians for services

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rendered.

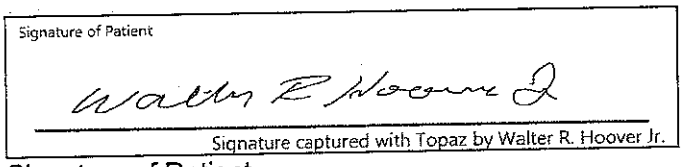
RELEASE FROM RESPONSIBILITY FOR PERSONAL PROPERTY:
Lexington Medical Center encourages patients to leave their personal property at home or be given to a family member for safekeeping. I acknowledge that **Lexington Medical Center is not responsible for any lost, damaged or stolen items that are not secured by Lexington Medical Center during the patient's treatment and/or admission.**

(Patient to initial here)

AVAILABILITY OF CLINICAL TRIALS: I am aware that clinical trials (research studies) are available through the hospital or physicians who are members of the medical staff of Lexington Medical Center. If I desire more information about participating in clinical trials, I can request information be provided to me by my physician.

THIS FORM HAS BEEN EXPLAINED TO ME; I HAVE READ AND UNDERSTAND IT.

Signature of Patient



Signature of Patient

6/1/2022
Date

Guarantor (if other than patient)

6/1/2022
Date

If minor, Responsible Party

Relationship to Patient/ Personal Representative

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Nicole R Swanson 6/1/2022
Witness Date

6/1/2022
Second Witness Signature Date

Hoover,Walter R Jr.
M001371678
100059442403
9/6/1968 Male
No admission date for patient encounter.

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Documents (continued)

AVS Signed - Scan on 6/2/2022 1038 (effective from 6/2/2022)

Scan (below)

Hoover, Walter R Jr. (MRN M001371678)

Encounter Date: 06/01/2022

LMC Chapin Urgent Care
557 Columbia Ave
Chapin SC 29036-8324
Phone: 803-932-0655

Walter R Hoover Jr.
MRN: **M001371678**

Department: **LMC Chapin Urgent Care**
Date of Visit: **6/1/2022**

Disclaimer

Thank you for selecting us for your healthcare needs. The examination and treatment you have received in the Urgent Care has been rendered on an walk in basis and is NOT intended to be suitable for or an effort to provide complete medical care. It is important that you follow all discharge instructions as discussed and provided by the Urgent Care staff. You may call us at (803)791-2350 or return to the Urgent Care if your problem worsens or your physician is unavailable. In addition, Lexington Medical Center's Emergency Department is available 24 hours daily.

I have received, read and understand the discharge and follow up instructions provided as part of my visit to the Urgent Care.

Diagnoses this visit

Your diagnosis was: Acute right-sided low back pain with right-sided sciatica

You were seen by

You were seen by: Head, Lashell L, NP

Patient Signature: Walter R Hoover Jr

Date/Time: 6/1/22

Staff Signature: MS

Date/Time: 6/1/22 1807

End of Report

3606



Palmetto Bone & Joint, P.A.

Charles Office: [illegible] Charles SC [illegible] Phone: [illegible] Fax: [illegible]
Summerville Office: [illegible] Summerville SC [illegible] Phone: [illegible] Fax: [illegible]
Chapin Office: [illegible] Chapin SC [illegible] Phone: [illegible] Fax: [illegible]

Physician Return to Work Form

Date of Exam 6/10/2022
Provider Samuel Davis
Patient Name RICKY HOOVER

Ricky was seen in office today please excuse and will be on light duty with no lifting more than 10lbs til follow up from MRI

Samuel Davis,MD
Electronically signed on 6/10/2022 1:45 PM

Palmetto Bone & Joint, P.A.
Clinton Office: 2971 Highway 76 East, Clinton SC 29325 Phone: (864) [illegible] Fax: (864) 833-1719
Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) [illegible] Fax: (803) 321-8759
Chapin Office: 108 Ellett Road, Chapin SC 29036 Phone: (803) 598-[illegible] Fax: (803) 345-6085

Date of Exam 6/10/2022
Patient Name RICKY HOOVER
DOB 05/06/1968
Provider Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

Allergies

No known drug allergies

Medications

No Current Meds*

Past History

Medical History	No Medical History Reported.
Surgical History	No Surgical History Reported and CHANNEL GROOVED IN SPINAL CORD FOR SCIATIC NERVE TO REST.
Social History	Patient is right handed. Patient does not use alcohol, caffeine, illicit drugs or tobacco.

Review of Systems

Constitutional	No fever, fatigue, weakness or sudden weight change
Eyes	Normal visual acuity, no blurred vision or excessive tearing
HEENT	Normal auditory acuity, no nasal discharge or difficulty swallowing
Cardiovascular	No chest pains or palpitations or high blood pressure
Respiratory	No shortness of breath or cough
Gastrointestinal	Patient has history of abdominal pain and rectal bleeding.
Genitourinary	No dysuria or hematuria
Musculoskeletal	No generalized joint pain, stiffness, weakness or muscle pain
Skin	No rashes or jaundice
Neurological	No headache, dizziness or memory loss
Psychiatric	No mood change, depression or nervousness
Endocrine	No thyroid enlargement, sweating or excessive thirst
Hematolymphatic	No bruising, swollen glands or anemia
Immunological	Patient has history of reactions to drugs.

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GB IA Recv 2022062207202 Received 06/22/2022 000055

Vital Signs

Height (in)	72.0
Weight (lbs)	230.0
BMI	31.190200617284

Exam

Lumbar

Alert and oriented x3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Imaging

Lumbar X-RAY Lumbar Spine, 4+ Views

x-rays of the lumbar spine were reviewed by myself show normal lordotic alignment. No acute osseous abnormalities identified.

Diagnosis

M54.5	Low back pain
M54.16	Radiculopathy, lumbar region

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.

Samuel Davis,MD
Electronically signed on 6/13/2022 10:05 AM

309

GB IA Recv 2022062207202 Received 06/22/2022 000056

Palmetto Imaging
Downtown | ImageCare | Irmo | West Columbia
Palmetto-Imaging.com

Palmetto Imaging – Irmo
7182 Woodrow Street, Suite 101
Irmo, SC 29063
p: 803.256.7646 | f: 803.936.9202

PATIENT NAME: Hoover, Ricky
DOB: 05/06/1968
MRN: 08-1816384
PHONE:803-394-3047
PHYSICIAN: Samuel M Davis, MD
EXAM DATE: 06/22/2022

EXAM: MR-Lumbar Spine without contrast

REASON FOR EXAM: M54.16 - Radiculopathy, lumbar region / M54.50 - Low back pain, unspecified

ADDITIONAL HISTORY:

COMPARISON:

TECHNIQUE: Multiplanar, multisequence imaging of the lumbar spine without contrast.

No renal obstruction or aortic caliber abnormality as sources for back pain. Cord terminates normally without contour deforming lesion.

No vertebral body compression or pathologic edema. L2 vertebral body hemangioma.

18 mm T2 hypointense lesion extends exophytically from the superior right kidney. The inferior right kidney has a more typical T2 fluid signal cyst.

L1/L2: Unremarkable

L2/L3: Disc height loss. Shallow midline through far left lateral protrusion effacement of the left ventral corner of the thecal sac and mild left foraminal stenosis.

L3/L4: Desiccated disc. Slight retrolithesis. Concentric spondylotic bulge. Mild facet overgrowth. Disc abuts the left L4 nerve in the left lateral recess. Without definitive deflection. Mild foraminal stenoses on the side.

L4/L5: Midline annular fissure and shallow protrusion. Facet arthrosis. Mild trefoil central stenosis. Mild biforaminal stenoses.

L5/S1: Desiccated disc. Diffuse annular bulge. More pronounced or asymmetric from midline through far right lateral disc. With notable abutment and posterior deflection of the right S1 nerve from the right

PATIENT NAME: Hoover, Ricky
DOB: 05/06/1968
EXAM: MR-Lumbar Spine without contrast
EXAM DATE: 06/22/2022

lateral recess. Right laminotomy. Bilateral facet overgrowth.

IMPRESSION: Asymmetric right of midline bulge lumbar sacral junction with deflection of the enlarged S1 root. Prior right laminotomy decompresses the central canal otherwise.

Additional degenerative disc and facet issues as specified above.

Right renal lesions needing additional characterization. Recommend CT urogram.

*** THIS IS AN ELECTRONICALLY VERIFIED REPORT ***
6/23/2022 12:03 PM: William P Edenfield, MD

William P Edenfield, MD
(803) 936-0223

WPE/wpe
DD: 06/23/2022 11:54 am
DT: 06/23/2022 12:03 pm
Accession #: 08-4494206

Palmetto Bone & Joint, P.A.

Clinton Office: 22971 Highway 76 East, Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-0254 Fax: (803) 321-0259
Chapin Office: 104 Ellett Road, Chapin SC 29036 Phone: (803) 941-8085 Fax: (803) 345-6088

Date of Exam 7/1/2022
Patient Name RICKY HOOVER
DOB 09/06/1968
Provider Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.

Allergies

No known drug allergies

Medications

No Current Meds*

Past History

Medical History	No Medical History Reported.
Surgical History	No Surgical History Reported and CHANNEL GROOVED IN SPINAL CORD FOR SCIATIC NERVE TO REST.
Social History	Patient is right handed. Patient does not use alcohol, caffeine, illicit drugs or tobacco.

Review of Systems

Constitutional	No fever, fatigue, weakness or sudden weight change
Eyes	Normal visual acuity, no blurred vision or excessive tearing
HEENT	Normal auditory acuity, no nasal discharge or difficulty swallowing
Cardiovascular	No chest pains or palpitations or high blood pressure
Respiratory	No shortness of breath or cough
Gastrointestinal	Patient has history of abdominal pain and rectal bleeding.
Genitourinary	No dysuria or hematuria
Musculoskeletal	No generalized joint pain, stiffness, weakness or muscle pain
Skin	No rashes or jaundice
Neurological	No headache, dizziness or memory loss
Psychiatric	No mood change, depression or nervousness
Endocrine	No thyroid enlargement, sweating or excessive thirst

Hematolymphatic	No bruising, swollen glands or anemia
Immunological	Patient has history of reactions to drugs.

Vital Signs

Height (in)	72.0
Weight (lbs)	230.0
BMI	31.190200617284

Exam

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Imaging

Lumbar MRI LUMBAR SPINE W/0 CONTRAST

MRI lumbar spine reviewed showing stenosis L4-5

Diagnosis

M54.16	Radiculopathy, lumbar region
M48.061	Spinal stenosis, lumbar region without neurogenic claudication

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.

MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5. Follow-up with me 2 weeks after the shot.

Samuel Davis,MD
Electronically signed on 7/8/2022 10:10 AM

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Chapin Orthopedic Surgery Center, LLC.

106 Ellett Road
Chapin, SC 29036

PHONE-803-941-8096
FAX-803-345-6087

Date Of Exam	7/12/2022
Patient Name	RICKY HOOVER
Address	6194 DOGWALLA RD WHITMIRE, SC 291789157
Date of Birth	09/06/1968
Patient Age	53

Post Operative Diagnosis	M54.5 Low back pain
Post Operative Diagnosis	M54.16Radiculopathy, lumbar region
Post Operative Diagnosis	M54.31Sciatica, right side

Statement of Procedure

Procedure Performed: Lumbar transforaminal epidural steroid injection at L5-S1, right.

Indications: The patient presents with low back pain secondary to the listed diagnoses.

Surgeon: Giridhar Gundu, M.D., Physical Medicine and Rehabilitation

Preoperative/Postoperative Diagnosis: Lumbosacral radiculopathy.

Procedure Summary: This procedure was performed at Palmetto Bone & Joint. History and physical was reviewed and updated. Informed consent was obtained. Risks of procedures were explained to the patient and the patient voiced understanding. Consent was signed by the patient. Please view copy in the patient's medical record. Prior to the procedure, a time-out was performed as follows: Prior to the procedure, the procedure team members verbally confirmed correct patient identity (2 identifiers), correct operation/procedure to be performed, correct operation/procedure site/side, correct consent form, correct position, correct imaging labeled and displayed, and allergies confirmed.

The patient was then brought to the operating room and placed in a prone position. ChloraPrep was used to clean the lumbosacral area. C-arm fluoroscopy was brought in to identify the L5 transverse process on the right side; S1 foramen on the right side using AP and oblique fluoroscopic viewing. Lidocaine 1% plain, approximately 2 cc at each site, was used to anesthetize the skin and underlying subcutaneous tissue. A 22-gauge 5-inch spinal needle was advanced to the 6 o'clock position below the pedicle of L5 and the foramen of S1. The needle was then walked off and placed into the dorsal rostral aspect of the foramen. Negative aspiration was carried out. One cc of contrast was instilled at each level, showing excellent nerve root sheath and epidural spread. The patient received a total of 4 cc of 0.25% bupivacaine mixed with 80 mg of methylprednisolone injected with 2 cc at each level. The patient tolerated the procedure well with no complication. The patient was sent home in stable condition with a driver.

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GB IA Recv 2022071906290 Received 07/19/2022 000061



Giridhar Gundu,MD
Electronically signed on 7/12/2022 1:18 PM

375

GB IA Recv 2022071906290 Received 07/19/2022 000062

Palmetto Bone & Joint, P.A.
Clinton Office: 22971 Highway 76 East, Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-6254 Fax: (803) 321-6259
Chapin Office: 104 Ellett Road, Chapin SC 29036 Phone: (803) 941-8095 Fax: (803) 345-6088

Date of Exam	8/2/2022
Provider	Giridhar Gundu
Provider NPI	1437380805
Patient Name	RICKY HOOVER
DOB	09/06/1968

History

Chief Complaint

Low back pain, right lower extremity pain

History of Present Illness

Patient returns following a recent lumbar transforaminal epidural steroid injection. Patient mentions that he has had about 60% improvement in his numbness in the right lower extremity. However he did not see any change in his low back pain. He continues to have difficulty performing his regular activities of daily living. Patient also asked that following the injection he has had a headache lasting for 1 week with associated swelling, redness around his face. Denies of any other complaints.

Allergies

No known drug allergies

Diagnosis

M54.5 Low back pain
M54.16 Radiculopathy, lumbar region

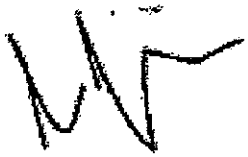
Plan

Lumbar

1. Considering patient had minimal relief of symptomatology following the recent interventions, also had a reaction following it as well, a repeat procedure was not performed today.
2. Patient to follow up with Dr. Sam Davis for further evaluation and management. Patient understands that in agreement.

376

GB IA Recv 2022081613604 Received 08/16/2022 000063



Giridhar Gundu,MD
Electronically signed on 8/5/2022 9:36 AM

377

GB IA Recv 2022081613604 Received 08/16/2022 000064

Palmetto Bone & Joint, P.A.

Clinton Office: 22971 Highway 76 East, Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-6254 Fax: (803) 321-6259
Chapin Office: 104 Elliott Road, Chapin SC 29036 Phone: (803) 941-8095 Fax: (803) 345-6068

Date of Exam	8/5/2022
Patient Name	RICKY HOOVER
Date of Birth	09/06/1968
Provider Name	Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.

8/5/2022, patient returns after having had the injection. He notes some improvement in the numbness in the foot still does have pain in the right lower back.

Exam

378

GB IA Recv 2022081711394 Received 08/17/2022 000065

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Diagnosis

M54.5 Low back pain

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.

MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5.

He notes improvement in the numbness in his right foot still does have pain in the right lower back. I explained that surgery is not likely to remove that pain in the right lower back. Recommended a trial of dry needling. I will have him follow up with me in 4 weeks.

j

Samuel Davis,MD
Electronically signed on 8/5/2022 12:56 PM

Drayer

Initial Evaluation

Date of Visit:	08-29-22	**Therapist:**	Kiersten Armstrong PT
Patient Name:	Hoover, Walter	**Referring MD:**	Samuel Davis MD
Patient #:	2253999	**Time In:**	
Date of Birth:	09-06-1968	**Time Out:**	
Age:	53	**Certification Period:**	08-29-22 / 09-04-22

Total Time based minutes: Total Treatment time: 40

Date of Onset: 05-25-22

Diagnosis:
M54.50 Low back pain, unspecified

SUBJECTIVE:
Walter Hoover is a 53 year old male who presents to therapy today for evaluation of Physical Therapy. The patient was referred by Samuel Davis, MD . Injured Worker reports an injury to supervisor while working at tractor supply moving dog pens.
Medical treatment to this point includes medication, epidurals

Presenting Problems:

PAIN TYPE: 10/10 with radicular pain down the R LE
PAIN FREQUENCY: constant
LOCATION OF PAIN: Low back pain (R side) and R LE
AGGRAVATING FACTORS: all movement
EASING FACTORS: none

Functional Status	Prior	Current
Work activities	No limitations	Unable to perform

Contraindications:
1. None
OBJECTIVE:
Observations:
If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

Summary of Functional Tolerances

Employer: Tractor Supply

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

380

Job Title: Team Lead
Current Job Status: Off Work
Supervisor: Steven Norton
Job Demands Information provided by: Patient
Work Day: Shift Length 8 Hours
Length of Time at Job: Years: 0 Months: 8
Last Date Worked: 06-06-22 **OCCASIONAL=1-33%, FREQUENT=34-66%, CONSTANT=67-100% (The tasks tested are estimates of work capacity)**

Active Work Tasks	Initial	Last	Current	Job Demand/LTG	Comments
	08-29-22		08-29-22		
Sitting	Seldom				at lunch
Standing	Constant				
Walking	Constant				
Work from Ladder	Frequent				
Climb Ladder	Constant				
Climb Stairs	Never				
Twisting	Constant				
Bending/Stooping	Constant				
Squatting	Constant				
Kneeling	Constant				
Crawling	Occasional				
Work Postures					
Reaching	Constant				
Reach above shoulder	Constant				
Keyboard	Occasional				
Grasp	Constant				
Fine Manipulation	Frequent				
Material Handling Tasks					
Lifting Floor to Waist (lbs)	50				

	Additional Work Related Goals	Goal Status	Time Frame
X	Client will demonstrate safe biomechanics of lifting techniques on a constant basis		6 Weeks

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

ACTIVITY LOG:

Service Based	Comment	Status	Time	Done Today
Dry Needling (3 or more muscles)	see comment	Active	5	Yes
E-Stim (unattended)	c DN	Active	10	Yes
PT Evaluation Low Complexity	Eval	Active	25	Yes

Activity Comments:
Pt signed consent for DN, DN performed with 30 x 60 mm needles inserted to L4-L5, 30 x 100 mm needles inserted into the R glute med. All needles were left in situ and connected to e stim x 10 minutes.

ASSESSMENT:
DIAGNOSIS: (Match Primary Physician Diagnosis) Lumbar radiculopathy (RLE)
MUSCULOSKELETAL LIMITATIONS: Limited AROM of the lumbar spine with (+) n/t in the R LE.
WORK RELATED LIMITATIONS: Pt unable to work at this time, was also terminated.
CURRENT PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) IF working Heavy
GOAL PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) Very Heavy
CO-MORBIDITIES, POSSIBLE BARRIERS TO PROGRESS, AND/OR INCONSISTENCIES: At this time this pain is chronic, pt with allergic reaction to medication and epidurals. Pt has had no other treatment at this time to control the pain.

Skilled intervention is required for this Injured Worker to address their work related functional limitations.

The patient's rehab potential is good.

Goals	Short-Long	Time Frame	Result	Comment
Percent of Goals Met	Long Term	One Visit	Initial	0%

Assessment of Complexity:
Medical and Therapy History: 1-2 personal factors and/or comorbidities that impact the plan of care.
Patient Examination: Examination of body systems was completed using standardized tests and measures addressing 1-2 elements from any of the following: body structures and functions, activity limitations, and/or participation restrictions.
Clinical Presentation: With stable and/or uncomplicated characteristics.
Clinical Decision Making: Low complexity using standardized patient assessment instrument and/or measurable assessment of functional outcome.

Based on the documented information above, the patient complexity is determined to be low.

PLAN:
The patient's treatment will include PT Eval Moderate Complexity, Dry Needling 3 or more muscles, E-Stim Unattended, PT Eval Moderate Complexity , Unlisted Modality and PT Eval Low Complexity .
As the client progresses, we will be comparing their functional abilities to their required physical demand level (PDL). If there are significant functional deficits that persist, only then will we assess appropriateness for work conditioning.

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

We will develop a home exercise program. The patient will be seen 1 time per week for 1 week, for a total of 1 visit. Patient/caregiver of patient has consented to treatment and understands the diagnosis, prognosis and treatment goals associated with this plan of care.
Thank you for your referral. We will keep you updated on this patient's progress.
Best regards,

Kiersten Armstrong PT DPT

This document was electronically signed on 09-07-22 at 09:31a by Kiersten Armstrong PT.

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

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Drayer

Plan of Care

Date of Visit: 08-29-22
Patient Name: Hoover, Walter
Patient #: 2253999
Date of Birth: 09-06-1968
Age: 53

Therapist: Kiersten Armstrong, PT
Referring MD: Samuel Davis, MD
Certification Period: 08-29-22 - 09-04-22
Case: PT001

Date of Onset: 05-25-22

Diagnosis:
M54.50 Low back pain, unspecified

Completed 1 of 2 scheduled visits

ASSESSMENT:
DIAGNOSIS: (Match Primary Physician Diagnosis) Lumbar radiculopathy (RLE)
MUSCULOSKELETAL LIMITATIONS: Limited AROM of the lumbar spine with (+) n/t in the R LE.
WORK RELATED LIMITATIONS: Pt unable to work at this time, was also terminated.
CURRENT PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) IF working Heavy
GOAL PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) Very Heavy
CO-MORBIDITIES, POSSIBLE BARRIERS TO PROGRESS, AND/OR INCONSISTENCIES: At this time this pain is chronic, pt with allergic reaction to medication and epidurals. Pt has had no other treatment at this time to control the pain.

Skilled intervention is required for this Injured Worker to address their work related functional limitations.

PLAN/RECOMMENDATIONS:
The patient's treatment will include PT Eval Moderate Complexity, Dry Needling 3 or more muscles, E-Stim Unattended, PT Eval Moderate Complexity , Unlisted Modality and PT Eval Low Complexity .
As the client progresses, we will be comparing their functional abilities to their required physical demand level (PDL). If there are significant functional deficits that persist, only then will we assess appropriateness for work conditioning.

We will develop a home exercise program. The patient will be seen 1 time per week for 1 week, for a total of 1 visit.
Patient/caregiver of patient has consented to treatment and understands the diagnosis, prognosis and treatment goals associated with this plan of care.
OBJECTIVE:
Observations:
If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

Summary of Functional Tolerances

PHYSICAL THERAPY PLAN OF CARE CONTINUED

Date of Visit: 08-29-22
Patient Name: Hoover, Walter
Patient Number: 2253999
Date of Birth: 09-06-1968

Referral Source: Samuel Davis, MD
Date of Onset: 05-25-22
Certification Period: 08-29-22 - 09-04-22
Case: PT001

Employer: Tractor Supply
Job Title: Team Lead
Current Job Status: Off Work
Supervisor: Steven Norton
Job Demands Information provided by: Patient
Work Day: Shift Length 8 Hours
Length of Time at Job: Years: 0 Months: 8
Last Date Worked: 06-06-22 **OCCASIONAL=1-33%, FREQUENT=34-66%, CONSTANT=67-100% (The tasks tested are estimates of work capacity)**

Active Work Tasks	Initial	Last	Current	Job Demand/LTG	Comments
	08-29-22		08-29-22		
Sitting	Seldom				at lunch
Standing	Constant				
Walking	Constant				
Work from Ladder	Frequent				
Climb Ladder	Constant				
Climb Stairs	Never				
Twisting	Constant				
Bending/Stooping	Constant				
Squatting	Constant				
Kneeling	Constant				
Crawling	Occasional				
Work Postures					
Reaching	Constant				
Reach above shoulder	Constant				
Keyboard	Occasional				
Grasp	Constant				
Fine Manipulation	Frequent				
Material Handling Tasks					
Lifting Floor to Waist (lbs)	50				

	Additional Work Related Goals	Goal Status	Time Frame

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2175 Fax: (803) 760-7482

385 000072

PHYSICAL THERAPY PLAN OF CARE CONTINUED

Date of Visit: 08-29-22
Patient Name: Hoover, Walter
Patient Number: 2253999
Date of Birth: 09-06-1968

Referral Source: Samuel Davis, MD
Date of Onset: 05-25-22
Certification Period: 08-29-22 - 09-04-22
Case: PT001

X	Client will demonstrate safe biomechanics of lifting techniques on a constant basis		6 Weeks

Thank you for your referral. We will keep you updated on this patient's progress.

TO BE COMPLETED BY PHYSICIAN:

I hereby certify that rehabilitation services are medically necessary for the above mentioned. I also understand that my signature signifies agreement with the plan.

Samuel Davis, MD Signature

9/07/2022
Date

Please sign the above Progress Note and return to:
Drayer PT - Chapin, SC
130 Amicks Ferry Rd Ste G
Chapin, SC 29036-9400

Phone: (803) 932-2176
Fax: (803) 760-7482

Best regards,

Kiersten Armstrong PT DPT

This document was electronically signed on 09-07-22 at 09:31a by Kiersten Armstrong PT.

Drayer

End of Care

Last Visit: 08-29-22
Patient Name: Hoover, Walter
Patient #: 2253999
Date of Birth: 09-06-1968
Age: 54

Therapist: Kiersten Armstrong PT
Referring MD: Samuel Davis MD
Time In:
Time Out:

Total Time based minutes: Total Treatment time: 0

Date of Onset: 05-25-22

Diagnosis:
M54.50 Low back pain, unspecified

SUBJECTIVE:
Walter Hoover has attended a total of 1 treatment sessions following evaluation of Physical Therapy.
Presenting Problems:
PAIN TYPE: 10/10 with radicular pain down the R LE
PAIN FREQUENCY: constant
LOCATION OF PAIN: Low back pain (R side) and R LE
AGGRAVATING FACTORS: all movement
EASING FACTORS: none

Functional Status	Prior	Current
Work activities	No limitations	Unable to perform

Contraindications:
1. None

OBJECTIVE:
Observations:
If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

ASSESSMENT:
The patient's discharge prognosis is poor. Pt was only authorized one visit, DC at this time.

DIAGNOSIS: (Match Primary Physician Diagnosis) Lumbar radiculopathy (RLE)
MUSCULOSKELETAL LIMITATIONS: Limited AROM of the lumbar spine with (+) n/t in the R LE.
WORK RELATED LIMITATIONS: Pt unable to work at this time, was also terminated.
CURRENT PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) IF working Heavy
GOAL PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) Very Heavy
CO-MORBIDITIES, POSSIBLE BARRIERS TO PROGRESS, AND/OR INCONSISTENCIES: At this time this pain is

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

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chronic, pt with allergic reaction to medication and epidurals. Pt has had no other treatment at this time to control the pain.

Skilled intervention is required for this Injured Worker to address their work related functional limitations.

Goals	Short/Long Time Frame		Result	Comment	Date Assessed
Percent of Goals Met	Long Term	One Visit	Discontinued	0%	

PLAN:
Reason for concluding the current episode of care:
1. Insurance authorization issues

Thank you for your referral.

Best regards,

Kiersten Armstrong PT DPT

This document was electronically signed on 10-03-22 at 08:47a by Kiersten Armstrong PT.

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Phone: (803) 932-2176 Fax: (803) 760-7482

SOUTH CAROLINA INTERNAL MEDICINE, LLC
EST. 1986

SC Internal Medicine Associates and Rehabilitation, LLC
7182 WOODROW ST STE 200
IRMO SC 29063-2958

Hoover, Walter Rick Jr.
MRN: 975788493, DOB: 9/6/1968, Sex: M
Visit date: 9/1/2022

Hoover, Walter Rick Jr.

MRN: 975788493

Dudley, Amanda C, NP
Nurse Practitioner
Specialty: Nurse Practitioner

Progress Notes
Signed

Encounter Date: 9/1/2022

Patient and his spouse state he was seen by ortho referred to Drayer PT for dry needling. States a cortisone injection was not successful and they were advised to see a neurosurgeon as he has previously has spinal surgery. Will refer to lexington brain and spine.

Patient requires a printed order for this referral for his lawyer. Order placed in designated area for pickup.

Mr. Hoover is agreeable to this at this time.

Electronically signed by Dudley, Amanda C, NP at 9/1/2022 9:47 AM

Orders Only on 9/1/2022

Orders Placed

Ambulatory Referral to Neurosurgery -Columbia/Sumter Closed

Medication Changes

As of 9/1/2022 9:47 AM

None

Visit Diagnoses

Primary: **Acute bilateral low back pain with right-sided sciatica** M54.41

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ImageCare Associates, LLC
710 Rahen Road, Suite 100
Columbia, SC 29203

Soft Tissue Study Report

WALTER HOOVER
June 27, 2022

MRN:	5421HOOV			**Study Time:**	12:44 PM
DOB:	1968-09-06	**Age:**	53	**Reading Group:**	ImageCare Associates LLC
Gender:	M			**Referring Group:**	Amanda Dudley, NP
				Sonographer:	Carissa Muenzer
				Location:	South Carolina Internal Medicine
				Equipment:	Z6

Study Quality: Good
Diagnosis Code: Groin pain
Indications: Right groin pain x one month

Findings:

Real time ultrasound transverse and longitudinal images of the soft tissue were performed.
In patient's area of concern in the right inguinal region, there is a hypoechoic area with hyperechoic center seen, measuring 2.1 x .4 x 1.7 cm. Possible lymph node.
There is a second hypoechoic area seen, measuring 1.2 x .6 x 1.4 cm. Possible lymph node.
There is a third hypoechoic area seen, measuring .5 x .4 x .5 cm.
A fourth hypoechoic area is seen, measuring 1.5 x .4 x .6 cm.

Conclusions:
Multiple benign appearing lymph nodes are present in the right inguinal region with no other sonographic abnormality.

June 28, 2022 09:12 AM EDT
Laura G Ulrich, MD
Electronically Signed on Studycast



Palmetto Bone & Joint, P.A.

Clinton Office: 2297 Highway 76 East, Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 7505 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-6254 Fax: (803) 321-6259
Chapin Office: 104 Ellett Road, Chapin SC 29036 Phone: (803) 941-8095 Fax: (803) 345-6055

Date of Exam 9/9/2022
Patient Name RICKY HOOVER
DOB 09/06/1968
Provider Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.

8/5/2022, patient returns after having had the injection. He notes some improvement in the numbness in the foot still does have pain in the right lower back.

9/9/2022: Patient returns after having dry needling. He states that this offered no significant improvement.

Allergies

No known drug allergies

Medications

No Current Meds*

Past History

Medical History	No Medical History Reported.
Surgical History	No Surgical History Reported and CHANNEL GROOVED IN SPINAL CORD FOR SCIATIC NERVE TO REST.
Social History	Patient is right handed. Patient does not use alcohol, caffeine, illicit drugs or tobacco.

Review of Systems

Constitutional	No fever, fatigue, weakness or sudden weight change
Eyes	Normal visual acuity, no blurred vision or excessive tearing
HEENT	Normal auditory acuity, no nasal discharge or difficulty swallowing
Cardiovascular	No chest pains or palpitations or high blood pressure
Respiratory	No shortness of breath or cough
Gastrointestinal	Patient has history of abdominal pain and rectal bleeding.
Genitourinary	No dysuria or hematuria
Musculoskeletal	No generalized joint pain, stiffness, weakness or muscle pain
Skin	No rashes or jaundice

Neurological	No headache, dizziness or memory loss
Psychiatric	No mood change, depression or nervousness
Endocrine	No thyroid enlargement, sweating or excessive thirst
Hematolymphatic	No bruising, swollen glands or anemia
Immunological	Patient has history of reactions to drugs.

Vital Signs

Height (in)	72.0
Weight (lbs)	230.0
BMI	31.190200617284

Exam

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Diagnosis

M54.5	Low back pain
M54.16	Radiculopathy, lumbar region

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.

MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5.

He notes improvement in the numbness in his right foot still does have pain in the right lower back. I explained that surgery is not likely to remove that pain in the right lower back. Recommended a trial of dry needling.

Patvement in his pain.Is offered no significant improvement in his pain. I do think he may benefit from a second opinion by a neurosurgeon. I have sent him a prescription for gabapentin. Follow-up 6 weeks or sooner.

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Samuel Davis,MD
Electronically signed on 9/12/2022 12:49 PM

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Palmetto Bone & Joint, P.A.

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Newberry Office: 2605 Kinard Street, Suite 103, Newberry SC 29108 Phone: (803) 321-6254 Fax: (803) 321-6259
Chapin Office: 104 Fleet Road, Chapin SC 29036 Phone: (803) 941-8295 Fax: (803) 345-6068

Date of Exam	1/3/2023
Patient Name	RICKY HOOVER
Date of Birth	09/06/1968
Provider Name	Samuel Davis,MD

History
Chief Complaint low back and radiating right leg pain
History of Present Illness (Lumbar)
Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.
The patient rates the pain as 7 out of 10.
The patient has not had previous lumbar surgery.
The patient has not had epidural injections.
7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.
8/5/2022, patient returns after having had the injection. He notes some improvement in the numbness in the foot still does have pain in the right lower back.
9/9/2022: Patient returns after having dry needling. He states that this offered no significant improvement.
1/3/2023: Patient returns with worsening radiating right leg pain. He inquires about getting something to help with the pain.

Exam
Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Diagnosis

M54.5	Low back pain
M54.16	Radiculopathy, lumbar region

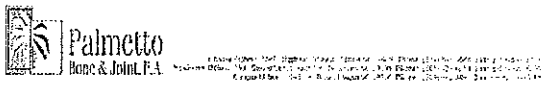
Plan
Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.
MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5.
He notes improvement in the numbness in his right foot still does have pain in the right lower back. I explained that surgery is not likely to remove that pain in the right lower back. Recommended a trial of dry needling.
Patient continues to have pain in that right leg. He has not yet had his second opinion. I sent him a prescription for gabapentin. I explained that I am unable to provide any narcotics. Referral for pain management was also sent.

1

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Samuel Davis,MD
Electronically signed on 1/4/2023 8:22 AM



Physician Return to Work Form

Date of Exam	1/3/2023
Provider	Samuel Davis
Patient Name	RICKY HOOVER

Patient may return to work 1/3/23 no restrictions.

Samuel Davis,MD
Electronically signed on 1/4/2023 8:30 AM

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Hoover, Walter R

MRN: 008810055

Office Visit 1/6/2023
MUSC Health Columbia
Northeast Neurosurgery

Provider: Brett Christopher Gunter, MD (Neurosurgery)
Primary diagnosis: Sacroiliac joint dysfunction of right side
Reason for Visit: Back Pain

Progress Notes

Brett Christopher Gunter, MD (Physician) • Neurosurgery

MUSC HEALTH NEUROSURGERY COLUMBIA NE
INDEPENDENT MEDICAL EVALUATION

DOB : 9/6/1968

01/06/23

EMPLOYER: Tractor Supply Company

DATE OF INJURY: 05/25/2022

PREVIOUS SURGERY: No

Chief Complaint
Patient presents with
- Back Pain
  IME- Discuss mri and xrays lumbar

Review of patient's allergies indicates:

Allergen	Reactions
• Acetaminophen *Whelps/hives*	Hives and Swelling

HISTORY OF PRESENT ILLNESS:

54-year-old right-handed male was working for tractor supply in Newberry South Carolina. He was on the job and was task with moving some dog kennel's which each bundle weighed about 184 pounds they are about 6 feet wide and about 10 feet long. Kennels themselves were awkward and heavy. He and a coworker were moving some kinnels as the coworker was pushing the kennel over so that it would fall to the floor and he would catch the kennel and lift the kennel. He immediately had the onset of severe back pain.

So far in his treatment he has had 2 lumbar epidural steroid injections and dry needling but without formal physical therapy. The epidurals did seem to improve the numbness on the lateral aspect of his right foot but beyond that he has received no improvement. He has had no formal physical therapy. He has not returned to work and is apparently terminated from that job.

He has a significant past history of back surgery. He said it was done at Southeastern spine Institute around 2019. After surgery he resumed his normal daily activities which include

hiking and playing softball. He had some mild intermittent back soreness that would come and go with increased activities but beyond that he did not have any back pain or leg pain.

CURRENT SYNDROME:
He has pain in his right lower back it radiates around his right hip and seems to skip a portion of his thigh and go below his knee and in fact involve the area of his lower leg on the lateral aspect below the knee and also down to the ankle on that side. The pain is only on the right-hand side. He points to an area that is significantly on the right SI joint.

Past medical , social history, family history, review of systems. Pertinent findings are otherwise per history pf present illness.

Review of Systems
Musculoskeletal: Positive for back pain.

NEUROLOGICAL EXAM:

Vitals:
01/06/23 1139
Weight: **(!) 109.3 kg (241 lb)**
Height: 182.9 cm (6')

GENERAL: appropriate for age
HEAD: normocephalic
EYES: pupils equal and reactive, extraocular movements intact
EARS: external anatomy unremarkable
THROAT: oropharynx clear to visual inspection
NECK: free of masses or lesions. No palpable step offs. No tenderness to palpation. mildly restricted range of motion.
LUNGS: clear to auscultation bilaterally
HEART: regular rate and rhythm
ABDOMEN: soft non- distended, nontender
EXTREMITIES: warm, moist, pulse present
BACK: mildly restricted range of motion, he has significant tenderness over the right SI joint on examination and significantly less tenderness over the left SI joint.

NEUROLOGICAL EXAM:
Mental status: awake alert and oriented to person, place, and time
Speech: fluent and conversant

POWER EXAM:
UPPER EXTREMITES:
SHOULDER ABDUCTION: LEFT 5/5 RIGHT 5/5
ELBOW FLEXOR: LEFT 5/5 RIGHT 5/5
ELBOW EXTENSOR: LEFT 5/5 RIGHT 5/5
HAND GRIP: LEFT 5/5 RIGHT 5/5
LOWER EXTREMITIES:
HIP FLEXORS: LEFT 5/5 RIGHT 5/5
QUADRICEPS: LEFT 5/5 RIGHT 5/5
HAMSTRINGS: LEFT 5/5 RIGHT 5/5

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ANTERIOR TIBIALIS: LEFT 5/5 RIGHT 5/5
EXTENSOR HALLUCIS LONGUS: LEFT 5/5 RIGHT 5/5
GASTROSOLEUS: LEFT 5/5 RIGHT 5/5

SENSORY:
UPPER EXTREMITES: sensation intact to light touch
LOWER EXTREMITIES: sensation intact to light touch
CEREBELLAR: gait and finger to nose testing intact
REFLEXES: upper and lower extremity reflexes symmetric and intact
ADDITIONAL EXAM:
Negative clonus, negative Hoffman's

RADIOGRAPHIC STUDIES:

MRI of his lumbar spine is not available. There is an MRI of a patient with his name but has the wrong date of birth and at this time were not able to use that study.

ADDITIONAL STUDIES:

ASSESSMENT:

To a reasonable degree of medical certainty the following is true:

He does not have an injury to his lumbosacral spine, but he does need to provide me with an MRI of the lumbar spine with and without contrast that has his name and date of birth properly displayed on the image study. After review of this study it may by necessity require a change in this statement.

He has right sacroiliac joint dysfunction which is causally related to the injury he suffered on the job.

PLAN:

1. MRI of the lumbar spine with and without contrast "evaluate for right-sided nerve root entrapment"

2. Consult pain management for SI joint injection. Up to 3 injections may be required for improvement in this clinical syndrome. I would recommend at least 1 injection every 2-3 weeks. The patient should maintain a diary after each injection to record which joint was injected and what if any relief was obtained. I recommend injection in both joints.

3. Physical therapy with an emphasis on maneuvers to reduce pain caused by disorders of the sacroiliac joint including local measures like heat, ice, ultrasound, massage, TENS unit, and dry needling. Evaluation and recommendation by the physical therapist. Exercises to improve range of motion and truncal stability with the development of a home exercise program. Instruction in proper will back behaviors to reduce the risk of additional injury.

4. Follow-up with me after the above test. Please make sure that at the next visit the patient has a written report from the test this been ordered and also brings all CDs of previous radiographic studies.

5. **Sedentary Work:** Lifting or exerting up to 10 pounds of force up to 3 hours to lift, pull, carry, push, or otherwise move or if work involves sitting moat of the time, but may involve standing

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or walking for a brief period. According to the U.S. Department of Labor Guidelines. Temporary restriction

6. Percocet 5/325 1-2 by mouth every 4 hours as needed Disp [40] forty No refills prn

Brett C. Gunter, MD FACS
MUSC Columbia Northeast Neurological Surgery

Instructions

MUSC AMBULATORY AVS (Automatic SnapShot taken 1/6/2023)

Additional Documentation

Vitals: Ht 182.9 cm (6') Wt 109.3 kg (241 lb) ! (Abnormal) BMI 32.69 kg/m² BSA 2.36 m²

Flowsheets: Anthropometrics

Communications

Media

From this encounter

Scan on 1/9/2023 10:44 AM: 010923 NE 114 Neur

Orders Placed

MRI Lumbar Spine W Wo Contrast
Amb referral to Pain Clinic Closed
Amb referral to Physical Therapy Closed

Medication Changes

As of 1/6/2023 12:46 PM

	Refills	Start Date	End Date
Added: oxyCODONE-acetaminophen (Percocet) 5-325 mg per tablet	0	1/6/2023	2/5/2023

Take 1 tablet by mouth every 4 hours as needed. - Oral

Medication List at End of Visit

As of 1/6/2023 12:46 PM

	Refills	Start Date	End Date

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	Refills	Start Date	End Date
cyclobenzaprine (Flexeril) 10 mg tablet Take 1 tablet by mouth. - Oral Patient-reported medication		7/20/2022	
gabapentin (Neurontin) 300 mg capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Patient-reported medication		9/9/2022	
meloxicam (Mobic) 7.5 mg tablet Take one to two tablets by mouth daily. Patient-reported medication		11/9/2022	
oxyCODONE-acetaminophen (Percocet) 5-325 mg per tablet Take 1 tablet by mouth every 4 hours as needed. - Oral	0	1/6/2023	2/5/2023
predniSONE (Deltasone) 10 mg tablet dose pack Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab); Patient-reported medication		6/1/2022	

Visit Diagnoses

Primary: Sacroiliac joint dysfunction of right side M53.3

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Fax: (843) 818-1145
www.PainChas.com

INDEPENDENT MEDICAL EXAMINATION

Patient Name: Walter Hoover
Date of Birth: 9/6/1968
Date of Injury: 05/25/2022
Date of IME: 2/14/2023
Case Status: open
Body parts covered: lumbar spine

History of Present Illness

Mr. Hoover is a 54 year old male presenting for independent medical examination following a work related injury that occurred on 5/25/22. He reports that he was working for a tractor supply company and was moving dog kennels with a coworker. He states that the kennels weighed over 180lbs and are typically moved with a forklift. He states a coworker was handing him a kennel and dropped it and he tried to catch it and was knocked to the ground. He reports that he immediately felt low back pain with radiation into his right lower extremity.

He originally presented to Palmetto Bone and Joint for new patient evaluation with Dr. Samuel Davis with complaints of low back pain with radiation into his right leg. Dr. Davis ordered a lumbar MRI. Lumbar MRI was performed on 6/22/22 and Dr. Davis reported that MRI showed WHAT. At follow up appointment Dr. Davis ordered LESI at L4-5. On 7/12/22 Mr. Hoover underwent lumbar transforaminal epidural steroid injection at L5-S1 with Dr. Giridhar Gundu. At his follow up appointment with Dr. Davis he reporting 60% improvement in his right leg numbness but no change in his low back pain. He reported adverse effects to the steroid to include headache and redness in his face. Mr. Hoover then tried dry needling, but reported that it was not helpful. At follow up visit on 9/9/2022, Dr. Davis recommended second opinion with a neurosurgeon.

Mr. Hoover had an IME with Dr. Gunter on 1/6/2023. Dr. Gunter recommended new LMRI and opined that Mr. Hoover was suffering from right sacroiliac dysfunction and recommended SI joint injections. He recommended patient work at sedentary duty.

Today, Mr. Hoover complains of low back pain with radiation into his right lower extremity, stopping at the calf. He reports associated numbness on the bottom and outer portion of his right foot. He denies symptoms in his left leg. He reports that he has had previous back surgery in 2019, and states he had complete resolution of back pain following the surgery. For this injury he has tried narcotics, gabapentin, muscle relaxers, and NSAIDs with minimal relief. Since he has seen Dr. Gunter he has had new lumbar MRI, but we do not have the report available for review today. He states he has been out of work since the injury.

Physical Exam:

General:

General appearance: pleasant, well nourished, in no acute distress

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Back:

Spine: pain in lower lumbar area, unable to sit on right side of buttocks. S I joints: tender on right side, + FABER on the right, +compression on the right.

Musculoskeletal:

Gait: Normal. Strength: 5/5 in both the upper and lower extremities. Tone and Spasticity: No spasticity or increased tone, No atrophy

Current Medications:

1. Non-contributory

Discussion and Recommendations:

It is within a reasonable degree of medical certainty that Mr. Walter Hoover is suffering from sacroiliac joint dysfunction on the right as a result of a work-related injury that occurred on 05/25/22. He has had intervention to include epidural steroid injection, dry-needling, and medication management.

The following are recommendations in the treatment plan:

1. Right SI joint injection x2
2. Consider SI joint RFA if short lived relief with SI joint injection. Consider SI joint fusion should he fail both the steroid injections and the RFA
3. Start Celebrex 200mg QD. Narcotics are not indicated.
4. Obtain LMRI report for review
5. Anticipate MMI in 3-6 months pending response to injections and timeliness of care

The following are responses to questions asked for the IME:

1. We kindly request you address Dr. Gunter's pain recommendations and determine appropriate treatment for the lumbar spine
    a. Please see detailed treatment plan as outlined above

Edward Tavel, MD

03/07/23
Date

403

Hoover, Walter R

MRN: 008810055

Brooke Hawkins Telephone Encounter Signed Encounter Date: 2/28/2023

Patient called office yelling, being rude and calling staff out of their name. Referred to staff as a the b word and a hag because he wanted pain medication.
Patient threatened to come in office and "let us have it".

Electronically signed by Brooke Hawkins at 2/28/2023 9:59 AM

Telephone on 2/28/2023

Orders Placed

None

Medication Renewals and Changes

As of 2/28/2023 9:59 AM

None

Visit Diagnoses

None

Hoover, Walter R

MRN: 008810055

Office Visit 3/6/2023
MUSC Health Columbia
Northeast Neurosurgery

Provider: Brett Christopher Gunter, MD (Neurosurgery)
Primary diagnosis: Sacroiliac joint dysfunction of right side
Reason for Visit: Back Pain • Leg Pain

Progress Notes

Brett Christopher Gunter, MD (Physician) • Neurosurgery

MUSC COLUMBIA NORTHEAST
NEUROSURGERY OFFICE VISIT

DOB : 9/6/1968

NEUROSURGERY FOLLOW-UP NOTE

03/06/23

DATE OF SURGERY:

Chief Complaint
Patient presents with
- Back Pain
- Leg Pain

INTERIM HISTORY:

This seems to be some disagreement between the patient and his family in my office regarding the interactions. Certainly, it does not appear possible that we are able to continue to take care of this patient as it just appears to be too much "discord" with regard to the relationship between the practice and the patient. The patient left abruptly after hearing this news and so I really did not get much opportunity to expand on that concept. I did discuss briefly with the young lady that was here with him today and they asked me if I would refer them to the Southeastern spine clinic.

Current Outpatient Medications:
- **cyclobenzaprine (Flexeril) 10 mg tablet, Take 1 tablet by mouth., Disp: , Rfl:**
- **gabapentin (Neurontin) 300 mg capsule, TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS, Disp: , Rfl:**
- **HYDROcodone-acetaminophen (Lorcet) 5-325 mg tablet, Take 1 tablet by mouth every 6 hours as needed for severe pain., Disp: 30 tablet, Rfl: 0**
- **meloxicam (Mobic) 7.5 mg tablet, Take one to two tablets by mouth daily., Disp: , Rfl:**
- **predniSONE (Deltasone) 10 mg tablet dose pack, Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);, Disp: , Rfl:**

No past medical history on file.

Social History

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Socioeconomic History

• Marital status:	Single
Spouse name:	Not on file
• Number of children:	Not on file
• Years of education:	Not on file
• Highest education level:	Not on file

Occupational History
- Not on file

Tobacco Use

• Smoking status:	Former
Types:	Cigarettes
Quit date:	2020
Years since quitting:	3.1
• Smokeless tobacco:	Never

Substance and Sexual Activity

• Alcohol use:	Never
• Drug use:	Never
• Sexual activity:	Not on file

Other Topics Concern
- Not on file

Social History Narrative
- Not on file

Social Determinants of Health

Financial Resource Strain: Not on file
Food Insecurity: Not on file
Transportation Needs: Not on file
Physical Activity: Not on file
Stress: Not on file
Social Connections: Not on file
Housing Stability: Not on file

No family history on file.

Review of Systems
Musculoskeletal: Positive for back pain.
Neurological: Positive for tingling.

PHYSICAL EXAMINATION:
241lb.

No examination was performed

DIAGNOSTIC STUDIES:
No information is diagnostic studies is available.

ASSESSMENT:

I believe the following to be true: The patient and I mutually agree that he should seek his care elsewhere. Do not believe we can effectively care for the patient through our practice since the relationship appears to be unsatisfactory for an efficient patient care.

406

000093

PLAN:

1. The patient would prefer to be transferred or referred to the Southeastern spine Institute which seems like a reasonable plan from my perspective.

2. At this stage we would make no efforts to provide additional information regarding work status etc.

Brett C. Gunter, MD FACS
MUSC Columbia Northeast Neurological Surgery

Instructions

MUSC AMBULATORY AVS (Automatic SnapShot taken 3/6/2023)

Additional Documentation

Vitals: Ht 182.9 cm (6') Wt 109.3 kg (241 lb) ! (Abnormal) BMI 32.69 kg/m² BSA 2.36 m²

Flowsheets: Anthropometrics

Communications

Orders Placed

None

Medication Changes

As of 3/6/2023 11:25 AM

None

Medication List at End of Visit

As of 3/6/2023 11:25 AM

	Refills	Start Date	End Date
cyclobenzaprine (Flexeril) 10 mg tablet Take 1 tablet by mouth. - Oral Patient-reported medication		7/20/2022	
gabapentin (Neurontin) 300 mg capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Patient-reported medication		9/9/2022	

407

000094

	Refills	Start Date	End Date
HYDROcodone-acetaminophen (Lorcet) 5-325 mg tablet	0	2/13/2023	3/15/2023
Take 1 tablet by mouth every 6 hours as needed for severe pain. - Oral			
meloxicam (Mobic) 7.5 mg tablet		11/9/2022	
Take one to two tablets by mouth daily. Patient-reported medication			
predniSONE (Deltasone) 10 mg tablet dose pack		6/1/2022	
Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab); Patient-reported medication			

Visit Diagnoses

Primary: Sacroiliac joint dysfunction of right side M53.3

408

000095

BenchMark PHYSICAL THERAPY

Daily Note

Date of Visit: 04-17-23
Patient Name: Hoover, Walter
Patient #: 2253999
Date of Birth: 09-06-1968
Age: 54

Therapist: Brice Rizzetta PT
Referring MD: Brett Gunter MD
Time In: 08:52a
Time Out: 10:14a

Total Time based minutes: 72 Total Treatment time: 82

Date of Onset: 03-20-2023

Diagnosis:
M53.3 Sacrococcygeal disorders, not elsewhere classified

SUBJECTIVE:
Had a busy weekend helping kids at the house. Pain is still there but he feels better knowing he can move without risk of further injury
Contraindications:
1. none

OBJECTIVE:
Observations:
If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

Objective Comments:
IE:
- Only subjective information gathered this session due to patient concerns of increasing pain. Will follow up with doctors office for imaging results before moving forward with objective measures.

FU visit 1:
- severe hypersensitivity to touch over the involved area. s/s consistent with allodynia. unable to assess joint mobility or palpate musculature below L3 due to pain and hypersensitivity.

Gait assessment
- IE: antalgic, decreased trunk rotation, decreased time in stance on RLE

Offloads RLE when seated

ACTIVITY LOG:

Exercises	Comment	Sets	Reps	Wt	Time	Done Today	Spec	Provider	Weekly Goal	Weekly Goal Met
97140 - Manual Therapy - [TP007]	======== ========	===	===	=====	8	Yes		10381 (PT) Brice C		

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www.BENCHMARKPT.com

Exercises	Comment	Sets	Reps	Wt	Time	Done Today	Spec	Provider	Weekly Goal	Weekly Goal Met
								Rizzetta		
Touch	Right lumbar/SIJ for desensitizatio n					Yes		10381 (PT) Brice C Rizzetta		
97110 - Ther-Ex / Procedure - [TP001]	======== ========	===	===	=====	10	Yes		10381 (PT) Brice C Rizzetta		
UBE/leg bike	10min					Yes		10381 (PT) Brice C Rizzetta		
97530 - Therapeutic Activity - [TP009]	======== ========	===	===	=====	30	Yes		10381 (PT) Brice C Rizzetta		
Patient education	management strategies					Yes		10381 (PT) Brice C Rizzetta		
LTR	2min					Yes		10381 (PT) Brice C Rizzetta		
BKFO	2min					Yes		10381 (PT) Brice C Rizzetta		
STS	3 x 10 tap					Yes		10381 (PT) Brice C Rizzetta		
step ups	8in	3	10			Yes		10381 (PT) Brice C Rizzetta		
SS	GTB 3x					Yes		10381 (PT) Brice C Rizzetta		
97112 - Neuro Re-Ed - [TP002]	======== ========	===	===	=====	8	Yes		10381 (PT) Brice C Rizzetta		
VC/TC	technique					Yes		10381 (PT) Brice C Rizzetta		
Neural glides	Right in seated		10			Yes		10381 (PT) Brice C Rizzetta		
97537 - Community / Work Reintegration - [TP013]	======== ========	===	===	=====	16	Yes		10381 (PT) Brice C Rizzetta		
Seated ball roll	For bending and reaching					Yes		10381 (PT) Brice C Rizzetta		
Standing reaching to floor		2	10			Yes		10381 (PT) Brice C Rizzetta		
Carries	25# 150ft ea					Yes		10381 (PT) Brice C Rizzetta		
Row	CC SA 12.5#		30			Yes		10381 (PT)		

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Exercises	Comment	Sets	Reps	Wt	Time	Done Today	Spec	Provider	Weekly Goal	Weekly Goal Met
	neu/low							Brice C Rizzetta		
Lifting	25# knees to waist	3	10			Yes		10381 (PT) Brice C Rizzetta		

Service Based	Comment	Status	Time	Done Today
E-Stim (unattended)	BR IFC LPs for pain modulation	Active	10	Yes

ASSESSMENT:
The patient's progress towards goals is good and his tolerance to treatment is good. Patient states that he is now working out on Total Gym at home and doing as much as he can to stay moving. He states that he is no longer having abdominal pain but the SIJ pain is unchanged. It is still very sensitive to touch. Added ss, lifting and STS to mimic squatting all with good tolerance

Patient with significant improvement in activity tolerance this session. Movements were still painful but patient is no longer living in fear of creating further injury/damage. States that he feels better just knowing there isn't anything he is going to do to create additional damage. He recognizes that he needs to ease into activity gradually to avoid overloading tissue that hasn't been loaded as it normally would be since the injury

Goals	Short-Long	Time Frame	Result	Comment	Last Assessed
Percent of Goals Met	Long Term	12 weeks	Ongoing	0%	4/5/23

PLAN:

Walter will continue with therapist management as outlined in the plan of care. This is visit # 7.

Patient/caregiver of patient has consented to treatment and understands the diagnosis, prognosis and treatment goals associated with this plan of care.

Best regards,

Brice Rizzetta PT

This document was electronically signed on 04-17-23 at 10:32a by Brice Rizzetta PT.

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HOOVER, WALTER DOB: 09/06/1968 (54 yo M) Acc No. 103009 DOS: 04/25/2023

Pain Specialists
Edward Tavel, MD · Matthew Drakeley, MD
Neurology Specialists
David Sheller, MD · Patricia Myers, MD
Psychiatry Specialists
Erin Burkll, PhD · Michael Sugarman, PhD ABPP

HOOVER, WALTER

54 Y old Male, DOB: 09/06/1968
Account Number: 103009
6194 DOGWALLA RD, WHITMIRE, SC-29178-9157
Home: 803-394-3047
Guarantor: HOOVER, WALTER
Insurance: GALLAGHER BASSETT
Referring: LISA WORKERS COMP
Appointment Facility: PAIN SPECIALISTS OF COLUMBIA

04/25/2023

PROGRESS NOTES: SYDNEY BURRELL, PA-C

Reason for Appointment

1. Low Back Pain

History of Present Illness

Worker's Comp:

DOI 5/25/2022. Work Status Employed. Body Parts Covered Low back. Claim Status Open. NCM Randi Walle (to attend).

Pain Management:

Patient is here today for the evaluation and treatment of low back pain. Patient complains of BILAT low back pain that is more severe on the RIGHT that radiates and is accompanied by numbness/tingling with shooting pain. Patient says the outer side of his right foot is numb. Pain is 10/10 on pain scale today.

Patient was at work at Tractor Supply CO and was moving some heavy dog beds and the way it was brought down and as it was falling he went to grab it and it hurt his back. Patient states that it has been almost a year and that medication helps but he wants to help fix this he doesn't want to mask the pain. He is interested in getting surgery. Patient states that he used to be on percocet and states that he would take one in the morning and one at night and found that it was very helpful.

The pain radiates down the back of the right leg. The severity of the pain is 10/10 average, 10/10 max. The pain began 5/25/22. The pain occurred after a work accident. The pain is described as sharp shooting pain with some numbness and tingling. The timing of the pain is continuous. The pain is associated with poor sleep, change in appetite, weight gain, balance issues. The pain is improved by TENS, medication. The pain is aggravated by bending, activity, movement. Imaging studies that have been performed include MRI with and without constrast. Non pharmacologic approaches that have been utilized include TENS, physical therapy, dry needling. Medications that have been utilized include narcotics , non-steroidal anti-inflammatories . Treatments have included epidural steroid injections(allergic), , TENS unit, anti-inflammatory meds, physical therapy.

Current Medications

Taking

- oxyCODONE-Acetaminophen 5-325 MG Tablet TAKE ONE TABLET BY MOUTH EVERY 4 HOURS AS NEEDED Oral
- Meloxicam 7.5 MG Tablet TAKE ONE TO TWO TABLETS BY MOUTH ONE TIME DAILY Oral
- Gabapentin 300 MG Capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Oral

Medication List reviewed and reconciled with the patient

Past Medical History

Medical History Verified.

Surgical History

spine/back surgery 2019

Family History

Father: alive

413

Mother: alive

Allergies
Prednisone
steroids

Hospitalization/Major Diagnostic Procedure
see above

Review of Systems
Cardiology:
Patient denies chest pain (angina), shortness of breath, dizziness, swelling in ankles, irregular heartbeats (palpitations).
Constitutional:
Patient denies fever, loss of appetite, weakness/fatigue, weight loss, , rash. Patient complaining of insomnia, weight gain.
Gastroenterology:
Patient denies nausea/vomiting, diarrhea, constipation, difficulty swallowing, heartburn.
Musculoskeletal:
Patient denies joint swelling, joint stiffness, leg cramps, muscle cramps, neck pain.
Neurology:
Patient denies dizziness, poor balance, blurred vision, arm weakness, leg weakness. Patient complaining of tingling, numbness.
Respiratory:
Patient denies wheezing, cough, use of inhalers, painful breathing.

Vital Signs
Pain Scale **10**, Ht **5'10"**, Wt **200 lbs**, BMI **28.69**, BP **141/93 mm Hg**, HR **74**, RR **18**.

Physical Examination
LAB-UDS:
LAB-UDS UDS w/ Adulterant BURRELL,SYDNEY K 4/30/2023 8:28:07 PM > .

Assessments
1. Sacroiliitis, not elsewhere classified - M46.1 (Primary)
2. Other long term (current) drug therapy - Z79.899

Mr. Hoover is a 54 year old male presenting for evaluation and management of low back pain secondary to acute work injury occurring 05/25/2022. Patient states that he was working for Tractor Supply Company and was moving dog kennels weighing >180 lbs. with a coworker. His injury occurred when a cowoker was handing him a kennel but dropped it; when Mr. Hoover attempted to catch the kennel, he was knocked to the ground. He reports that he immediately felt low back pain with radiation into his right lower extremity.
He was initially evaluated by Dr. Samuel Davis of Palmetto Bone & Joint. He underwent TF LESI at L5-S1 with Dr. Giridhar Gundu; unfortunately patient reported adverse reaction to the steroid injection which included headache/head swelling and facial flushing.
He was then referred to Dr. Gunter for IME who opined that Mr. Hoover was suffering from right sacroiliac dysfunction and recommended SI joint injections. He recommended patient work at sedentary duty. Patient notes today that he has been dismissed as a patient from Dr. Gunter's office since the time of IME.
Note that patient does have history of back surgery in 2019 but reports that he had complete resolution of his back pain up until his accident.
Today he continues to endorse low back pain with radiation into the right lower extremity, stopping at the calf. He reports associated numbness on the bottom and outer portion of his right foot. He denies symptoms in his left leg.
For this injury he has tried narcotics, gabapentin, muscle relaxers, and NSAIDs with minimal relief. He is currently enrolled in physical therapy from which he reports severe pain.
We discussed treatment plan as outined in IME with Dr. Tavel completed Feb. 14, 2023. Patient indicates that he has had adverse reactions to steroid injections and does not want to proceed with any further steroid injections at this time.

HOOVER, WALTER DOB: 09/06/1968 (54 yo M) Acc No. 103009 DOS: 04/25/2023

We discussed local anesthetic injection and he is not interested in this either. He states that he is only interested in moving forward with surgical intervention (SI fusion).
He can RTC PRN.
Patient seen today by Dr. Tavel and Sydney Burrell, PA-C.

Treatment

1. Sacroiliitis, not elsewhere classified
Notes: After talking with patient, patient will return in office on an as needed basis. Total time spent with patient in excess of 30 minutes with 50% of that time spent counseling patient regarding treatment options. Electronic records being sent to referring provider. As always, thank you for this kind referral and I look forward to working with you in the care of this patient.

2. Other long term (current) drug therapy
LAB: Urine Drug Screen
LAB: Full Panel
Notes: UDS performed in the office today and sent to in office lab. Screening performed for confirmation that no illicit drugs are present. Urine sample sent to in house lab for confirmation.

Procedure Codes

G0481 Definitive Drug Confirmation;8-14 drug classes
80307 DRUG TEST PRSMV CHEM ANLYZR

Follow Up

prn

Electronically signed by SYDNEY BURRELL , PA-C on 05/01/2023 at 01:45 PM EDT

Sign off status: Pending

PAIN SPECIALISTS OF COLUMBIA
15 Monckton Blvd.
Columbia, SC 29206-4700
Tel: 843-818-1181
Fax: 843-818-1145

PROGRESS NOTES

Patient: HOOVER, WALTER
Account Number: 103009
DOB: 09/06/1968 Age: 54 Y Sex: Male
Phone: 803-394-3047
Address: 6194 DOGWALLARD, WHITMIRE, SC-29178-9157

Provider: Edward M Tavel, MD
Date: 05/02/2023

Subjective:

Chief Complaints:
1. Low Back Pain.

HPI:

Worker's Comp:
DOI 5/25/2022. Work Status Employed. Body Parts Covered Low back. Claim Status Open. NCMRandi Walle (to attend).

Pain Management:
Patietn is here today for a #1 RIGHT SI joint injection. He states the pain radiates down into the RIGHT buttock and leg. He denies any numbness/tingling. He rates pain 10/10 today on a pain scale.

ROS:

Constitutional:
Patient denies fever, loss of appetite, insomnia.

Gastroenterology:
Patient denies nausea/vomiting, diarrhea, constipation.

Neurology:
Patient denies arm weakness. Patient complaining of tingling, numbness, poor balance, leg weakness.

Medical History: Medical History Verified.

Surgical History: spine/back surgery 2019.

Hospitalization/Major Diagnostic Procedure: see above .

Family History: Father: alive. Mother: alive.

Medications: Discontinued oxyCODONE-Acetaminophen 5-325 MG Tablet TAKE ONE TABLET BY MOUTH EVERY 4 HOURS AS NEEDED Oral , Discontinued Meloxicam 7.5 MG Tablet TAKE ONE TO TWO TABLETS BY MOUTH ONE TIME DAILY Oral , Discontinued Gabapentin 300 MG Capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Oral , Medication List reviewed and reconciled with the patient

Allergies: Prednisone, steroids.

Objective:

Vitals: Pain Scale 10, Ht 70 in, Wt 200 lbs, BMI 28.69, BP 148/83 mm Hg, HR 57, RR 18.

Examination:

Pre-procedure Assessment:
NPO since last PM.
Bloodthinners None.
IV size and location 24 gauge.
Consent signed by patient.
Driver Wife.

Assessment:

Assessment:

1. Sacroiliitis, not elsewhere classified - M46.1 (Primary)

Plan:

1. Sacroiliitis, not elsewhere classified
Start CeleBREX Capsule, 200 MG, 1 capsule with food, Orally, Once a day, 30 day(s), 30 .
Notes: After today's injection, we will schedule a follow up appointment for the patient in 3 weeks to discuss results. Permanent images have been recorded. Patient instructed that sedation will remain in system for 24 hours and cause drowsiness, no driving or operating heavy machinery. Do not drink alcohol. Rest today and resume normal activity tomorrow, use ice for soreness. AN INDEPENDENT, TRAINED, OBSERVER IS PRESENT TO MONITOR THE PATIENT DURING THE MODERATE SEDATION.

Procedures:

*Sacroiliac Joint Injection:
Location RIGHT SI JOINT. Pre-procedure Diagnosis M46.1- Sacroiliitis, not elsewhere classified. Plan of Treatment Will do an SI Joint Injection today. Sedation Total of 2mg Versed admin IVP Landis,Andrea 5/2/2023 11:01:00 AM>. Procedure Detail Right SI Joint: The procedure and potential risks were explained to the patient and informed written consent was obtained. The patient was escorted to the procedure room and placed in the prone position. Pillows were utilized for proper positioning and comfort. The patient's lower back was prepped with iodine x3 and draped in a sterile fashion. Subcutaneous 1% lidocaine was instilled into the superficial soft tissue of the patient's lower back for local anesthesia. With fluoroscopic guidance, a 22 gauge, 3 1/2" spinal needle was advanced into the posteroinferior aspect of

the right SI joint. After confirmation of the intra-articular position of the needle tip, 2cc 0.25% bupivacaine was injected. The patient tolerated the procedure well, and was transported to the recovery area for observation and discharge instructions. Permanent images saved and recorded. Post-procedure Observation Transported to recovery area via wheelchair, IV removed-no redness or inflammation, Written discharge instructions reviewed with patient and driver , Patient at baseline mobility, no leg weakness/numbness, Vital signs stable BP:140/80 P: 76, Patient now rates pain on a 10/10 scale, Escorted to private vehicle without incident IV OUT Landis,Andrea 5/2/2023 11:15:35 AM> . Post-procedure Diagnosis Same as pre-procedure diagnosis. Intra-procedure Monitoring Patient easily arousable, oriented, able to follow commands and answer questions throughout entire procedure, Vital signs monitored constantly through procedure, and remained stable at all times. Notes Will see patient back in 2-3 weeks for follow up.

Procedure Codes: 27096 INJECT SACROILIAC JOINT, Modifiers: RT , 99152 MOD CS BY SAME PHYS, 5 YRS +, A4550 STERILE TRAY, J2250 MIDAZOLAM 1 MG (VERSED), Units: 2.00

Follow Up: 3 Weeks (Reason: F/U)

Electronically signed by EDWARD TAVEL , MD on 05/03/2023 at 10:36 AM EDT
Sign off status: Pending

Provider: Edward M. Tavel, MD **Date: 05/02/2023**

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HOOVER, WALTER **DOB:** 09/06/1968 (54 yo M) **Acc No.** 14013 **DOS:** 06/22/2023

PAIN MEDICINE SPECIALISTS

Patient: HOOVER, WALTER
DOB: 09/06/1968 **Age:** 54 Y **Sex:** Male

Provider: Gisele J. Girault, MD
Date: 06/22/2023

Reason for Appointment
1. WORKERS COMP NEW PATIENT

History of Present Illness
Initial Pain Management Consult:

Mr. Hoover comes to us as a new workers' compensation patient. His work related injury occured on 5/25/22 while working for Tractor Supply Company. He was moving dog kennels with a coworker. these kennels are typically moved with a forklift. He was handed a kennel by the coworker and he dropped it, hetried to catch it and he was knocked to the ground. He immediately felt low back pain that radiates into his right lower leg.

He has had lumbar transforaminal epidural steroid injections at L5-S1 and reported 60% improvement in his right leg numbness but no change in the low back pain. Adverse effects to the steroid included headache and redness in his face. He has also had dryneedling but it did not help.

WORKERS COMP
GALLAGHER BASSETT
PO BOX 2934
CLINTON, IA 52733-2934
PH: 407-583-3269
FX: 407-281-6472
CLAIM #: 004169065746WC01
BODY PART: LOW BACK
DIANNA FRYE, RN, CCM, QRP
PH: 336-212-7222
FX: 888-812-8220
DFRYE@FRYECASEMGT.COM.

Allergies
predniSONE
steroids

Vital Signs
Wt: **200** lbs, BMI: **28.69** Index, Ht: 70 in, Pain scale: **10** 1-10, Ht-cm: 177.8 cm, Wt-kg: 90.72 kg.

Examination
General Examination:

LUMBOSACRAL SPINE EXAM – Inspection: Erythema-Bilateral-No erythema present. Edema- bilateral- No edema present. Scars- There are no scars present. Alignment- normal alignment. Palpation: Tenderness: Paraspinal-left-mild tenderness in the paraspinal muscles and noted in the lumbosacral area. Right- mild tenderness in the paraspinal muscles. Bilateral - No paraspinal tenderness is present. Exquisite bilateral sacroiliac joint tenderness. Positive FABER sign. Muscle: Lumbar Paraspinal-Left- muscle tightness. Right- muscles tightness and mild paraspinal muscle spasm. Bilateral- normal muscle tone with no spasm or trigger points present on palpation. Gluteus Maximus-

Right Gluteus Maximus muscle tightness and mild Gluteus Maximus muscle spasm. ROM: ROM- The range of motion for the lumbar spine is moderately restricted in all planes of movement and motion for the lumbar spine is limited with pain exacerbated (due to pain in the left lower back and SI joint). Provocative testing- Left- SI provocation test is positive for pain, Yeoman's Test positive for SI joint pain, Gaenslen's Test is positive for SI joint pain, Hibb's Test is positive for SI joint pain and Sacral Apex Test is positive for SI joint pain. Right-Si Provocation test is positive for pain, Yeoman's Test positive for SI joint pain, Hibb's Test is positive for SI joint pain and Sacral Apex test is positive for pain. Straight Leg Raising test is negative (for radicular pain). Bilateral- Straight Leg Raising test is negative.

Assessments

1. Sacroiliitis, not elsewhere classified - M46.1 (Primary)

Treatment

1. Sacroiliitis, not elsewhere classified

Notes: Mr. Hoover states his pain is at the bottom of his spine, his thigh, it feels like it is coming around his waste, on the right side. He has numbness. 6/22/22 imaging shows fissures at L4-L5 and shallow protrusion. He also has a bulge at L5-S1. More pronounced on the right side. I believe he is suffering from right side SI joint dysfunction and I recommend the following treatment plan:

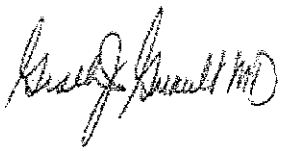
* Series of right SI injections and if these injections are successful then this series may be repeated every six months as needed indefinitely.
* Initiation of a nonsteroidal anti-inflammatory medication such as diclofenac 50 mg PO BID while Mr. Hoover is receiving his injections. The nonsteroidal anti-inflammatory drug may be discontinued when he has completed his injection series and used on a PRN basis thereafter.
* Use of physician guided home exercise program.
* EMG/NCS of the LE.

I am unwilling to take Mr. Hoover on as a patient as he was combative when he first arrived; telling me what he was and was not going to do. Also, I found out at the end of the visit that his girlfriend was recording the visit without permission. Had she asked if she could record I probably would have allowed it, but I was not asked. As his girlfriend did most of the talking, she stated they were in the process of suing previous providers and had fired previous attorneys.

2. Others

Notes: Electronically signed by Gisele J. Girault, MD, scribed by: Jan Brodie

Total time spent in preparation, reviewing labs and imaging, face to face contact, writing orders and documentation: 45 MINS.



Electronically signed by GISELE GIRAULT , MD on 07/13/2023 at 09:32 AM EDT

Sign off status: Completed

Addendum:

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Provider: Gisele J. Girault, MD **Date: 06/22/2023**

HOOVER, WALTER **DOB:** 09/06/1968 (54 yo M) **Acc No.** 14013 **DOS:** 06/22/2023

07/14/2023 02:20 AM Haris, Ash > Update to Encounter: Appointment Facility updated from Pain Medicine Specialists to Carolina Interventional Pain Assoc.

Provider: Gisele J. Girault, MD **Date: 06/22/2023**

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

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LEXINGTON Brain and Spine INSTITUTE
A Lexington Medical Center Physician Practice

LEXINGTON BRAIN AND SPINE INSTITUTE
222 E Medical Ln, Ste 200
West Columbia SC 29169-4848
Outpatient

Hoover, Walter R Jr.
MRN: M001371678, DOB: 9/6/1968, Sex: M
Visit date: 11/13/2023

Hoover, Walter R Jr.

MRN: M001371678

Office Visit 11/13/2023
LEXINGTON BRAIN AND SPINE INSTITUTE - NEUROSURGERY

Provider: Boyd, Scott B, MD (Neurosurgery)
Primary diagnosis: SI (sacroiliac) joint dysfunction
Reason for Visit: Workers Comp

Progress Notes

Boyd, Scott B, MD (Physician) • Neurosurgery

Chief Complaint
Patient presents with
- Workers Comp

IME. The pt presents to the NS Clinic for c/o back pain. Review MRI L-spine (pt to bring disc)

Vitals:

	11/13/23 1121
BP:	160/83
Pulse:	68

Body mass index is 31.87 kg/m².

HPI
This is a 55-year-old here for independent medical evaluation of low back and right leg pain. This is related to a work injury on May 25, 2022 while working at tractor supply company he was moving dog kennel's with a coworker and he slipped and was knocked to the ground by a dropped dog kennel. He felt immediate onset of low back pain on the right. He has a history of prior right L5-S1 microdiscectomy done 4 years ago and had good resolution of his radicular pain but had some lingering S1 pattern numbness. This current pain is different from what he experienced before. He describes pain over his lower right lumbosacral area that radiates down to the buttock and anterior thigh. He feels intermittent weakness in his right leg. He has to guard his right hip while sitting he has undergone physical therapy that aggravated his pain. He has had several injections including SI joint injections that provided substantial but very temporary relief. He has also had a reaction to both oral and injected steroids and so is felt to be allergic to steroids.

Pain location:/frequency: Back, cont
Pain scale (1-10): 10
History of trauma: Work inj, 5/25/22 "moving dog kennels"
Aggravating factors: in one position too long
Alleviating factors: denies
Associated symptoms: pain into right hip to grpoin, denies numbness/tingling. Occ right leg seem weak, "doesn't want to work"
Prior spine surgery: 2019 Back surgery
Physical therapy: Since injury, yes
Injection therapy: Since injury, yes
Painmedications: occ meloxicam,
Hand dominance: Right
Smoking status: Former smoker

Review of Systems
Constitutional: Positive for unexpected weight change.
Respiratory: Negative.

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Cardiovascular: Negative.
Gastrointestinal: Negative.
Genitourinary: Negative.
Musculoskeletal: Positive for back pain and muscle cramps.
Neurological: Positive for weakness.

Past Medical History:

Diagnosis	Date
• Hernia, inguinal	

Past Surgical History:

Procedure	Laterality	Date
• BACK SURGERY		
• HERNIA REPAIR		
• KNEE SURGERY		
• TYMPANOSTOMY TUBE PLACEMENT		

Current Outpatient Medications:
• predniSONE 10 mg (STERAPRED DS) 6 day pak, Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);, Disp: 1 kit, Rfl: 0

Allergies

Allergen	Reactions
• Tylenol [Acetaminophen]	Swelling
• Other *"Allergic to STEROIDS"*	Other (See Comments)

The patient reports that he has quit smoking. His smoking use included cigarettes. He smoked an average of .5 packs per day. He has never used smokeless tobacco. He reports that he does not currently use drugs after having used the following drugs: Marijuana. He reports that he does not drink alcohol. The patient has a family history includes Stroke in his father.

Reviewed and updated this visit by provider:

Objective

Physical Exam
Constitutional: Patient is oriented to person, place, and time. Appears well-developed and well-nourished. Non-toxic appearance. Pain distress.
HENT:
Head:Normocephalic and atraumatic.
Eyes: Conjunctivae, EOM and lids are normal. Pupils are equal, round, and reactive to light. No scleral icterus. No nystagmus.
Neck: Normal range of motion. Phonation normal. Nomuscular tenderness present. No tracheal deviation present.
Back: Significant limitation of lumbar range of motion. Exquisite tenderness to palpation of right SI joint
Cardiovascular: Normal rate and intact distal pulses. Exam reveals nodecreased pulses.
Pulmonary/Chest: Effort normal. No accessory muscle usage or stridor. No respiratory distress. Patient exhibits no wheezes. Abdominal: Patient exhibits no distension. There is no guarding. : Normal range of motion. Patient exhibits no edema or deformity.
Neurological: Patient is alert and oriented to person, place, and time. Patient displays no tremor. No cranial nerve deficit. Normalmuscle tone. Coordination normal.

Reflex Scores:
Tricep reflexes are 2+ on the right side and 2+ on the left side.
Bicep reflexes are 2+ on the right side and 2+ on the left side.
Brachioradialis reflexes are 2+ on the right side and 2+ on the left side.

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000109

Patellar reflexes are 2+ on the right side and 2+ on the left side.
Achilles reflexes are tr+ on the right side and 1+ on the left side.
5-/5 right EHL subtle weakness
5/5 power all other lower extremity muscle groups.
Skin: Skin is warm, dry and intact.
Psychiatric: Patient has a normalmood and affect. Speech is normal and behavior is normal. Cognition and memory are normal.

No results found.
MRI of the lumbar spine done at Palmetto imaging shows some chronic moderate degenerative changes. There are postop changes of hemilaminectomy on the right at L5-S1 with either recurrent residual disc osteophyte in the lateral recess versus scar tissue that abuts but does not impinge the adjacent L5 or S1 nerve roots. There may be a midline annular tear at L4-5 but at no level is there more than mild foraminal or central canal stenosis.

Assessment/Plan

Low back and proximal right leg pain in a pattern most consistent with SI joint dysfunction rather than radiculopathy. I believe he may have some chronic radicular numbness from previous surgery but his pain I believe is related to his SI joint on the right. He has had extensive treatment thus far that is been either not helpful or made his conditions worse. According to his records and his history he did have temporary improvement with SI joint injections. SI joint fusion surgery has been recommended to him as a possible treatment option by Dr. Gunter. I do not believe that he is at MMI as I believe he should be reevaluated by pain management to consider specifically SI joint RFA. If this is not possible or ineffective then he should be offered SI joint fusion. I have discussed with him that this is not a procedure that I performed and have noted quite variable results. Upon completion or consideration for these treatments he would be at MMI.

Diagnoses and all orders for this visit:

1. SI (sacroiliac) joint dysfunction
- Referral to Pain Clinic

This note was created using dictation software. Although I take great effort to ensure accuracy, there is a possibility for grammatical, spelling, and transcription errors.

Boyd, Scott B

Instructions

After Visit Summary (Automatic SnapShot taken 11/13/2023)

Additional Documentation

Vitals: BP 160/83 (BP Location: Left arm, Patient Position: Sitting) Pulse 68 Ht 6' (1.829 m) Wt 106.6 kg (235 lb) BMI 31.87 kg/m² BSA 2.33 m² Pain Sc 10-Worst pain ever

Flowsheets: Anthropometrics, Shock Index, Pain Assessment, DI BP Formula

Media

From this encounter

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Outside Radiology Results - Scan on 9/20/2023 1456 by Taylor, Megan N: XR-L Spine - Palmetto Imaging 06/22/22
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Pain Specialists of Charleston
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: outside records - SC Internal Med
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Southeastern Spine Institute
Outside Radiology Results - Scan on 9/20/2023 1456 by Taylor, Megan N: MRI L Spine - Palmetto Imaging 06/22/22
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Benchmark PT
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - East Cooper Medical Center
Outside Radiology Results - Scan on 9/20/2023 1456 by Taylor, Megan N: MRI L Spine - Southeastern Spine 03/08/2019
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Palmetto Bone & Joint
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Reccords - Drayer PT initial eval
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - MUSC Dr. Gunter
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Pain Medicine Specialists OV notes - 06/22/23
Workers Comp Documents - Scan on 9/12/2023 1328 by Taylor, Megan N: Signed IME Letter
Workers Comp Documents - Scan on 8/16/2023 1510 by Taylor, Megan N: IME Referral Form

Orders Placed

Referral to Pain Clinic Pending Review

Medication Changes

As of 11/13/2023 11:21 AM

None

Medication List at End of Visit

As of 11/13/2023 11:21 AM

	Refills	Start Date	End Date
predniSONE 10 mg (STERAPRED DS) 6 day pak	0	6/1/2022	—

Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);

Visit Diagnoses

Primary: **SI (sacroiliac) joint dysfunction** M53.3

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LEXINGTON Brain and Spine INSTITUTE
A Lexington Medical Center Physician Practice

LEXINGTON BRAIN AND SPINE INSTITUTE - NEUROSURGERY
222 E MEDICAL LN, STE 200
WEST COLUMBIA SC 29169-4848
Phone: 803-935-8410
Fax: 803-936-7816

Patient:
Walter R Hoover Jr.
6194 DOGWALLA RD
WHITMIRE SC 29178
Home: 803-394-3047
Mobile: 803-394-3047

MRN: M001371678
DOB: 9/6/1968
SSN: xxx-xx-5421
Sex: M

Primary
GENERIC WORKERS' COMP/GENERIC WORKERS' COMP

Sub: HOOVER,WALTER R JR.
Grp:
ID: 004169-065746WC-01
Sub DOB: 09/06/1968

Secondary
- No Secondary Coverage -

Sub:
Grp:
ID:
Sub DOB:

Referral to Pain Clinic
Diagnosis: SI (sacroiliac) joint dysfunction (M53.3)
Questions:
Comments: Recommend eval for SIJ RFA
Workman's comp to schedule

Referred To Information:

Referring/Authorizing Provider Information:
Boyd, Scott B, MD
222 East Medical Lane
Lexington Medical Park 3
Suite 200
WEST COLUMBIA SC 29169
Phone: 803-935-8410
Fax: 803-936-7816
NPI: 1528160686

Order Date: *Nov 13, 2023* **Order Time:** *12:19 PM*
Expected Date:

Authorized by: *Boyd, Scott B, MD*

CDS Vendor:
CDS Adherence:
CDS Hardship Exception:

This document serves as a request of services and does not constitute Insurance authorization or approval of services. To determine eligibility, please contact the members Insurance carrier to verify and review coverage.

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Name	Pay Rate	Paycheck Issue Date	Pay Period Begin Date	Pay Period End Date	Gross - Total	Gross excluding bonus	Monthly Store Bonus	Reg Hours	OT Hours	Vacation - Hours
Hoover Jr,Walter R	15.40	12/31/2021	12/12/2021	12/25/2021	312.00	312.00	0.00	24.00	0.00	0.00
Hoover Jr,Walter R	15.40	01/14/2022	12/26/2021	01/08/2022	830.44	830.44	0.00	63.88	0.00	0.00
Hoover Jr,Walter R	15.40	01/28/2022	01/09/2022	01/22/2022	751.66	751.66	0.00	57.82	0.00	0.00
Hoover Jr,Walter R	15.40	02/11/2022	01/23/2022	02/05/2022	1201.62	1111.11	90.51	72.15	0.00	0.00
Hoover Jr,Walter R	15.40	02/25/2022	02/06/2022	02/19/2022	1281.20	1281.20	0.00	80.00	2.13	0.00
Hoover Jr,Walter R	15.40	03/11/2022	02/20/2022	03/05/2022	1210.06	1210.06	0.00	78.47	.07	0.00
Hoover Jr,Walter R	15.40	03/25/2022	03/06/2022	03/19/2022	1245.01	1245.01	0.00	79.45	.93	0.00
Hoover Jr,Walter R	15.40	04/08/2022	03/20/2022	04/02/2022	1205.51	1205.51	0.00	77.50	.52	0.00
Hoover Jr,Walter R	15.40	04/22/2022	04/03/2022	04/16/2022	1495.61	1195.04	300.57	77.60	0.00	0.00
Hoover Jr,Walter R	15.40	05/06/2022	04/17/2022	04/30/2022	1074.30	1074.30	0.00	69.76	0.00	0.00
Hoover Jr,Walter R	15.40	05/20/2022	05/01/2022	05/14/2022	1332.56	1332.56	0.00	85.60	.62	0.00
Hoover Jr,Walter R	15.40	06/03/2022	05/15/2022	05/28/2022	1138.14	1138.14	0.00	71.70	1.47	0.00
Hoover Jr,Walter R	15.40	06/17/2022	05/29/2022	06/11/2022	1149.53	882.73	266.80	57.32	0.00	0.00
Hoover Jr,Walter R	15.40	07/01/2022	06/12/2022	06/25/2022	122.12	122.12	0.00	7.93	0.00	0.00

Pay Period Begin Date	Pay Period End Date	Gross - Total		
12/12/2021	12/25/2021	312.00		
12/26/2021	01/08/2022	830.44		
01/09/2022	01/22/2022	751.66	DOI:	5/25/2022
01/23/2022	02/05/2022	1201.62		
02/06/2022	02/19/2022	1281.20		
02/20/2022	03/05/2022	1210.06		
03/06/2022	03/19/2022	1245.01		
03/20/2022	04/02/2022	1205.51		
04/03/2022	04/16/2022	1495.61		
04/17/2022	04/30/2022	1074.30		
05/01/2022	05/14/2022	1332.56		

Total:	11939.97
12/12/21-5/14/22	22
AWW	542.7259091
CR	361.8353636

MIQ32R01 LIST CLAIM PAYMENTS 11-Jul-2023
PAGE: 1

CLIENT: 004169 TRACTOR SUPPLY COMPANY LP CP

NAME: HOOVER JR WALTER | | 004169 065746 WC 01 15 003
NET PTD: $ 65,406.34 | | STORE : 0453
| | NEWBERRY

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY	CODE *	CHECK MESSAGE			* DATES OF SERVICE
CR-RP	0000825432	0189654649	05Jul23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	7/02/23 -	7/08/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000824030	0189474778	28Jun23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	6/25/23 -	7/01/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000822597	0189322903	22Jun23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	6/18/23 -	6/24/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000820902	0189107232	14Jun23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	6/11/23 -	6/17/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000819258	0188924808	07Jun23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	6/04/23 -	6/10/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000817612	0188733330	31May23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	5/28/23 -	6/03/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000816180	0188558634	24May23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	5/21/23 -	5/27/23 TEMPOR	*
	IND 001 05			596.32	
CR-CP	0000814080	0188355686	17May23	596.32	HOOVER, WALTER
* IND	001 *	TTD 5/14 THRU 5/20/23			*
	IND 001 05			596.32	
CR-RP	0000812723	0188175408	10May23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	5/07/23 -	5/13/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000811109	0187983351	03May23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	4/30/23 -	5/06/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000809535	0187789296	26Apr23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	4/23/23 -	4/29/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000807841	0187595278	19Apr23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	4/16/23 -	4/22/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000806172	0187393161	12Apr23	596.32	HOOVER, WALTER
* IND	001 *	1 Wks 0 Days	4/09/23 -	4/15/23 TEMPOR	*

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

428

CLIENT: 004169 TRACTOR SUPPLY COMPANY

NAME: HOOVER JR WALTER
NET PTD: $ 65,406.34

004169 065746 WC 01 LP 15 CP 003
STORE : 0453
NEWBERRY

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY	CODE * CHECK MESSAGE				* DATES OF SERVICE
	IND 001 05			596.32	
CR-CP	0000804948	0187239561	06Apr23	596.32	HOOVER, WALTER
* IND	001 * TTD 4/2 THRU 4/8/23				*
	IND 001 05			596.32	
CR-RP	0000803310	0187040173	30Mar23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 3/26/23 -			4/01/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000801695	0186844142	23Mar23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 3/19/23 -			3/25/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000800209	0186662334	16Mar23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 3/12/23 -			3/18/23 TEMPOR	*
	IND 001 05			596.32	
CR-CP	0000797541	0186396838	07Mar23	596.32	HOOVER, WALTER
* IND	001 * TTD 3/5 THRU 3/11/23				*
	IND 001 05			596.32	
CR-CP	0000796300	0186235432	01Mar23	596.32	HOOVER, WALTER
* IND	001 * TTD 02/26/23 THRU 3/4/23				*
	IND 001 05			596.32	
CR-RP	0000794543	0186023235	21Feb23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 2/19/23 -			2/25/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000793018	0185842933	14Feb23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 2/12/23 -			2/18/23 TEMPOR	*
	IND 001 05			596.32	
CR-RP	0000791706	0185669173	07Feb23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000789835	0185470979	31Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000788495	0185285941	24Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000786898	0185104625	17Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000785659	0184947418	10Jan23	596.32	HOOVER, WALTER

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

429

CLIENT: 004169 TRACTOR SUPPLY COMPANY

NAME: HOOVER JR WALTER
NET PTD: $ 65,406.34

004169 065746 WC 01 LP 15 CP 003
STORE : 0453
NEWBERRY

ST-TY * PAY	PAY CTRL # CODE * CHECK MESSAGE	CHECK #	DATE	AMOUNT	PAYEE NAME * DATES OF SERVICE
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000784342	0184781547	03Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000783049	0184625232	27Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000781519	0184454583	20Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000780127	0184266528	13Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000778867	0184111860	07Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000777599	0183958889	01Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000775774	0183761437	22Nov22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000775021	0183671148	18Nov22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-CP	0000772589	0183406352	08Nov22	596.32	HOOVER, WALTER
* IND	001 * TTD 11/06/2022 - 11/12/2022				*
	IND 001 05			596.32	
CR-CP	0000771754	0183324099	04Nov22	596.32	HOOVER, WALTER
* IND	001 * TTD 10/31/2022 - 11/05/2022				*
	IND 001 05			596.32	
CR-CP	0000769709	0183082341	26Oct22	596.32	HOOVER, WALTER
* IND	001 * TTD 10/24/2022 - 10/30/2022				*
	IND 001 05			596.32	
CR-CP	0000768147	0182944045	20Oct22	596.32	HOOVER, WALTER
* IND	001 * TTD 10/17/2022 - 10/23/2022				*
	IND 001 05			596.32	

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

430

CLIENT: 004169 TRACTOR SUPPLY COMPANY

NAME: HOOVER JR WALTER
NET PTD: $ 65,406.34

004169 065746 WC 01 LP 15 CP 003
STORE : 0453
NEWBERRY

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY CODE * CHECK MESSAGE					* DATES OF SERVICE
CR-CP	0000766450	0182741288	12Oct22	596.32	HOOVER, WALTER
* IND 001 * TTD 10/10/2022 - 10/16/2022					*
IND 001 05				596.32	
CR-CP	0000764776	0182587594	05Oct22	596.32	HOOVER, WALTER
* IND 001 * TTD 10/3/2022 - 10/9/2022					*
IND 001 05				596.32	
CR-CP	0000763346	0182423771	28Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 9/26/2022 - 10/02/2022					*
IND 001 05				596.32	
CR-CP	0000761770	0182256824	21Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 9/19/2022 - 9/25/2022					*
IND 001 05				596.32	
CR-CP	0000760381	0182095789	14Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 09/12/2022 - 09/18/2022					*
IND 001 05				596.32	
CR-CP	0000758584	0181925970	07Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 9/5/2022 - 9/11/2022					*
IND 001 05				596.32	
CR-CP	0000756625	0181706501	28Aug22	596.32	HOOVER, WALTER
* IND 001 * 1WK TTD 8/29/22 - 9/4/22					*
IND 001 05				596.32	
CR-CP	0000755924	0181628512	24Aug22	596.32	HOOVER, WALTER
* IND 001 * 1 WK TTD 8/22 - 8/28/22					*
IND 001 05				596.32	
CR-CP	0000754265	0181458981	17Aug22	596.32	HOOVER, WALTER
* IND 001 * 1 WK TTD 8/15 - 8/21/22					*
IND 001 05				596.32	
CR-CP	0000752932	0181322149	11Aug22	2901.52	HOOVER, WALTER
* IND 001 * 1WK TTD 8/8 - 8/14 + UNDERPAYMENT ADJUST					*
IND 001 05				2901.52	
VO-CP	0000752931		11Aug22	596.32-	HOOVER, WALTER
* IND 001 * 1WK TTD 8/8 - 8/14					*
IND 001 05				596.32	
CR-CP	0000751721	0181165304	04Aug22	247.96	HOOVER, WALTER
* IND 001 * 1 WK TTD 8/1 - 8/7/22					*
IND 001 05				247.96	
CR-CP	0000749863	0180995285	28Jul22	247.96	HOOVER, WALTER
* IND 001 * 1 WKS 0 DAYS 7/25/22 - 7/31/22 TEMPOR					*

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

431

CLIENT: 004169 TRACTOR SUPPLY COMPANY

NAME: HOOVER JR WALTER
NET PTD: $ 65,406.34

004169 065746 WC 01 LP 15 CP 003
STORE : 0453
NEWBERRY

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY	CODE * CHECK MESSAGE				* DATES OF SERVICE
	IND 001 05			247.96	
CR-CP	0000748418	0180820177	21Jul22	247.96	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	7/18/22 -	7/24/22 TEMPOR *		
	IND 001 05			247.96	
CR-CP	0000747183	0180683092	15Jul22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	7/11/22 -	7/17/22 TEMPOR *		
	IND 001 05			298.17	
CR-CP	0000745882	0180519315	08Jul22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	7/04/22 -	7/10/22 TEMPOR *		
	IND 001 05			298.17	
CR-CP	0000745102	0180442166	05Jul22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	6/27/22 -	7/03/22 TEMPOR *		
	IND 001 05			298.17	
CR-CP	0000742337	0180154352	22Jun22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	6/20/22 -	6/26/22 TEMPOR *		
	IND 001 05			298.17	
CR-CP	0000741542	0180046480	17Jun22	340.77	HOOVER, WALTER
* IND	001 * 1 Wks 1 Days	6/12/22 -	6/19/22 TEMPOR *		
	IND 001 05			340.77	
CR-CP	0000741541	0180046481	17Jun22	681.53	HOOVER, WALTER
* IND	001 * 2 Wks 2 Days	5/26/22 -	6/10/22 TEMPOR *		
	IND 001 05			681.53	

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

432

CLIENT: 004169 TRACTOR SUPPLY COMPANY

| | | LP CP
| | 004169 065746 WC 01 15 003
NAME: HOOVER JR WALTER | | STORE : 0453
NET PTD: $ 65,406.34 | | NEWBERRY

INDEMNITY

*** 1st Disability Begin Date : 26May22 ***

$ 33,887.42	001 TEMPORARY TOTAL DISABILITY
$ 33,887.42	TOTAL INDEMNITY PAYMENTS

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From:	Lorianne Campbell
To:	Claudia Piechota
Cc:	Jeff Close; Heidi Greene - Orlando GB
Subject:	URGENT Hoover is at it again. 004169-065746-wc-01
Date:	Tuesday, July 11, 2023 10:07:58 AM

No one should have contact with him.

Lori Campbell|Claims Supervisor|Gallagher Bassett
Postal mail should be sent to:
P.O. Box 2934, Clinton, IA 52733-2934
O: 407-583-3269 | Fax: 407-281-6472
Email: Lorianne_Campbell@gbtpa.com
Alternate Point of Contact: Jill_Keene@gbtpa.com

From: Jeff Close <Jeff_Close@gbtpa.com>
Sent: Tuesday, July 11, 2023 9:39 AM
To: Lorianne Campbell <Lorianne_Campbell@gbtpa.com>; Heidi Greene - Orlando GB <Heidi_Greene@gbtpa.com>
Subject: Lori; you need to call this guy to day. 004169-065746-wc-01

I took call from service desk as they could not get in touch with you. .. said he was angry and demanded to speak to supervisor.

So I took call. With him was someone named Amy. I asked who Amy was and he said it did not matter. She would not tell me if she is from attorney office or what. they said he has been waiting for information from you or us for his case.

He was loud. Called me a liar and then called me an idiot. They started giving me a list of information they wanted. Since the list was getting long I asked for them to send me email listing their wants. He said we have that . I told him that I did not know his case but if he would send me a list I would get it to you and defense . again he said we have that and has been waiting for it. Again, he called me an idiot. I said call me that again and I am hanging up . he kept it up, and I hung the phone up.

He also said he was recording our conversation.

Jeff Close I Claims Supervisor I Gallagher Bassett
P.O. Box 2934, Clinton, IA 52733
Direct Line: 407-583-3266
Email: Jeff_Close@gbtpa.com
Alternate Contact: Heidi_Greene@gbtpa.com 407-583-3201

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BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Claimant, vs. TRACTOR SUPPLY COMPANY, Employer, AND STARR SPECIALTY INSURANCE COMPANY, Carrier, Defendants.	NOTICE OF MOTION AND MOTION FOR ORDER LIMITING CLAIMANT'S COMMUNICATION WITH DEFENDANTS, THEIR REPRESENTATIVES AND ASSIGNED REHABILITATION PROFESSIONALS

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND, WALTER HOOVER, PRO SE CLAIMANT:

PLEASE TAKE NOTICE that Defendants Tractor Supply Company and Starr Specialty Insurance Company, ("Defendants"), within 10 days, or the first available date thereafter, shall move for an Order placing limitations on the type of communication that Claimant has with the Defendants Counsel assigned to Claimant's case and their representatives and assigned rehabilitation professionals. The grounds for this Motion are as follows:

1. This matter stems from an admitted work accident on May 25, 2022.

2. The focus of Claimant's authorized treatment has been to the back. Claimant has been out of work for reasons related to the work accident since May 2022, and TTD is continuing.

3. Claimant is now pro se after two prior attorneys filed motions to be relieved as counsel, which were granted by the Commission.

4. Throughout this claim, Claimant has frequently communicated with Defense Counsel, their representatives, and medical providers in a manner that is disruptive, combative, and antagonistic, but more importantly, not productive or helpful with respect to resolving any of the issues raised in these communications.

5. On March 7, 2023, Defendants received an email from former Nurse Case Manager, Randi Walle, detailing Claimant's aggressive behavior with authorized treating physician, Dr. Gunter's, office staff. The aggressive behavior included, Claimant threatening the office staff, swearing at them, and having his girlfriend call the office demanding pain medication while pretending to be a case manager. (Exhibit 1)

6. On April 15, 2023, Claimant emailed Defense Attorney, Claudia Piechota, alleging she is being non-compliant and intentionally withholding mileage reimbursement from the Claimant. (Exhibit 2)

7. On April 27, 2023, Claimant emailed Defense Attorney aggressively stating the incorrect mileage was paid and stating the math was done "by someone's first grader", calling Defense Attorney "sweetie" and stating she is out of luck as he is not able to hire an attorney due to the slander by Dr. Gunter's office. (Exhibit 3)

8. On May 3, 2023, Claimant emailed Defense Attorney asking if the Commissioner allows her to pay him just when she feels like it. (Exhibit 4)

9. On May 9, 2023, Defense received an email from Gallagher Bassetts Field Case Manager detailing that due to Claimant's aggressive behavior and threats made to the Nurse Case Manager, Randi Walle, this claim will now switch to a Telephonic Nurse Case Manager. (Exhibit 5)

10. On May 10, 2023, Claimant called Defense Associate 22 times over the span of 19 minutes and left two voicemails stating he was going to continue to call until he was answered. (Exhibit 6)

11. On May 17, 2023, Claimant emailed Defense Attorney referring to her as a "beginner" attorney and alleging her of deliberately neglecting his medical care. (Exhibit 7)

12. On May 17, 2023, Defense Attorney forwarded the email from Dr. Tavel's office detailing they are releasing or discharging Claimant due to his aggressive behavior, to inform Claimant of this. (Exhibit 8)

13. On May 18, 2023, Defense Attorney received email correspondence from Claimant, demanding Defense Attorney send Claimant all items on 10 item list in said email. (Exhibit 9)

14. On May 18, 2023, Claimant emailed Defense Attorney, complaining that his new Telephonic Nurse Case Manager had not been in contact with him, and he needs to see a Neurologist, as he

is in excruciating pain. (Exhibit 10)

15. On May 19, 2023, Claimant emailed the new Telephonic Case Manager, a lengthy email alleging Gallagher Bassett has forced him into "risky" steroid injections and forced him into painful physical therapy. Further, he admits to audio recording Dr. Tavel during an appointment. Additionally, alleging that the Defendants are being negligent in handling his care. (Exhibit 10)

16. Defendants reserve the right to supplement the grounds for this motion with testimony and/or additional documentation if necessary.

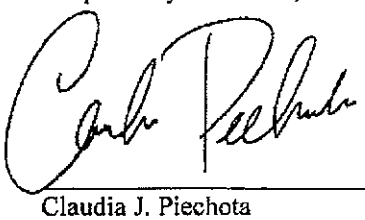
For the foregoing reasons, Defendants Move for and Order directing Claimant to:

(a) Refrain from speaking with any of Defendant's Counsel or Defendant's representatives in a hostile, argumentative, threatening, combative and/or otherwise disruptive manner;

(b) Limit communication with Defendant's Counsel to include future medical treatment and the workers' compensation claim only;

(c) Refrain from contacting any Tractor Supply Co. and Starr Specialty Insurance Co. regarding her pending workers' compensation claim, whether such communication is over the phone, in writing, or in person.

Respectfully submitted,



Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN & PRICKETT, LLC
945 Houston Northcutt Blvd
Mt. Pleasant, SC 29464
Tel: (843) 310-0485
Fax: (843) 589-9000

ATTORNEY FOR DEFENDANTS

Mt. Pleasant, South Carolina.
May 22, 2023

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye
Subject: Re: Hoover (004169-065746-WC-01)
Date: Tuesday, October 3, 2023 3:46:24 PM

I would like to release the Nurse Case Manager on my claim.

I have missed appointments because she failed to notify me and she doesn't return emails or call when she says she will.

I haven't even heard from her since June 20th.

Please remove the Nurse Case Manager from my claim and let me know when my appointment is.

On Tue, Oct 3, 2023, 2:36 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Walter-
>
> Dianna will be in contact with you regarding your appointment with Dr. Boyd.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
>
> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com

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From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Friday, September 29, 2023 9:30 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Exactly, what is your intent?

You scheduled my Appointment with Lexington Brain and Spine back on August 16th and just decided NOT to notify me? ...knowing that I've begged you for this appointment for MONTHS and that live EVERYDAY in pain. You HAVE to do better than this!

Who is rescheduling this appointment? ...and can I get notified this time? ...or is that too much to ask????

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota; dianna frye; Lorianne Campbell
Subject: Re: Hoover (004169-065746-WC-01)
Date: Thursday, October 12, 2023 10:02:48 AM

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

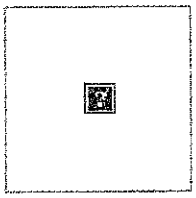
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From: dianna frye
To: whooverjr@gmail.com
Subject: APPT
Date: Thursday, October 12, 2023 9:10:36 AM
Attachments: image001.png
Importance: High

Mr. Hoover,
You are scheduled to see Dr. Boyd at Lexington Brain and Spine on November 13, 2023 at 11:15 am.
Please bring imaging on a disc for the doctor to review.
Address 222 E. Medical Ln. Suite 200
West Columbia, SC 29169

Thank you

Dianna Frye RN.CCM. QRP
Senior Nurse Case Manager
Catastrophic Case Manager/Certified
Frye Case Management & Consulting, LLC
dfrye@fryecasemgt.com
Mobile: 336 212 7222
Fax 888 812 8220



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From: Claudia Piechota
To: Walter Hoover,Jr
Cc: Tanna Discher; dianna frye
Subject: RE: APPT
Date: Sunday, October 15, 2023 7:23:00 PM

Mr. Hoover-

Your appointment with Dr. Boyd is an IME with the option to treat if he finds you require additional treatment.

Thank you,

CLAUDIA J. PIECHOTA

Holder Padgett Littlejohn + Prickett, LLC
CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CIP
w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, October 12, 2023 10:04 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Fwd: APPT

Is this a new IME or is Dr. Boyd "continuing care?"

---------- Forwarded message ---------
From: **dianna frye** <dfrye@fryecasemgt.onmicrosoft.com>
Date: Thu, Oct 12, 2023, 9:10 AM
Subject: APPT
To: whooverjr@gmail.com <whooverjr@gmail.com>

Mr. Hoover,
You are scheduled to see Dr. Boyd at Lexington Brain and Spine on November 13, 2023 at 11:15 am.
Please bring imaging on a disc for the doctor to review.
Address 222 E. Medical Ln. Suite 200
West Columbia, SC 29169

Thank you

Dianna Frye RN.CCM. QRP

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STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 2207041

Walter R. Hoover,	)
	)
Employee,	)
	)
v.	)
	)
Tractor Supply Company,	)
	)
Employer,	)
	)
and	)
	)
Starr Specialty Ins. Co.,	)
	)
Carrier/Defendants.	)
	)

FULL COMMISSION HEARING

****

Monday, April 14, 2025
1:40 p.m. - 1:53 p.m.

The Full Commission Hearing was heard before Commissioners Aisha Taylor, Gene McCaskill and Cynthia Dooley, via CourtCall at the Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia, South Carolina, on the 14th day of April, 2025, before Amber Scarborough, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES

Walter R. Hoover
Pro Se Claimant/Appellant

Claudia Piechota, Esquire
Holder, Padgett, Littlejohn & Prickett, LLC
945 Houston Northcutt Boulevard
Mount Pleasant, South Carolina 29464
Attorneys for the Defendant/Respondent

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EXHIBITS

(There were no exhibits marked during this hearing.)

STIPULATIONS

It is stipulated and agreed that this hearing is being taken pursuant to the Administrative Procedures Act and the South Carolina Rules of Civil Procedure.

CALL TO ORDER:

COURT REPORTER: Today is April the 14th, 2025. This is South Carolina Workers' Compensation Case Number 2207041. This is the case of Walter R. Hoover, the Claimant, versus Tractor Supply Company and Starr Specialty Insurance Company. The Appellant is the Claimant, represented -- or who is pro se. The Respondent is represented by Claudia Piechota.

Each side is allowed ten minutes for oral argument and the Appellant three minutes in reply. You are requested to argue the grounds of exception and stay within the record.

COMMISSIONER TAYLOR: All right. Very good.

And then, Mr. Hoover, before we went on the record, I did discuss with you your right to have an attorney. It is our understanding that you are wishing to proceed for this Appellate hearing representing yourself. Is that correct?

MR. HOOVER: Correct.

COMMISSIONER TAYLOR: All right. Thank you, sir. All right. You have ten minutes. You can go ahead and state the grounds for your appeal.

APPELLANT'S POSITION:

MR. HOOVER: I just want to appeal it to the next level. I'm not -- I don't want to sit here and do this.

COMMISSIONER TAYLOR: Okay. So, it's your -- your desire to rely on the same positions you had at the lower Single Commission hearing?

MR. HOOVER: Absolutely. I've got ample, ample evidence.

COMMISSIONER TAYLOR: Okay.

MR. HOOVER: And I just want to move on.

COMMISSIONER TAYLOR: All right. Very good, sir. And you'll still have some reserve time just in case you hear something from Piechota that you'd like to respond to. But Ms. Piechota, go ahead. Your ten minutes, please.

(No audible response.)

COMMISSIONER TAYLOR: Uh-oh. We lost her. Darn. Let's see. All right. It appears we lost Ms. Piechota. We'll give her just a few more moments to get reconnected. Gina, if you can just keep an eye out for her.

MS. HOLLMAN: Yeah, I'm looking. I guess I'll let her in when she comes back.

COMMISSIONER TAYLOR: Okay. All right. Ms. Piechota, can you hear us okay?

MS. PIECHOTA: Yes, sorry about that.

COMMISSIONER TAYLOR: Okay.

MS. PIECHOTA: Can y'all hear?

COMMISSIONER TAYLOR: Yep, we can hear you now.

MS. PIECHOTA: All right.

COMMISSIONER TAYLOR: No worries. Okay. Your ten minutes, please.

RESPONDENT'S POSITION:

MS. PIECHOTA: Good afternoon, Commissioners. My name is Claudia Piechota, I'm here on behalf of the Respondent. It is the Respondent's position that the single Commissioner correctly ruled on all issues on appeal. The Appellant, first and foremost, has a standing objection on all of his points of appeal is that his informal briefs do not preserve any issues for appeal. Commissioners, I would like you to -- I'd like to point you to *Potter*, which is the South Carolina Court of Appeals case, which ruled that any issue is deemed abandoned if the argument is not supported by authority and is conclusory. That is just a standing objection on all of Mr. Hoover's points that he appealed, as it was -- there was no -- no type of authority. It was all conclusory.

Moving on, it is the Respondent's position that the single Commission correctly determined that the audio and video evidence submitted by the Appellant held little weight. As you will see in *Potter versus Spartanburg*, the Commission -- the Court of Appeals ruled that medical evidence is entitled to greater respect. Further, Commissioners, I would like to point you to South Carolina Rules of Evidence Section 901, specifically that the Appellant had not satisfied the recordings were admissible for court. He did not provide a chain of custody. He didn't provide who was speaking in those videos. He didn't provide any type of -- any type of evidence who was actually in those videos and whether they were altered or not.

Further, the Single Commissioner simply weighed the evidence submitted by the Defendants, which is our doctors' narrative, and he held greater weight, which is within their discretion here.

The main -- biggest issue that the Respondent would like to assert was that the Appellant was constructively, medically

noncompliant and, therefore, had abandoned his Workers' Compensation claim and is no longer entitled to benefits under the Act.

Your Honors, you will see through evidence on numerous occasions Appellant had a blatant disregard for the Comp system. He has been constructively me- -- medically noncompliant, pursuant to Section 42-15-16, and Regulation 67-509, which specifically states that an Employee shall submit himself to examination as long as he claims compensation to a provider of Respondent's choosing.

As indicated on -- in Section 42-15-80, if the medical appointment had been paid for and provided by the Employer, the Employee must one, attend the appointment and -- provided by the Employer, and also if the Employee is medically noncompliant and/or refuses to submit himself or more importantly in any way obstruct the examination requested and provided for by the Employer, his right to compensation and his right to prosecute a proceeding under this title -- Your Honor, this is big portion -- must be suspended. It's automatic, it's a must.

In *Harris versus Collins*, which is a Single Commissioner case here in South Carolina, the Claimant there sustained multiple injuries and he was doctor shopping, which is very similar to our case back here. In that case, the Single Commissioner found that his -- the Claimant's volatile actions in the form of doctor shopping and doing all these -- and speaking to their doctors in a very improper manner, he was no longer entitled to benefits under 42-15-16 and 42-15-80. And, therefore, the Respondents were not responsible for further medical treatment.

Here, it's very similar, Your Honors. Appellant was noncompliant with medical treatment and he was not only rude to one or two doctors, but three doctors. Please note that these -- these are all very well respected doctors in the Comp Department: Dr. Gunter, Dr. Tavel, and Dr. Girault. Additionally, a nurse case manager was worried about her own safety and you will see through the evidence respectfully requested to be taken off the case. And we had to switch another nurse case manager.

Specifically, Your Honors, I would like to point you to the following, which is similar, if not more egregious. On page 89 of Defendant's APA, on February 28th, 2023, Appellant called Dr. Gunter's office, berated the staff, calling them out by name and even calling one staff member the B word and a hag and threatened to come into their office and, quote, let them have it because he wanted pain medication.

Further, on page 90, on March 6th, 2023, Dr. Gunter's office documented an agreement between (technical break in audio) and said they can no longer continue with it. Then you will see on page 128 and page 90, on March 6th, 2023, Dr. Gunter's office spoke with a young lady who produced (technical break in audio) and requested the Claimant to be specifically referred out for compliance issues.

Further, on page 127, on March 7, 2023, the nurse case manager notified Respondent that Dr. Gunter's office was under the impression that Claimant's girlfriend called impersonating the nurse case manager.

Then on page 93, on April 25th, 2023,

Appellant had to control his medical treatment in stating he is only interested in moving forward with surgical intervention. Further, on page 144 through 145, on May 11th, 2023, Dr. Tavel's office notified the Respondent that they would be releasing Claimant from his practice due to his aggressive behavior. Your Honors, now this is Dr. Gunter and Dr. Tavel.

So, his -- his belligerent behavior didn't stop at the four walls of the doctors office. Thereafter, as you will see on page 137, a nurse case manager resigned because she was genuinely concerned for her own safety because the Appellant was making threatening comments towards her.

Then you will see, on pages 123 and then again pages 129 through 143, Claimant consistently called Respondents' office, including myself, the Carrier's office, making threatening and disrespec- -- disrespectful comments.

Despite all of this, Respondent still provided him with yet another evaluation with Dr. Girault, which you will find on pages 106 through 107. Yet again, this is now our third

doctor. Would not treat Appellant, because he was combative upon arrival to the office and told Dr. Girault what to do and not to do. Additionally, Appellant's girlfriend recorded the visits without -- without the doctors' permission.

Oddly, Your Honors, you will see on the hearing transcript, pages 11 through 12, Appellant specifically requested his ability to choose his own medical treatment and treat independently outside of the comp system.

Respondents here assert that they've met their burden of proof, that the current evidence of Claimant's belligerent, intentional, aggressive behavior to show constructive medical noncompliance pursuant to 15- -- 42-15-60 and for- -- and 42-15-80, and request this Court to take *Harris versus Collins*' stance, that this type of behavior won't be tolerated in the Comp system.

Further, the Workers' Comp doctors, as you all know, are dwindling in South Carolina. If we allow this type of behavior to continue, we will have no doctors left to treat -- to treat under the system.

Claimant had admitted wanting his -- wanting to, you know, treat on his own and deliberately on numerous occasions failed to cooperate with the Comp system. Therefore, we are res- -- we respectfully request for this Court to affirm the Single Commissioner's decision that the Claimant is not entitled to additional treatment and has constructively abandoned his Comp case.

To quickly touch on the credit for medical noncompliance, pursuant to 42-15-60 and 42-9-10, Respondents have requested a credit for his entire period of medical noncompliance. So, that equated to a total of $23,256.48. And then lastly, as to the compensation rate, there was a miscalculation of his compensation rate. Once we were able to get his fu- -- full payroll records, which detailed 22 weeks of prior wages, we determined he had a $361.84 comp rate, which equated to a total overpayment during his entire period of $6,850.58. So, in total, Defendants and Respondents are requesting a overpayment of $30,107.06.

(Timer rings.)

That will -- Your Honors, that'd be my

time and may I briefly conclude?

COMMISSIONER TAYLOR: Sure. Please.

MS. PIECHOTA: In all, in sum, we request this Court to affirm all the Single Commissioner's ruling and confirm everything that the Single Commission has ruled on.

COMMISSIONER TAYLOR: All right. Thank you very much.

All right, Mr. Hoover, you do still have three minutes in rebuttal.

APPELLANT'S REPLY:

MR. HOOVER: The only thing I have to say is pretty much everything she just said is we've got proof to back it up to see the twisted or false or just flat out lies. We got her lying on three different occasions, you know, we got kind of black and white. So, I coul- -- I could prove pretty much anything she said, but I'm not gonna do it here. I want to get it to the next level.

COMMISSIONER TAYLOR: All right. Thank you very ---

MR. HOOVER: So ---

COMMISSIONER TAYLOR: --- much.

MR. HOOVER: --- I've got ample -- everything she just said, I've got contradictory material,

info I could write, audio and video, which is legal and is part of my amendment. And it's a federal offense not to use it. So, we're gonna be going with that. But I just want to take it to the next level.

COMMISSIONER TAYLOR: Yes, sir. All right. Thank you. That concludes this matter.

(There being nothing further, the hearing concluded at 1:53 p.m.)

CERTIFICATE

This is to certify that the within hearing consisting of fourteen (14) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on July 17, 2025.

Amber Scarborough
Court Reporter

Notary Public for South Carolina
My Commission Expires: June 13, 2033

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5675 www.wcc.sc.gov

WCC File #: **2207041**
Carrier File #: **004169-065746-WC-01**
Carrier Code #:
Employer FEIN #:

Claimant's Name: Walter Hoover, Jr.
Address: 6194 Dogwalla Road
Whitmire, SC 29178

Employer's Name: Tractor Supply Company
Address: 5401 Virginia Way
Brentwood, TN 37027

Home Phone: (803) 394-3047 Work Phone: ( ) -
Carrier: Starr Specialty Insurance Company

Preparer's Name: Claudia J. Piechota, Esquire
Preparer's Phone #: (843) 310-0485

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NOTICE OF WITNESSES AND WRITTEN MEDICAL EVIDENCE

TO: South Carolina Workers' Compensation Commission and:

YOU ARE HEREBY NOTIFIED THAT DEFENDANTS, pursuant to the provisions of the South Carolina Workers' Compensation Act and South Carolina Code Section 1-23-330, (1976, as amended), herewith submits the following medical reports as direct evidence on behalf of the Defendants, to wit:

NAME OF PHYSICIAN/OTHER	DATE OF REPORT	PAGE
1. Southeastern Spine Institute	03/08/2019 – 04/29/2019	1-34
2. Lexington Medical Center	06/01/2022	35-53
3. Palmetto Bone & Joint	06/10/2022 – 09/09/2022	54-76
4. Drayer Physical Therapy	08/29/2022	77-81
5. South Carolina Internal Medicine, LLC	09/01/2022	82
6. ImageCare Associates, LLC	06/27/22	83
7. MUSC Columbia Neurosurgery	01/06/2023	84-98
8. Pain Specialists of Charleston, P.A.	02/14/2023 – 04/25/2023	99-100
9. Bench Mark Physical Therapy	04/17/2023	101-105
10. Pain Medicine Specialists	06/22/2023	106-108
11. Lexington Brain & Spine	11/13/2023	109-113
12. Nurse Case Manager Note	**11/13/2023**	**114**

EXHIBITS	DATE OF REPORT	PAGE
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B. Compensation Rate Calculations		116
C. List Claim Payments	06/17/2022 – 07/05/2023	117-122
D. Gallagher Bassett Emails	07/11/2023	123
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YOU ARE FURTHER HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the depositions of any of the physicians, whose reports are submitted, for the purposes of cross-examination.

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover | Encounter Date: 3/8/2019 | Date of Birth: 9/6/1968
Account Number: 1116780

Chief Complaint: low back and right leg pain

History of Present Illness: Mr Hoover is a pleasant 50-year-old male who is seen in clinic today for evaluation of aching, burning, and stabbing pain in the lower back that radiates into the posterior lateral aspect of the right lower extremity. He also reports numbness in this distribution as well. He says his low back pain has been ongoing for over 10 years but the lower extremity symptoms began within the past year. He denies any recent traumatic event or injury. His symptoms have been getting progressively worse with time. He says "everything" will make his symptoms worse, particularly bending. He will have improvement with Aleve or sleeping with a sleeping bag between his legs. He is rating his current pain level as a 9/10 and says it is 75% back pain and 25% leg pain. He has done physical therapy in the past and has been continuing with a daily home exercise program but has not found this helpful. He does report a feeling of weakness in his lower back. He has Lortab from a recent hernia surgery and has been breaking the tablets in half when his pain is severe, but tries not to take these if possible. He denies any bladder or bowel incontinence. He has not had any recent imaging of the lumbar spine. He has never had any spinal injections or spinal surgeries.

Past Medical History: Hernia

Past Surgical History: Hernia repair Dec. 2018

Current Medications: Hydrocodone 7.5 mg-acetaminophen 325 mg tablet Oral

Drug Allergies: No known allergies

Family History: stroke

Personal and Social History: Mr. Hoover currently lives in Chapin, South Carolina. He is employed in food services at Spring Hill high school. He has never had a blood transfusion. He admits to smoking one pack of cigarettes per week for the past 15 years.

Review of Systems: As reviewed per patient intake packet

Physical Examination: On physical exam, Mr. Hoover is in no acute distress. He is alert and oriented ×3. Cranial nerves II through XII are grossly intact. He is 6 feet tall and 225 pounds. Strength is diminished at a 3/5 in the right EHL and a 4/5 in the right TA, and he does have difficulty heel and toe walking on the right; otherwise strength is a 5/5 in the

remaining muscle groups of the lower extremities. He reports decreased sensation to light touch over the lateral aspect of the right lower extremity below the knee. Right Achilles reflex is diminished as compared to the left which is 2+. Patellar reflexes are 2+ and symmetrical. Downgoing Babinski's bilaterally. Positive straight leg raise on the right. Negative straight leg was on the left. Negative Patrick's sign bilaterally. He is tender to palpation over the lumbar spine and paraspinal musculature, right more so than left. He is limited with flexion of the lumbar spine. His gait is antalgic favoring the right lower extremity. No dysvascular skin changes or rashes. No acute cardiovascular or respiratory distress. No edema noted.

Imaging Orders: 4 views of the lumbosacral spine were ordered, obtained and interpreted from an orthopedic standpoint.
Imaging Findings: AP, lateral, flexion and extension views of the lumbosacral spine were taken today, reviewed, and discussed with the patient. There is evidence of disc space narrowing noted L3/4 through L5/S1 and is most pronounced at the L3/4 level. There is osteophyte associated with this. No evidence of fracture or subluxation. No instability noted on flexion and extension views.

Diagnosis Codes:
M51.16 Intervertebral disc disorders with radiculopathy, lumbar region
M51.36 Other intervertebral disc degeneration, lumbar region
M47.896 Other spondylosis, lumbar region

Impression:

1. Right low back and lower extremity pain secondary to lumbar radiculitis with neurologic deficits on today's exam.
2. Lumbar degenerative disc disease.
3. Lumbar spondylosis.

Treatment Plan: Given his significant radicular symptoms and neurologic deficit that we move forward with a lumbar MRI scan. I will look into scheduling this as soon as possible. This is to include 3D reformations to better evaluate the exit foramen in anticipation of potential future injections and/or surgical considerations. Scheduling for this is currently underway. Patient is to return to clinic once the scan has been completed. Further treatment options will be discussed at that time. In the meantime I have written for Norco to be taken as needed for more severe pain. I have written for samples of Movantik to take before consultation as pain medications tend to cause him significant constipation.

Norco 5 mg-325 mg tablets were prescribed; side effects were discussed and appropriate instructions were provided. The patient was given sample of Movantik 25mg. An MRI of the lumbar spine was ordered. The scan will need to include 3-D reformations to evaluate for any potential extraforaminal herniations as well as anticipation of injection therapy or surgical intervention. The patient is to return when the result of MRI is available.

G. Robert Richardson, III, MD

GRR/MN/jbe

ELECTRONICALLY SIGNED BY G. Robert Richardson, III, MD
3/11/2019

SOUTHEASTERN SPINE INSTITUTE AND AMBULATORY SURGERY CENTER

Southeastern Spine Institute
1106 Chuck Dawley Blvd.,
Mount Pleasant, SC 29464
T 843-849-1551

Patient Name:	HOOVER, WALTER	**Accession Number:**	G190308102026133
Patient ID:	1116780SSI	**Requested Date:**	March 8, 2019 10:47
Gender:	Male	**Report Status:**	Final
Date of Birth:	September 6, 1968	**Requested Procedure:**	1
Home Phone:			
Referring Physician:	RICHARDSON,RICKY,	**Procedure Description:**	LUMBAR WO
Organization:	SSI	**Modality:**	MR

Findings

Reporting MD:	Holgate, MD, Richard
Dictation Time:	March 8, 2019 10:51
Transcriptionist:	Not available
Transcription Date:	

LUMBAR

TECHNIQUE:

[The patient is examined on the High Field GE MR System a phased array coil is used to obtain images of the lumbar spine.]

SERIES:

[A multi-sequence, multi-angled, multi slice examination was carried out including myelotomography and 3-D reformations.]

OVERVIEW:

[Overview of the lumbar spine shows normal bony alignment and normal marrow signal apart from modic changes with no evidence of a congenital anomaly of the spine images of the hips, sacroiliac joints, piriformis muscles and proximal sciatic nerves reveal no abnormality.]

THORACIC SPINE:

[Views of the distal thoracic spine show a normal spinal cord and conus medullaris, normal vertebrae and mild spondylosis.

INTERVERTEBRAL DISCS:

[L1-2. Mild non-compressive spondylosis.

L2-3. Moderate facet arthropathy and mild bulge with moderate to severe bilateral lateral recess stenosis and potential compression of the L3 roots.

Southeastern Spine Institute
1106 Chuck Dawley Blvd.,
Mount Pleasant, SC 29464
T 843-849-1551

L3-4. Moderate facet arthropathy, signal loss, disc space narrowing and shallow protrusion with moderate to severe bilateral lateral recess stenosis and probable compression of the L4 roots.

L4-5. Moderate facet arthropathy, signal loss and shallow protrusion with central accentuation with annular tear. There is severe bilateral lateral recess stenosis and probable compression of the L5 roots.

L5-S1. Moderate facet arthropathy, signal loss and a right lateral recess herniation with displacement probable compression of the right S1 root.]

3D REFORMATIONS AND MYELOTOMOGRAPHY:

[MR myelotomography is a 3D sequence which displays the distribution of cerebral spinal fluid within the lumbar subarachnoid space and simulates an x-ray myelogram without spinal injection. Multiple oblique projections were performed and confirm the findings above.]

OPINION:

[MRI of the lumbar spine including 3D myelotomographic images and multiplanar reformations shows spondylosis with potential/probable bilateral root compression at L2-3, L3-4 and L4-5. There is right-sided herniation at L5-S1 with probable compression of the right S1 root.]

PATIENT HISTORY:

50/M WITH LOW BACK AND RIGHT LEG PAIN FOR 10 YEARS. NO RECENT TRAUMA.

6'
225 LBS.

JAD
MRI A

Electronically signed by: Richard Holgate, MD (Mar 08, 2019 10:52:51)

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

MRI REQUEST FORM

Name: **Walter Hoover**	Home Phone: **(803) 394-3047**	Weight: **Weight 225lbs**
DOB: **9/6/1968**	Cell Phone: **(803) 394-3047**	Sex: **male**
ACTT #: **1116780**		

Reason for test: Pain

Referring Provider: G. Robert Richardson, III, MD

Referring Provider NPID: 1417932252

Reporting Physician:

Suggested Diagnosis:
M51.16 Intervertebral disc disorders with radiculopathy, lumbar region
M51.36 Other intervertebral disc degeneration, lumbar region
M47.896 Other spondylosis, lumbar region
R93.7 Abnormal Findings Diagnostic Imaging Musculoskeletal

Test Requested: **MRI of the lumbar spine**

☑ 3D Holograph Images ☐ With/Without Contrast ☐ With Contrast ☑ Without Contrast

X-ray Screening Cleared: Walter Hoover Oral Sedation Given ☐ Yes ☑ No

Claustrophobic: ☐ Yes ☑ No

MRI Appointment: Date: 3/8/2019 Time: Bldg: ☑ A ☐ B

Doctor Appointment: Date: Time:

Instructions:

GRR

Electronically signed by: G. Robert Richardson, III, MD

MRI PRE-SCREEN FORM

Patient Name: Walter Hoover
Date: 3/8/2019

Prescreening Questions: (prior to making appt)

1. In the past, have you ever worked with metal?	☑ Yes	☐ No
2. Have you ever had metal in your eyes?	☑ Yes	☐ No
If Yes please order orbit xray		
3. Any chance of pregnancy?	☐ Yes	☐ No
If patient is pregnant, get written premission from SSI MD and send note to MRI.		
4. Brain Surgery? Type:	☐ Yes	☑ No
5. Pacemaker, Neurostimulator, Internal Insulin Pump?	☐ Yes	☑ No
6. Heart/Heart Valve Surgery?	☐ Yes	☑ No
7. Cardiac Stent? Name: year	☐ Yes	☑ No
8. Metallic/Other Implants?	☐ Yes	☑ No
Type: Location:		
9. Abdominal Surgery? Colonoscopy with biopsy within the last 90 days.	☐ Yes	☑ No
If yes, obtain medical records and order abdomen xray.		
10. Intravascular Stent? Name/Location:	☐ Yes	☑ No
11. Diabetic? (Get labs)	☐ Yes	☑ No
12. Renal Failure/Dialysis	☐ Yes	☑ No
13. Renal Disease/Insufficiency?	☐ Yes	☑ No
14. Hypertension?	☐ Yes	☑ No
15. History of severe liver disease/transplant or pending liver transplant?	☐ Yes	☑ No
16. Previous surgery of area?	☐ Yes	☑ No

Notes:

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover | Encounter Date: 3/12/2019 | Date of Birth: 9/6/1968
Account Number: 1116780

Mr. Hoover is seen today in follow up for complaints of low back and right lower extremity pain. Since his last visit he has undergone a lumbar MRI scan. This has been reviewed and discussed with the patient. There is evidence of multilevel disc degeneration primarily L3/4 through L5/S1. Findings are most pronounced at the L5/S1 level where there is a rather large right sided disc herniation with extruded disc material extending inferiorly behind the S1 vertebral body with entrapment of the transiting right S1 root. At L3/L4 and L4/L5 there is mild disc bulging and facet arthropathy resulting in a degree of bilateral lateral recess stenosis. There is also evidence of increased signal noted at the posterior aspect of the disc consistent with annular tear.

Mr. Hoover has ongoing complaints of pain radiating from the back to the right buttock extending to the posterior aspect of the thigh and posterolateral calf.

On exam, there is weakness noted primarily of the right EHL as well as gastrocnemius. Achilles reflex is absent on the right. Gait is antalgic. He has difficulty with heel and toe walking on the right.

Given his radicular complaints with neurologic deficits and findings of his MRI scan, I recommend at this point referral for consultation with one of our surgical partners. If surgery is not indicated at this time, I would be happy to see him back for consideration of epidural steroid injection. He will otherwise return to see me on a prn basis.

Diagnosis Codes:
M51.17 Intervertebral disc disorders with radiculopathy, lumbosacral region
M51.36 Other intervertebral disc degeneration, lumbar region
M47.896 Other spondylosis, lumbar region

Treatment Plan: Requested consult with surgeon.

G. Robert Richardson, III, MD

GRR/jbe

ELECTRONICALLY SIGNED BY G. Robert Richardson, III, MD
3/19/2019

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 3/21/2019 Date of Birth: 9/6/1968
Account Number: 1116780

History of Present Illness: I'm seeing the patient does request of Dr. Richardson for evaluation of lumbar radiculopathy

50-year-old male who comes in with complaints of back pain and right-sided leg pain. He states that he was working on a home exercise program about a month ago and he felt excruciating right-sided leg pain. He's had difficulty walking due to the severe pain. His pain is intense. He has had long-standing back pain for many years this was following an injury. His pain is severe traveling on the right leg to the foot numbness and tingling in the sole in the foot. His pain he rates as a 9 out of 10. It is worse with activity. Rest and medication is seen help his pain. No change in bowel or bladder function. No left-sided symptoms.

Past Medical History: Hernia

Past Surgical History: Hernia repair 2018

Current Medications: hydrocodone 7.5 mg-acetaminophen 325 mg tablet Oral, Norco 5 mg-325 mg tablet 1 tablet (s) by mouth Q4-6h

Drug Allergies: No known allergies

Family History: Family history positive for stroke. Negative for diabetes and glaucoma.

Personal and Social History: He is employed. He smokes 1 pack per week. He does not drink.

Review of Systems: 10 system review of systems completed by the patient intake questionnaire. Please see for details.

Physical Examination: No acute distress. Alert and oriented. Normal mood and affect.
Unlabored respirations.
Pupils equally round.
Stands upright, with the head well centered over the pelvis both the coronal and sagittal planes.
Walks with an antalgic gait.

Bilateral upper extremity:

Sensation intact to light touch C4-T2.
Motor 5 out of 5 deltoid, biceps, triceps, wrist extension, wrist flexion, grip, and hand intrinsics.
Pulses 2+ and symmetric

Back:
Skin intact.

Bilateral lower extremities:
Sensation intact to light touch L1 to S1.
4 out of 5 right EHL and gastrocsoleus, 5 minus out of 5 right tibialis anterior otherwise 5 out of 5 strength.
Hypoesthesias in the posterior aspect of the calf and sole of the foot.

Imaging Orders: 1 or more views of the pelvis was ordered, obtained and interpreted from an orthopedic standpoint.
Imaging Findings: AP pelvis shows no severe hip arthrosis.

Lumbar radiographs 4 view show lumbar spondylosis most severe L5-S1.

MRI lumbar spine from March 2019 does show a right L5-S1 disc extrusion with severe compression of the S1 root. There also does appear to be a component of foraminal stenosis at this level.

Diagnosis Codes:
M54.16 Radiculopathy, lumbar region
M47.896 Other spondylosis, lumbar region

Treatment Plan: 50-year-old male with right L5-S1 disc herniation and lumbar spondylosis with lateral recess stenosis and a component of foraminal stenosis with weakness on push off

I did have extensive discussion with the patient the office. His symptoms are primarily consistent with an S1 radiculopathy on the right. He has severe compression S1 root. This is due to his discrimination. He does have a component of foraminal stenosis at the L5-S1 level on the right side. He does have some mild weakness with EHL. He does not have a footdrop. We did discuss options for management of his condition. Given his severe pain and weakness I'm recommending surgical intervention. We will proceed an axillary manner with decompression and potential fusion. Fusion is indicated if we have to resect more than 50% of the facet joint at L5-S1. I'm planning on proceeding with a decompression alone L5-S1 with microdiscectomy and foraminotomy. He potentially could require transforaminal lumbar body fusion. We discussed these risks and benefits in great detail. He stated understanding. We will proceed with surgery.

We did discuss the risks and benefits of surgery including but not limited to risk of recurrence of her leg pain, persistent or worsening of her back pain, adjacent segment disease, pseudoarthrosis, postoperative hematoma, infection, postoperative neurological deficit, neurological injury, vascular injury, bleeding possibly necessitating a blood

transfusion, damage to neural structures structures, cerebrospinal fluid leak possibly requiring bed rest for a few days or revision surgery and possibly even a lumbar cerebrospinal fluid drain, the need for revision operation, faluire of fixation, faliure of instrumentation, malpositioned instrumentation, blood clots, pulmonary embolism, heart attack, stroke, and death. I did specifically reviewed that this may not be the last operation. There is always the risk of developing adjacent segment disease above and below the surgical site. I also specifically discussed the complication of a postoperative infection and that this complication can be catastrophic and require revision operations as well as long-term IV antibiotics and in some cases life long supressive antibiotics. We did review the possible need for post-operative inpatient rehabilitation. After reviewing these risks and benefits, the patient stated understanding and provided verbal consent to proceed with the above mentioned surgery.

Recommending operative intervention in the form of lumbar spine laminectomy. The patient understands that they may not have immediate or dramatic relief but there is reason to be hopeful for clinical improvement with postoperative rehabilitation. The patient understands the risks include but are not limited to bleeding, infection, nerve damage, worsening pain, no relief of pain, need for further procedures and need for further surgery and hospitalization. The patient understands the surgery is designed to minimize symptoms but is not necessarily designed to alter their state of disability. Also given Walter's history, physical exam and diagnostic imaging, I do feel Walter would benefit from a custom fitted prefabricated LSO. As each patient's body habitus is unique, the orthosis will be adjusted to provide an individualized fit leading to optimal control thus facilitating the most effective results. An additional frontal corset low profile front panel has been ordered to be utilized during activities such as prolonged sitting. The orthosis will help reduce his pain by restricting mobility of the trunk as well as supporting spinal muscles. This will also provide increased lumbosacral stability which will reduce stress to the spinal structures and thereby aid in reducing his pain. Walter is instructed to begin wearing as of today.

Tim Bryan, MD

ELECTRONICALLY SIGNED BY Tim Bryan, MD
3/21/2019

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 3/21/2019 Date of Birth: 9/6/1968
Account Number: 1116780

Patient Name: Walter Hoover

Walter Hoover is a patient of Dr. Bryan . He has ordered a custom fit spinal orthosis to be fit under his supervision for the patient to wear in times of increased activity to increase function, lumbar stabilization and pain control. It was determined based on the patient's height and weight they would be custom fit with a standard Orthomerica Carolina Custom Fit brace and front corset, modified to a large/XL. The orthosis was custom fitted to patient while standing. After evaluation the posterior panel was custom molded/bent to fit the patient's lordotic curve. Anterior and Posterior panels were confirmed to provide stabilization and coverage without soft tissue or bony structure interference. The belt was modified to allow for expansion for proper waistline fit. Pull closures were adjusted for optimum intracavitary pressure and for patient ease to use. To provide lateral strength and patient comfort, rigid lateral panels were trimmed as necessary. We achieved an excellent fit both sitting and standing. Patient was instructed of the donning and doffing of the orthosis. Instructions were given on the modular aspect of the orthosis from acute to chronic management. Patient has been given all written and verbal instructions on the wearing schedule, maintenance and care of the orthosis. The patient was very satisfied with the fit and function at the time of delivery.



Electronically signed by: Meghan Newby
Date: 3/21/2019

EAST COOPER MEDICAL CENTER

Date of surgery: 3/29/2019	**Time of surgery:** 9:30
Admitting MD: Tim Bryan, MD	**Assisting MD:**
Incision to Dressing Time: 2'	**Type of anesthesia:** GENERAL
☑ **MAIN or** ☐ **AMBULATORY**	
Patient Name (Last, First): Hoover, Walter	
Patient Address: 140 Bakersland Road Chapin SC 29036	
Date of Birth: 9/6/1968 Age: 50	Patient Contact Number: (803) 394-3047
Next of Kin:	Patient Alternate Contact Number: (803) 394-3047
Admitting Diagnosis:M54.16 Radiculopathy, lumbar region M47.896 Other spondylosis, lumbar region	
Supporting Diagnosis:	
ADMIT TO: ☑ **INPATIENT** ☐ **OUTPATIENT**	
Post Operative Bed Request: ☐ M/S Floor ☐ PCU ☐ ICU ☐ WOMEN'S SERVICE	

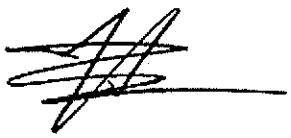
Surgical consent for: RIGHT L5-S1 DECOMPRESSION WITH POSSIBLE FUSION

☑ Right ☐ Left ☐ Bilateral

CPT Code: Requested PAT Date: 3/21/2019

Special O.R. Needs or Equipment Requests:C-ARM, GLOBUS, CELLSAVER, MONITORING, Jackson table **HOSPITALIST** pt. on the way after lunch

INSURANCE INFORMATION	
Primary Insurance Name: Sc Bcbs State	**Secondary** Insurance Name:
Name/DOB of Insured:	Name/DOB of Insured:
Address: P O Box 100605 Columbia, SC 292600605	Address:
Phone Number: 8455632000	Phone Number:
ID Number: ZCS78455499	ID Number:
Employer:	Employer:
Group Number:	Group Number:
Pre-Certified Physician's Office? ☐ Yes ☐ No	
Pre-Certification Number: Number of Days:	

Physician Signature:  Date:3/21/2019 Time:1:03 PM

Tim Bryan MD

FAX Signed Posting Orders to 416-6922
SCHEDULING PHONE # 416-6067
PRE-ADMISSION TESTING # 416-6180
After 5pm same day add on- Call OR 416-6280

EAST COOPER MEDICAL CENTER
POSTING ORDER

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

DME ORDER FORM

Patient Information

Name: **Walter Hoover**
DOB: **9/6/1968**

Home Phone: **(803) 394-3047**
Work Phone:

Weight: **Weight 225lbs**
Sex: **male**

Ordering Provider: Tim Bryan, MD

Diagnosis:	M51.36- Other intervertebral disc degeneration, lumbar region
Equipment Requested:	L0639, L0972 - LSO s/c shell / panel prefab with Corset Start Date: 3/21/2019
Manufacturer	Orthomerica
Name:	Carolina Custom Fit and additional Step Down Front Corset
Qty:	1 each
Comments:	

Electronically signed by: Tim Bryan, MD
Date: 3/21/2019

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Medical Necessity

Patient Name: Walter Hoover

Initial Date of Need: 3/21/2019

Estimate Length of Need: ☐ Weeks ☐ Months ☐ Years ☑ Lifetime

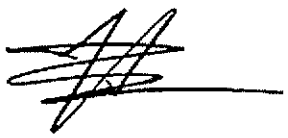
Diagnosis: ☐ M43.16 ☐ M54.16 ☐ M51.16 ☐ M48.07 ☐ M51.26 ☐ M47.816 xM51.36

Prognosis: Fair

Justification:
☑ Reduce pain by restricting mobility of trunk
☐ Facilitate healing from spinal or soft tissue injury of the spine
☐ Facilitate healing following a surgical procedure of the spine
☑ As support for weak spinal musculature or a spinal deformtiy that significantly impacts the ability to preform activities of daily living

Description/ Usage of Supplies: L0639, L0972 - LSO s/c shell / panel prefab with Corset

Signature of provider certifies that the above represents his/her judgement of the patient's need for the item.



Electronically signed by: Tim Bryan, MD
Date: 3/21/2019

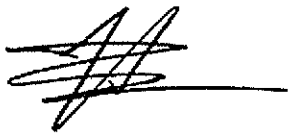
SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Date: 3/27/2019

To Whom It May Concern:

Please be advised that Walter Hoover is/has been under my orthopedic care.

- He is unable to work beginning today, 03/27/19. He is scheduled for lumbar spine surgery 03/29/19 and will need post-operative care and recovery for approximately six to twelve weeks.



Electronically signed by: Tim Bryan, MD
Date: 3/27/2019

Admit Order Form

Surgery Date: Fri 3/29/19 Surgery Time: 9:30

SOUTHEASTERN SPINE INSTITUTE AND AMBULATORY SURGERY CENTER

Name: **Walter Hoover**
Address: **140 Bakersland Road**
Chapin, SC 29036

Home Phone: **(803) 394-3047**
Work Phone:
Cell Phone: **(803) 394-3047**

Weight: **Weight 225lbs; 6'0"**
Sex: **male**
DOB: **9/6/1968**

Surgeon: Tim Bryan, MD

Classification: ☑ Inpatient Admit ☐ Outpatient Admit ☐ Outpt place in bed ☐ Short Stay

Pre-Admission Testing Date: ** on the way to PAT after lunch

Pre-admission Testing:

- ☑ CBC w/ diff
- ☑ BMP
- ☐ PT/PTT
- ☐ Type and Screen
- ☑ EKG
- ☐ BNP
- ☐ Chest X-Ray
- ☐ Hospitalist
- ☐ Anesthesia Consult
- ☐ A1C
- ☑ Issue SCD

Obtain Consent: **63030 - Lumbar Laminectomy**

Surgical Procedure: Right L5-S1 decompression with possible fusion (2 hours)

Diagnosis: **M54.16 Radiculopathy, lumbar region**
M47.896 Other spondylosis, lumbar region

Pre-op Spine Orders:

- ☑ Pre-op Education -Surgical nurse
- ☑ Pre-op Education - Anesthesia
- ☑ NPO after midnight
- ☐ Bowel Prep (day prior)
- ☐ Clear Liquid diet (day prior)
- ☑ May use intradermal Lidocaince 1% 0.1 ml before IV start
- ☑ Start LR IV at KVO rate (use Normal Saline and Renal Failure Pts)
- ☑ Cefuroxime 1.5 grams IVPB prior to incision
- ☑ If allergic to above medication, give: Vancomycin 1 gram IVPB prior to incision

Pain: ☑ Right ☐ Left ☐ Bilateral ☐ R>L ☐ L>R

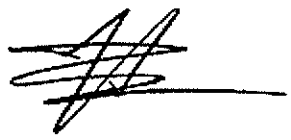
- ☑ Yes Cell Saver
- ☑ Yes Monitoring
- ☑ Yes C-Arm

Instrumentation

- ☐ Yes Nuvasive
- ☑ Yes Globus
- ☑ Yes Other: Jackson table

SSI Use Only

- ☐ H&P
- ☑ MRI Rpt
- ☐ Office Note
- ☑ Team Appr



Electronically signed by: Tim Bryan, MD
Date: 3/21/2019

Scheduled by: Kim Kettrick **Date:** 3/21/2019 **Time: 1:02**

ECH - East Cooper Medical Center

2000 Hospital Drive
Mt. Pleasant, SC 29464
(843)881-0100

Date and Time Generated: Tue Apr 02 2019 13:28:30 GMT-0400 (Eastern Daylight Time)
Generated by: Sunny Case

SIGNED

HOOVER, WALTER R (SU 0403 0)

Report Name	Operative Note EMR No Cosign	**Dictation Date/Time**	03/29/2019 10:40:00
Dictating Physician	BRYAN, TIMOTHY P	**Transcription Date/Time**	03/29/2019 10:40:00
Medical Record Number	5697248	**Document ID**	6786200781
Account Number	22501571	**Admit Date**	03/29/2019 06:15:00
Date Of Birth	09/06/1968	**Discharge Date**	03/29/2019 16:00:00

Operative Report

Date/Time Note Created: 03/29/2019 10:40

Procedure(s) Performed:

1. Right L5-S1 decompression with partial medial facetectomy, hemilaminotomy, foraminotomy

2. Right L5-S1 discectomy

Procedure/Surgery Start:

3/29/2019_

Primary Surgeon(s):

Timothy P Bryan MD_

Assisted By:

Danny Butler PA_

Anesthesiologist/CRNA:

See anesthesia note_

Anesthesia Type:

See anesthesia note_

Pre-Operative Diagnosis:

1. Right L5-S1 disc extrusion
2. Right L5-S1 calcified disc herniation
3. L5-S1 spondylosis
4. Right S1 radiculopathy_

Post-Operative Diagnosis:

Same_

Indications for Procedure:

50-year-old male with above-mentioned diagnoses. He failed conservative treatment. We did discuss options for management of his condition after failure of conservative treatment he elected to proceed with surgery. Risk benefits were explained and he gave verbal written consent to proceed._

Description of Procedure(s):

The patient was met in the preoperative holding area. The operative site was identified and marked. I once again reviewed the proposed procedure with the patient as well as risks and benefits. Verbal and written consent were obtained. Patient was taken to the operating room where general anesthesia was induced. IV access was obtained and secured. Spinal cord monitor needles were placed. The patient was placed prone on theopen frame table. All bony prominences were well padded. He was secured to the table. He was prepped and draped in typical sterile orthopedic fashion. Following this, a timeout was performed verifying, verified by all members of the operating team verifying the correct patient, procedure, site. That preoperative antibiotics had been given. Bilateral sequential compression devices were on and

functioning. Following this, time-out, we commenced with surgery.

AP and lateral fluoroscopy was used to localize the disk space. Following this, a midline skin incision was made centered over the L5-S1 disk space. A right-sided subperiosteal exposure was performed exposing the spinous process, lamina, facet joint. The facet joint capsule was preserved. The McCullough retractor was then placed. This exposed an interlaminar space. A Penfield was placed in the interlaminarspace and lateral fluoroscopy confirming the correct interlaminar space. Following this, ligamentum flavum was cleared off. I clearly identified the lamina above, lateral aspect of the pars and the facet joint. The facet joint capsule was preserved at all times. Hemilaminotomy was performed with Kerrisons and rongeur. This was taken up to the insertion of the ligamentum. The ligamentum flavum was then reflected with the nerve hook and resected with Kerrison rongeur.

Partial medial facetectomy was then performed. At all times, lateral aspect of the pars and the facet joint were identified to ensure there was not an extensive bony resection causing iatrogenic instability. Following this, the thecal sac and traversing root were easily identified. There was significant compression in the lateral recess of the traversing root. A partial medial facetectomy was then performed removing less than 50% of the facet joint. The root was then followed out distally. Following this, the traversing root was then mobilized with the Penfield and nerve root retractor. Paracentral disk herniation was identified. Please note there was an extrusion with cranial migration. This was removed in multiple large pieces. Then, a 90 degree ball probe was swept multiple times beneath the traversing root and thecal sac. There was calcified disc in the lateral recess and large osteophytes off the posterior lateral aspect of the vertebral body narrowing the lateral recess. There was extensive scar between the traversing root and this osteophyte. The Penfield was used to free up the nerve root and then the

calcified disc and osteophyte was removed with pituitary rongeur. There was a small amount of bone still adherent to the traversing root that was thinned but was unable to be completely removed. 90 degree ball probe then passed easily up and down following the traversing root and out the foramen. Ball probe also passed easily out the L5-S1 foramen. There was noted to be no residual fragments or compression. Multiple checks were made with a 90-degree ball probe and make sure no residual compression on the exiting root or the traversing root. This following the decompression, there was no residual compression noted on the traversing root. Meticulous hemostasis was obtained with bipolar electrocautery, FloSeal and bone wax. The wound was copiously irrigated. The wound was closed in layers.

The patient was extubated uneventfully and transferred to recovery room without apparent complication._

Finding(s):
Disc extrusion L5-S1 was calcified disc and posterior osteophytes and lateral recent_

Complications:
None_

Specimens Removed:
L5-S1 disc extrusion_

Implants/Explants:
None_

Estimated Blood Loss:
See anesthesia_

Patient Condition:

Stable_

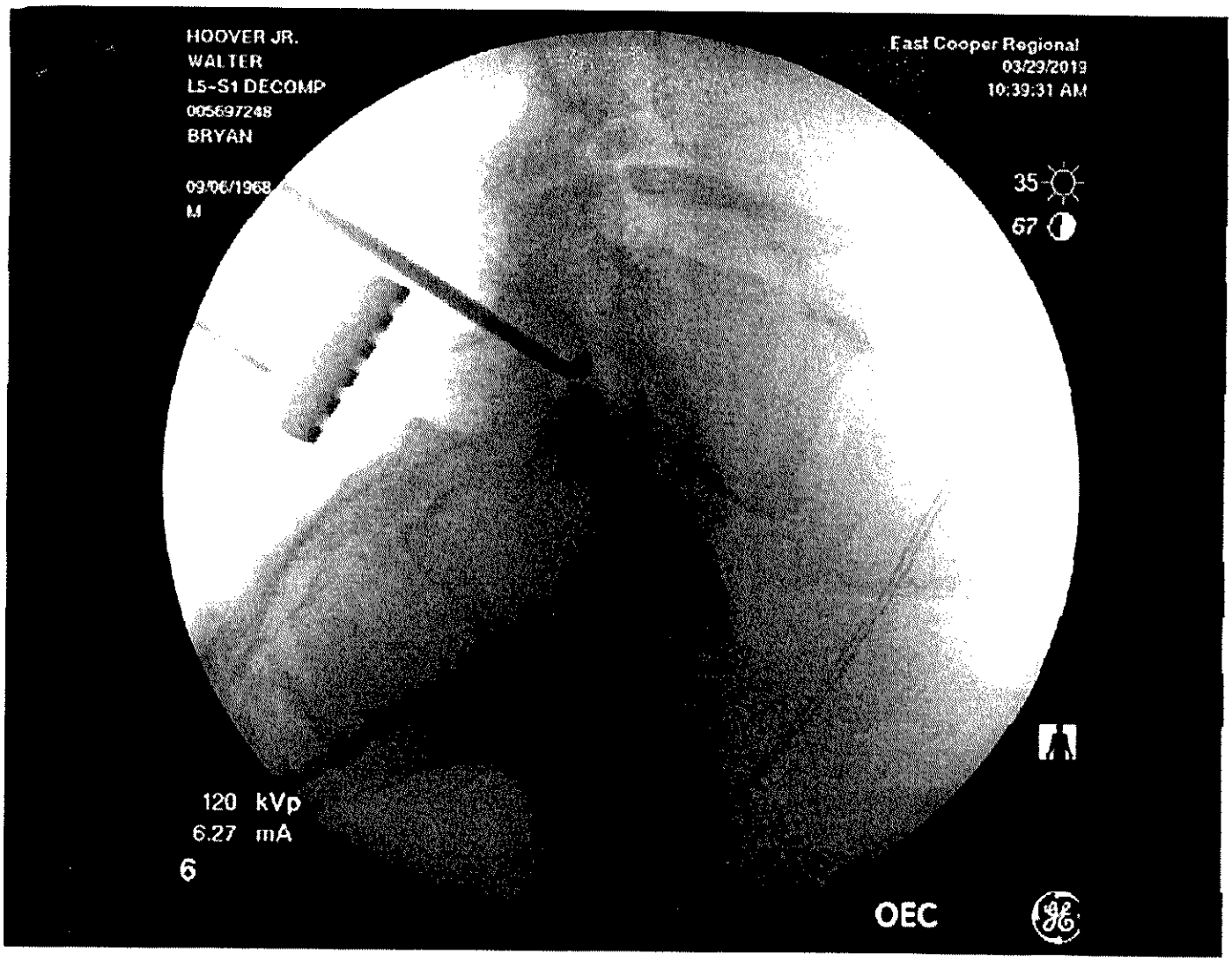
Electronically Signed On 03/29/19 10:44 EDT

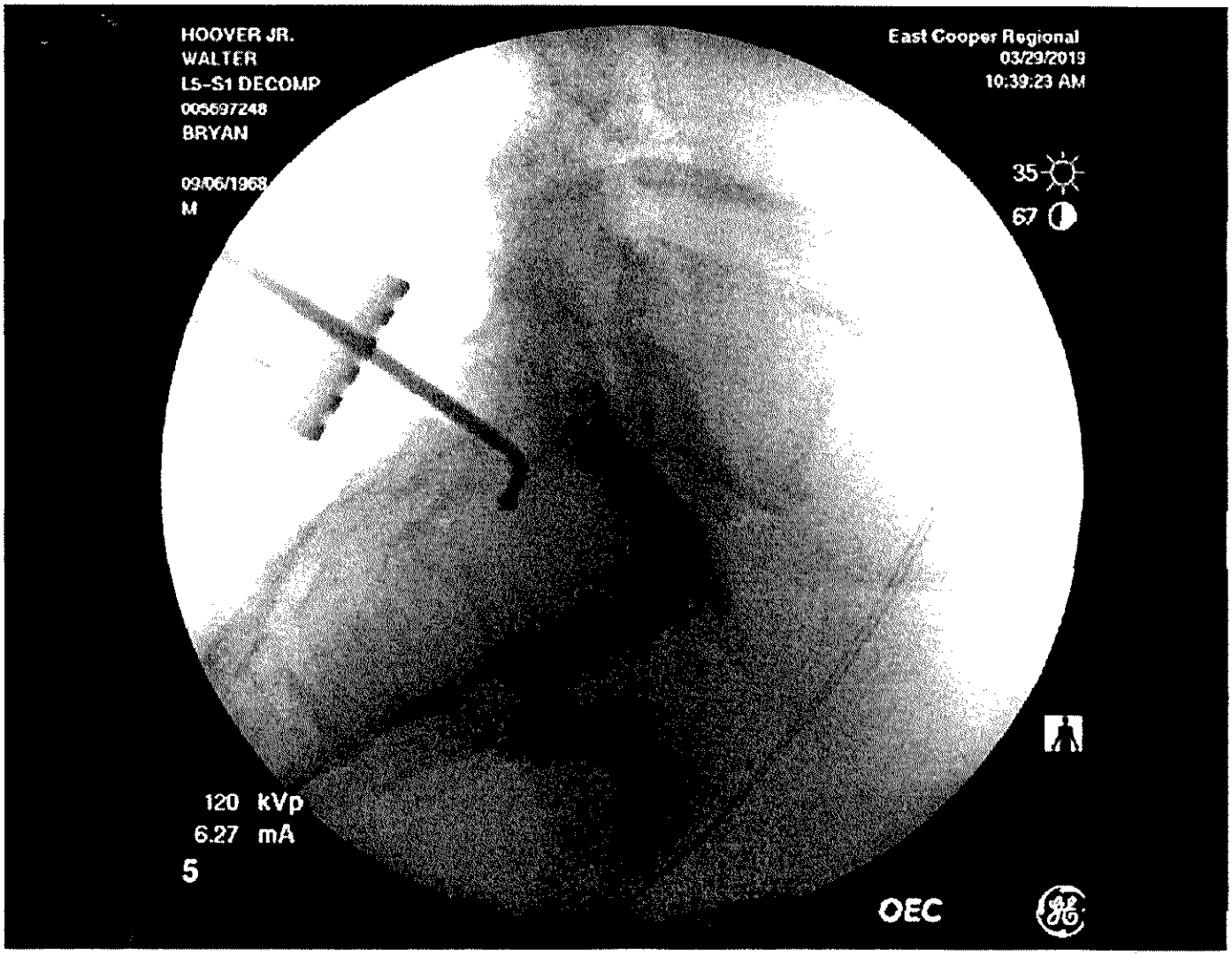
BRYAN MD, TIMOTHY P

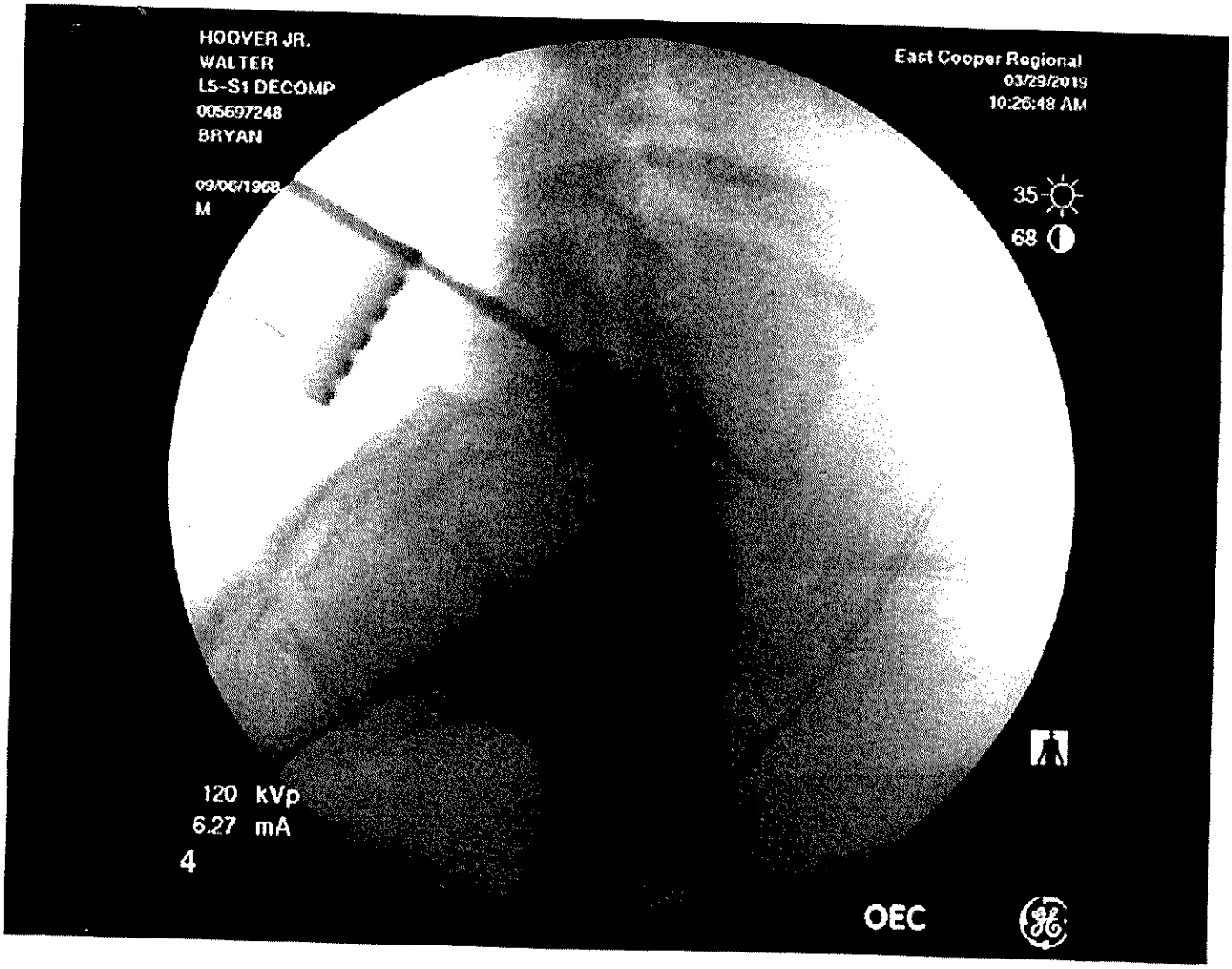
End of Report

SIGNED

End of Report


HOOVER JR.
WALTER
L5-S1 DECOMP
005697248
BRYAN
09/06/1968
M
East Cooper Regional
03/29/2019
10:39:31 AM
35
67
120 kVp
6.27 mA
6
OEC


HOOVER JR.
WALTER
L5-S1 DECOMP
005697248
BRYAN
09/06/1968
M
East Cooper Regional
03/29/2019
10:39:23 AM
35
67
120 kVp
6.27 mA
5
OEC


HOOVER JR.
WALTER
L5-S1 DECOMP
005697248
BRYAN
09/06/1968
M
East Cooper Regional
03/29/2019
10:26:48 AM
35
68
120 kVp
6.27 mA
4
OEC


HOOVER JR
WALTER
L5-S1 DECOMP
BRYAN
M
East Cooper Regional
34
64
120 kVp
6.27 mA
3
OEC

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 4/16/2019 Date of Birth: 9/6/1968
Account Number: 1116780

CC: First post op

HPI: Mr. Hoover returns to the office for his first postoperative follow-up. He is 2 weeks status post right L5-S1 decompression and discectomy. His operation was completed on 3/29/19 by Dr. Timothy Bryant secondary to disc herniation and S1 radiculopathy. He rates his pain as a 2/10 on the visual analog scale. He reports near-complete resolution of his preoperative right lower extremity pain. He has some residual numbness to the plantar aspect of his foot but states his strength has improved. He denies completing any postoperative antibiotics or taking any pain medications. He denies fever, chills, shortness of breath, chest pains, lower extremity edema, bladder/bowel incontinence. He has been ambulating some throughout the day but not as much as recommended.

Imaging: AP and lateral lumbar films were obtained and reviewed. These are compared to his preoperative images. He has no evidence of instability

Incisions were inspected, bandages were removed. The incision/s are well approximated, clean, dry, and intact. There is no erythema, hematoma, exudates. He has 5/5 strength of the lower extremities bilaterally without focal muscle deficits. Negative Homans sign.

Generalized precautions, restrictions, red flag symptoms and wound care were discussed at today's visit. All questions were answered. I would like for the patient to follow-up in 4 weeks' time for reevaluation. Due to financial hardship he is requesting to return to work in a supervisory fashion. I have filled out a detailed work note to include restrictions. I also reviewed in great detail red flag symptoms and continued precautions. They are to contact the office sooner with any change in symptoms or concerns.

Imaging Orders:
X-rays of the lumbosacral spine were ordered, obtained and interpreted from an orthopedic standpoint.
Diagnosis Codes:
Z47.89 Encounter for other orthopedic aftercare

Treatment Plan: A work status report was created and given to the patient. Patient to return in 4 weeks for follow up.

Kimsey Cooper, PA-C

ELECTRONICALLY SIGNED BY Kimsey Cooper, PA-C
4/16/2019

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

STATUS / PROGRESS REPORT OF ILLNESS / INJURY

Date: 4/16/2019

Employee Name: **Walter Hoover** DOB: **9/6/1968**

Physician: **Kimsey A Cooper**

Work Related? ☐ Yes ☑ No ☐ Indeterminate at this time

Work Status

- ☐ Cannot work
- ☐ Return to work immediately
- ☐ Released from office
- ☐ PPI assessed
- ☑ Return to work with modified duties
- ☐ Modified duties effective until return visit
- ☐ These restrictions are permanent
- ☐ Do not return to work until:

Work Restrictions

Upper Extremity ☑ Right ☑ Left

- ☐ No use of affected extremity
- ☐ No firm gripping
- ☐ Must wear sling/cast
- ☐ No awkward wrist position
- ☑ No lifting over 10lbs.
- ☐ No repetitive motion
- ☐ No vibratory tools
- ☐ No overhead work (above shoulder)
- ☐ No commercial driving

Lower Extremity ☑ Right ☑ Left

- ☐ Seated work only/mainly
- ☑ No squatting/kneeling/twisting
- ☑ No climbing stairs/ladders
- ☐ No prolonged standing or walking
- ☑ Work with brace/cast
- ☑ No lifting over 10 lbs.
- ☐ Elevate when possible/continuous
- ☐ Crutches/cane/walker
- ☑ No twisting, pushing, pulling

Other Appropriate Duties / Comments:

If no job is available with the stated modified duties, consider Walter Hoover to be off work.

Special Instructions:

STatus will be reevaluated at his next follow up in 4 weeks

Kimsey Cooper-PAC

Electronically signed by: Kimsey Cooper, PA-C
Date: 4/16/2019

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

STATUS / PROGRESS REPORT OF ILLNESS / INJURY

Date: 4/25/2019

Employee Name: **Walter Hoover** DOB: **9/6/1968**

Physician: **Kimsey A Cooper**

Work Related? ☐ Yes ☑ No ☐ Indeterminate at this time

Work Status

- ☐ Cannot work
- ☐ Return to work immediately
- ☐ Released from office
- ☐ PPI assessed
- ☐ Return to work with modified duties
- ☐ Modified duties effective until return visit
- ☐ These restrictions are permanent
- ☑ Do not return to work until: 5/1/19

Work Restrictions

Upper Extremity ☐ Right ☐ Left

- ☐ No use of affected extremity
- ☐ No firm gripping
- ☐ Must wear sling/cast
- ☐ No awkward wrist position
- ☐ No lifting over lbs.
- ☐ No repetitive motion
- ☐ No vibratory tools
- ☐ No overhead work (above shoulder)
- ☐ No commercial driving

Lower Extremity ☐ Right ☐ Left

- ☐ Seated work only/mainly
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- ☐ No climbing stairs/ladders
- ☐ No prolonged standing or walking
- ☐ Work with brace/cast
- ☐ No lifting over lbs.
- ☐ Elevate when possible/continuous
- ☐ Crutches/cane/walker
- ☐ No twisting, pushing, pulling

Other Appropriate Duties / Comments:

If no job is available with the stated modified duties, consider Walter Hoover to be off work.

Special Instructions:

Kimsey Cooper-PAC

Electronically signed by: Kimsey Cooper, PA-C
Date: 4/25/2019

SOUTHEASTERN SPINE INSTITUTE
1625 Hospital Drive, Mt. Pleasant, SC 29464
(843) 849-1551 • (843) 884-0629 • (800) 432-0274

Patient Name: Walter Hoover Encounter Date: 4/25/2019 Date of Birth: 9/6/1968
Account Number: 1116780

Mr. Hoovers work will not let him return with light duty restrictions. He has contacted the office asking us to release him to work full duty with the understanding he is advised not to bend, twist, lift greater than 10 pounds. He is in agreement that he will not complete tasks that require these activities/motions.

Kimsey Cooper-PAC

Electronically signed by: Kimsey Cooper, PA-C
Date:4/25/2019

SOUTHEASTERN SPINE INSTITUTE
1106 Chuck Dawley Blvd., Suite 200 ■ Mt. Pleasant, SC 29464

Date: 4/29/2019

To Whom It May Concern:

Please be advised that Walter Hoover is/has been under my orthopedic care.

- He may return to work on 5/1/2019
- After further review on patient's improvement and how well he is doing since his surgery of 03/29/19, restrictions have been lifted. He is able to return to work. He is able to resume regular work schedule beginning 05/01/19 without any of the former restrictions that were in place. I would like him to continue to wear his back brace until his next follow up on 05/15/19. He will be four and a half weeks out from his surgery on 05/01 and protocol following the type of surgery Mr Hoover had, patients normally return to work anywhere between 2 weeks and six weeks. He is doing extremly well and has not had any problems following his surgery. Any questions, feel free to contact me at the office.

Electronically signed by: Tim Bryan, MD
Date: 4/29/2019

****
*** FAX TX REPORT ***
****

TRANSMISSION OK

JOB NO.	1717
DESTINATION ADDRESS	918034768206
SUBADDRESS	
DESTINATION ID	
ST. TIME	04/29 13:01
TX/RX TIME	01'12
PGS.	2
RESULT	OK

FAX COVER SHEET

SOUTHEASTERN SPINE INSTITUTE
ALWAYS ON STEP AHEAD

1106 Chuck Dawley Blvd, Mount Pleasant, SC 29464
Phone: 843-849-1551
www.southeasternspine.com

TO: Corri Carmichael School District 5 FROM: Sandy/Dr Dennis / DR Bryan

FAX#: 803-476-8206 FAX#: 843-654-8849

PHONE: _____ DATE: 4/29/19

RE: Walter Hoover PAGES: 2

✓ Urgent ✓ For Review ___ Please Comment ___ Please Reply ___ Please Recycle

Return to work note

PRIVILEDGED AND CONFIDENTIAL: This document and the information contained herein are confidential and protected from disclosure pursuant to Federal law. This message is intended only for the use of the Addressee (s) and may contain information that is PRIVILEDGED AND CONFIDENTIAL. If you are not the intended recipient, you are hereby

06/01/2022 - UC in LMC Chapin Urgent Care

Reason for Visit

Chief Complaint *[last edited by Jacobs, Mellada, RN on 6/1/2022 1737]*

- Back Pain (C/o mid lower back pain since Friday after lifting a heavy object at work. The pain is where he had surgery 2 years ago)

Visit Diagnosis *[last edited by Head, Lashell L, NP on 6/1/2022 1758]*

Name	Is ED?
Acute right-sided low back pain with right-sided sciatica (primary)	Yes

Visit Information

Admission Information

Arrival Date/Time:	06/01/2022 1549	Admit Date/Time:	06/01/2022 1740	IP Adm. Date/Time:	
Admission Type:	Emergency	Point of Origin:	Non-healthcare Facility	Admit Category:	
Means of Arrival:	Car	Primary Service:	Emergency Medicine	Secondary Service:	N/A
Transfer Source:		Service Area:	LCHSD SERVICE AREA	Unit:	LMC Chapin Urgent Care
Admit Provider:		Attending Provider:	Head, Lashell L, NP	Referring Provider:	

ED Disposition

ED Disposition	Condition	User	Date/Time	Comment
Discharge	--	Head, Lashell L, NP	Wed Jun 1, 2022 6:00 PM	--

Discharge Information

Date/Time: 06/01/2022 1807	Disposition: Home Or Self Care	Destination: —
Provider: —	Unit: LMC Chapin Urgent Care	

Follow-up Information

Follow up With	Specialties	Details	Why	Contact Info
LMC Chapin Urgent Care	Urgent Care		If symptoms worsen or go to ER	557 Columbia Ave Chapin South Carolina 29036-8324 803-932-0655
LEXINGTON BRAIN AND SPINE INSTITUTE		Schedule an appointment as soon as possible for a visit	for recurrent sciatica and right low back pain	222 E Medical Lane, Ste 200 West Columbia South Carolina 29169-4848 935-8410

Level of Service

Level of Service
PR OFFICE/OUTPATIENT NEW LOW MDM

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Events

Admission at 6/1/2022 1740

Unit: LMC Chapin Urgent Care	Room: 02	Bed: 1-02
User: Jacobs, Mellada, RN	Patient class: Urgent Care	Service: Emergency Medicine

Discharge at 6/1/2022 1807

Unit: LMC Chapin Urgent Care	Room: 02	Bed: 1-02
User: Jacobs, Mellada, RN	Patient class: Urgent Care	Service: Emergency Medicine

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Medication List

Medication List

This report is for documentation purposes only. The patient should not follow medication instructions within.
For accurate instructions regarding medications, the patient should instead consult their physician or after visit summary.

Prior To Admission

None

Discharge Medication List

Medications last reviewed by Jacobs, Mellada, RN on 6/1/2022 1739

predniSONE 10 mg (STERAPRED DS) 6 day pak

Instructions: Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);
Authorized by: Head, Lashell L, NP
Start date: 6/1/2022
Refill: No refills remaining
Ordered on: 6/1/2022
Quantity: 1 kit

Stopped in Visit

None

ED Provider Note

No documentation.

ED Notes

No documentation.

Clinical Notes

06/01/2022

MD Info for AVS by Head, Lashell L, NP at 6/1/2022 1759

Version 1 of 1

Author: Head, Lashell L, NP
Filed: 06/01/22 1759
Status: Written
Service: —
Date of Service: 06/01/22 1759
Editor: Head, Lashell L, NP (Nurse Practitioner)
Author Type: Nurse Practitioner
Creation Time: 06/01/22 1759

Heat to affected area
No bending/lifting for 1 week[LH.1M]

Electronically signed by Head, Lashell L, NP at 06/01/22 1759

Attribution Key

LH.1 - Head, Lashell L, NP on 06/01/22 1759
M - Manual

UC Provider Note by Head, Lashell L, NP at 6/1/2022 1807

Version 1 of 1

Author: Head, Lashell L, NP
Filed: 06/01/22 1858
Status: Signed
Service: —
Date of Service: 06/01/22 1807
Editor: Head, Lashell L, NP (Nurse Practitioner)
Author Type: Nurse Practitioner
Creation Time: 06/01/22 1854

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Clinical Notes (continued)

History[LH.1T]

Chief Complaint

Patient presents with

- Back Pain

  C/o mid lower back pain since Friday after lifting a heavy object at work. The pain is where he had surgery 2 years ago[LH.2T]

Patient is a 53 y.o. male.The history is provided by[LH.1T] the patient[LH.1M].[LH.1T] No language interpreter was used[LH.1M].[LH.1T]
Ortho - Spine[LH.1M]
Primary Symptom:[LH.1T] **Lumbar**[LH.1M]
Onset:[LH.1T] **Acute**[LH.1M]
Episode Duration:[LH.1T] **6 days**[LH.1M]
Frequency:[LH.1T] **Constantly**[LH.1M]
Progression:[LH.1T] **Unchanged**[LH.1M]
Severity:[LH.1T] **Moderate**[LH.1M]
Location:[LH.1T] **lumbosacral**[LH.1M]
Radiation:[LH.1T] **Right leg**[LH.1M]
Quality:[LH.1T] **Aching**[LH.1M]
Associated Symptoms:[LH.1T] **no urinary retention**[LH.1M],[LH.1T] **no bladder incontinence**[LH.1M],[LH.1T] **no neurological deficit**[LH.1M] and[LH.1T] **no saddle parethesia**
walter Hoover Jr. Presents with right lumbar back pain after lifting heavy 5 days ago. Hx of back surgery in Charleston. He tried to see his neurosurgeon but was unable And would like to establish with someone local. He feels pain down the posterior right leg to knee level and numbness in the bottom of the right foot. No neurological symptoms otherwise. Aleve has not helped.[LH.1M]

Past Medical History:

Diagnosis	Date
• Hernia, inguinal	

Past Surgical History:

Procedure	Laterality	Date
• HERNIA REPAIR		
• KNEE SURGERY		
• TYMPANOSTOMY TUBE PLACEMENT		

Family History

Problem	Relation	Age of Onset
• Stroke	Father	

Social History

Social History Narrative
• Not on file

Social History

Tobacco Use	
• Smoking status:	Former Smoker
Packs/day:	0.50
Types:	Cigarettes
• Smokeless tobacco:	Never Used
Substance Use Topics	
• Alcohol use:	No
• Drug use:	Yes
Types:	Marijuana

Allergies

Allergen	Reactions
• Tylenol [Acetaminophen]	Swelling

Home Medications

Medication	Sig	Discontinued?
predniSONE 10 mg (STERAPRED DS) 6 day pak	**Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);**[LH.2T]	

Review of Systems
Constitutional:[LH.1T] Negative[LH.1M].
Genitourinary: Negative for[LH.1T] bladder incontinence[LH.1M] and[LH.1T] difficulty urinating[LH.1M].
Musculoskeletal: Positive for[LH.1T] back pain[LH.1M]. Negative for[LH.1T] gait problem[LH.1M].
Neurological: Positive for[LH.1T] numbness[LH.1M].[LH.1T]
All other systems reviewed and are negative[LH.1M].

Physical Exam

Initial UC Vital Signs:[LH.1T]
Blood Pressure: 144/82 Heart Rate: 64 Temp: 98.3 °F (36.8 °C) Resp: 18 SpO2: 98 %[LH.2T]

Last Documented Vital Signs This Encounter:[LH.1T]
BP 144/82 | Pulse 64 | Temp 98.3 °F (36.8 °C) | Resp 18 | Ht 6' (1.829 m) | Wt 104.3 kg (230 lb) | SpO2 98% | BMI 31.19 kg/m²[LH.2T]

Visual Acuity:

Physical Exam[LH.1T]
Vitals[LH.1M] and[LH.1T] nursing note[LH.1M] reviewed.
Constitutional:
General: He is[LH.1T] not in acute distress[LH.1M].
Appearance:[LH.1T] Normal appearance[LH.1M]. He is not[LH.1T] ill-appearing[LH.1M] or[LH.1T] toxic-appearing[LH.1M].

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Clinical Notes (continued)

HENT:
Head:[LH.1T] Normocephalic[LH.1M] and[LH.1T] atraumatic[LH.1M].
Eyes:
Extraocular Movements:[LH.1T] Extraocular movements intact[LH.1M].
Pulmonary:
Effort: Pulmonary effort is[LH.1T] normal[LH.1M].
Musculoskeletal:
General:[LH.1T] Tenderness[LH.1M] and[LH.1T] signs of injury[LH.1M] present.
Comments:[LH.1T] **Decreased lumbar flexion and lateral rotation noted. Right lumbar paraspinal muscles and SI joint tenderness noted.**[LH.1M]
Skin:
General: Skin is[LH.1T] warm[LH.1M] and[LH.1T] dry[LH.1M].
Findings: No[LH.1T] rash[LH.1M].
Neurological:
General:[LH.1T] No focal deficit[LH.1M] present.
Mental Status: He is[LH.1T] alert[LH.1M] and[LH.1T] oriented to person, place, and time[LH.1M].
Motor: No[LH.1T] weakness[LH.1M].
Gait:[LH.1T] Gait[LH.1M] normal.
Deep Tendon Reflexes:[LH.1T] Reflexes normal[LH.1M].
Comments:[LH.1T] **(-) SLR bilat**[LH.1M]
Psychiatric:
Mood and Affect:[LH.1T] Mood[LH.1M] normal.

UC Course[LH.1T]

Orders Placed This Encounter
- predniSONE 10 mg (STERAPRED DS) 6 day pak[LH.2T]

Procedures[LH.1M]

No orders to display

Labs - No data to display

UC Discharge Orders (From admission, onward)
None

UC Prescriptions

Medication	Sig	Dispense	Start Date	End Date	Auth. Provider

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Clinical Notes (continued)

Medication	Sig	Dispense	Start Date	End Date	Auth. Provider
predniSONE 10 mg (STERAPRED DS) 6 day pak	Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);	1 kit	6/1/2022		Head, Lashell L, NP[LH.2T]

Diagnosis:[LH.1T]

Final diagnoses:
Acute right-sided low back pain with right-sided sciatica (Primary)[LH.2T]

Follow Up Instructions:[LH.1T]

LMC Chapin Urgent Care
557 Columbia Ave
Chapin South Carolina 29036-8324
803-932-0655

If symptoms worsen or go to ER

LEXINGTON BRAIN AND SPINE INSTITUTE
222 E Medical Lane, Ste 200
West Columbia South Carolina 29169-4848
935-8410
Schedule an appointment as soon as possible for a visit
for recurrent sciatica and right low back pain

Disposition: Discharge
Departure Condition: Stable
Mobility at Departure: Ambulatory
Patient Teaching: Discharge instructions reviewed, Follow-up care reviewed, Medications discussed, Patient verbalized understanding, Family member verbalized understanding
Departure Mode: With family

Instructions from your Urgent Care Provider

Heat to affected area
No bending/lifting for 1 week[LH.2T]

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Clinical Notes (continued)

LMC UC MDM CODING:
Review of Previous:[LH.1T] **Notes**[LH.1M]
Notes comment:[LH.1T] **Prior visits noted**[LH.1M]
Interpretation:[LH.1T] **Pulse ox**[LH.1M]
Pulse Ox comment:[LH.1T] **98%**[LH.1M]
Consult other physician:[LH.1T] **No**[LH.1M]
Patient Progress:[LH.1T] **Stable**[LH.1M]
MDM Comments:[LH.1T] **Walter Hoover Jr presents with right LBP and right sciatica x 6 days after lifting heavy. (+) right leg pain and foot numbness. NAD on exam. Neg neuro findings. SI joint TTP on the right. Decreased lumbar flexion. Discharged with oral steroids. Apply heat. Follow up in ER if worse; otherwise recommended establish with Lexington Brain and Spine for local care.**[LH.1M]

NOTICE FOR THE PATIENT: This clinical note is not designed to be interpreted by patients, and I do not recommend reading it unless you have medical training. These notes may contain candid and (unintentionally) offensive descriptions, which are sometimes required for accurate documentation. If you would like more information about your healthcare, please obtain it directly from myself or my staff/colleagues - never solely from the note. Thank you for your understanding and cooperation.

LaShell L. Head, FNP
Lexington Medical Center
Chapin Urgent Care[LH.1T]

Electronically signed by Head, Lashell L, NP at 06/01/22 1858

Attribution Key

LH.1 - Head, Lashell L, NP on 06/01/22 1854
LH.2 - Head, Lashell L, NP on 06/01/22 1858
M - Manual, T - Template

Labs with Orders

No documentation.

Imaging with Orders

No documentation.

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Procedures

No documentation.

Other Orders

Medications

predniSONE 10 mg (STERAPRED DS) 6 day pak (Active)

Electronically signed by: **Head, Lashell L, NP on 06/01/22 1759** Status: **Active**
Ordering user: Head, Lashell L, NP 06/01/22 1759 Ordering provider: Head, Lashell L, NP
Authorized by: Head, Lashell L, NP Ordering mode: Standard
Frequency: Routine 06/01/22 - Until Discontinued Class: Normal
Admin instructions: Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);

Flowsheets

Anthropometrics

Row Name	06/01/22 1737
Anthropometrics	
Weight Change	0 % -MJ at 06/01/22 1738

ASSESSMENT ACUITY

Row Name	06/01/22 1740
ASSESSMENT ACUITY	
Patient Acuity	Non-Urgent -MJ at 06/01/22 1740
Initial Assessment Complete	Initial Assessment Complete -MJ at 06/01/22 1740

Custom Formula Data

Row Name	06/01/22 1737
OTHER	
Rate (mL/hr)	62.6 -MJ at 06/01/22 1738
ABW	88.29 -MJ at 06/01/22 1738
Rate (mL/hr)	125.2 -MJ at 06/01/22 1738
Rate (mL/hr)	187.8 -MJ at 06/01/22 1738
Rate (mL/hr)	250.4 -MJ at 06/01/22 1738
Rate (mL/hr)	313 -MJ at 06/01/22 1738
Rate (mL/hr)	375.6 -MJ at 06/01/22 1738
Rate (mL/hr)	438.2 -MJ at 06/01/22 1738
Rate (mL/hr)	500.8 -MJ at 06/01/22 1738
Rate (mL/hr)	563.4 -MJ at 06/01/22 1738
Increment Vol	31.3 -MJ at 06/01/22 1738
Increment Vol	62.6 -MJ at 06/01/22 1738
Increment Vol	93.9 -MJ at 06/01/22

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

	1738
Increment Vol	125.2 -MJ at 06/01/22 1738
Increment Vol	156.5 -MJ at 06/01/22 1738
Increment Vol	187.8 -MJ at 06/01/22 1738
Increment Vol	219.1 -MJ at 06/01/22 1738
Increment Vol	250.4 -MJ at 06/01/22 1738
Increment Vol	281.7 -MJ at 06/01/22 1738
Total Vol	31.3 -MJ at 06/01/22 1738
Total Vol	93.9 -MJ at 06/01/22 1738
Total Vol	187.8 -MJ at 06/01/22 1738
Total Vol	313 -MJ at 06/01/22 1738
Total Vol	469.5 -MJ at 06/01/22 1738
Total Vol	657.3 -MJ at 06/01/22 1738
Total Vol	876.4 -MJ at 06/01/22 1738
Total Vol	1126.8 -MJ at 06/01/22 1738
Total Vol	1408.5 -MJ at 06/01/22 1738
BSA (Calculated - sq m)	2.3 sq meters -MJ at 06/01/22 1738
BMI (Calculated)	31.2 -MJ at 06/01/22 1738
IBW/kg (Calculated) Male	77.6 kg -MJ at 06/01/22 1738
IBW/kg (Calculated) FEMALE	73.1 kg -MJ at 06/01/22 1738
Dishcarge weight	3680 -MJ at 06/01/22 1738
Weight in (lb) to have BMI = 25	183.9 -MJ at 06/01/22 1738
BMI	31.2 -MJ at 06/01/22 1738
Ideal Body Weight (kg)	80.74 kg -MJ at 06/01/22 1738
Ideal Body Wgt (lb)	178 lb -MJ at 06/01/22 1738
Percent of Ideal Body Weight	129.21 Percent -MJ at 06/01/22 1738
Excess Body Weight (kg)	23.56 kg -MJ at 06/01/22 1738
Excess Body Wgt (lb)	52 lb -MJ at 06/01/22 1738
Percent Weight Change Since Birth	0 -MJ at 06/01/22 1738
IBW/kg (Calculated)	77.6 -MJ at 06/01/22 1738
Low Range Vt 6cc/kg	465.6 mL -MJ at 06/01/22 1738
Adult Moderate Range Vt 8cc/kg	620.8 mL -MJ at 06/01/22 1738

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Adult High Range Vt 10cc/kg	776 mL -MJ at 06/01/22 1738
Increment Vol	15.7 -MJ at 06/01/22 1738
Increment Vol	31.3 -MJ at 06/01/22 1738
Increment Vol	47 -MJ at 06/01/22 1738
Increment Vol	37.6 -MJ at 06/01/22 1738
Increment Vol	47 -MJ at 06/01/22 1738
Increment Vol	56.3 -MJ at 06/01/22 1738
Increment Vol	65.7 -MJ at 06/01/22 1738
Increment Vol	75.1 -MJ at 06/01/22 1738
Rate (mL/hr)	31.3 -MJ at 06/01/22 1738
Rate (mL/hr)	62.6 -MJ at 06/01/22 1738
Rate (mL/hr)	93.9 -MJ at 06/01/22 1738
Rate (mL/hr)	125.2 -MJ at 06/01/22 1738
Rate (mL/hr)	156.5 -MJ at 06/01/22 1738
Rate (mL/hr)	187.8 -MJ at 06/01/22 1738
Rate (mL/hr)	219.1 -MJ at 06/01/22 1738
Rate (mL/hr)	250.4 -MJ at 06/01/22 1738
Total Vol	15.7 -MJ at 06/01/22 1738
Total Vol	47 -MJ at 06/01/22 1738
Total Vol	94 -MJ at 06/01/22 1738
Total Vol	131.6 -MJ at 06/01/22 1738
Total Vol	178.6 -MJ at 06/01/22 1738
Total Vol	234.9 -MJ at 06/01/22 1738
Total Vol	300.6 -MJ at 06/01/22 1738
Total Vol	375.7 -MJ at 06/01/22 1738
Dose	15.7 -MJ at 06/01/22 1738
Increment Vol	31.3 -MJ at 06/01/22 1738
Increment Vol	62.6 -MJ at 06/01/22 1738
Increment Vol	93.9 -MJ at 06/01/22 1738
Increment Vol	75.1 -MJ at 06/01/22 1738
Increment Vol	93.9 -MJ at 06/01/22 1738
Increment Vol	112.7 -MJ at 06/01/22 1738
Increment Vol	131.5 -MJ at 06/01/22 1738
Increment Vol	150.2 -MJ at 06/01/22 1738
Increment Vol	169 -MJ at 06/01/22 1738
Rate (mL/hr)	62.6 -MJ at 06/01/22 1738

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Rate (mL/hr)	125.2 -MJ at 06/01/22 1738
Rate (mL/hr)	187.8 -MJ at 06/01/22 1738
Rate (mL/hr)	250.4 -MJ at 06/01/22 1738
Rate (mL/hr)	313 -MJ at 06/01/22 1738
Rate (mL/hr)	375.6 -MJ at 06/01/22 1738
Rate (mL/hr)	438.2 -MJ at 06/01/22 1738
Rate (mL/hr)	500.8 -MJ at 06/01/22 1738
Rate (mL/hr)	563.4 -MJ at 06/01/22 1738
Total Vol	15.7 -MJ at 06/01/22 1738
Total Vol	93.9 -MJ at 06/01/22 1738
Total Vol	187.8 -MJ at 06/01/22 1738
Total Vol	262.9 -MJ at 06/01/22 1738
Total Vol	356.8 -MJ at 06/01/22 1738
Total Vol	469.5 -MJ at 06/01/22 1738
Total Vol	601 -MJ at 06/01/22 1738
Total Vol	751.2 -MJ at 06/01/22 1738
Total Vol	920.2 -MJ at 06/01/22 1738

GYN Bundle - Risk Assessment

BMI (Calculated)	31.2 -MJ at 06/01/22 1738

Adult IBW/VT Calculations

IBW percentage	4742.27 -MJ at 06/01/22 1738

Departure Condition

Row Name	06/01/22 1807
Departure Condition	
Mobility at Departure	Ambulatory -MJ at 06/01/22 1807
Patient Teaching	Discharge instructions reviewed;Follow-up care reviewed;Medications discussed;Patient verbalized understanding;Family member verbalized understanding -MJ at 06/01/22 1807
Departure Mode	With family -MJ at 06/01/22 1807

DI BP Formula

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Row Name	06/01/22 1737
OTHER	
BP Formula	144 -MJ at 06/01/22 1738

Disposition/Condition

Row Name	06/01/22 1800
Disposition/Condition	
Disposition	Discharge -LH at 06/01/22 1800
Departure Condition	Stable -LH at 06/01/22 1800

Pain Assessment

Row Name	06/01/22 1737
ED Pain Assessment Timer	
ED Auto Pain Reassessment	Yes -MJ at 06/01/22 1738

Shock Index

Row Name	06/01/22 1737
OTHER	
Shock Index	0.44 -MJ at 06/01/22 1738

Tetanus

Row Name	06/01/22 1740
Tetanus up to date	
Tetanus up to date?	Yes -MJ at 06/01/22 1740

Travel/Exposure Screening

Row Name	06/01/22 1737
Travel Screening	
Have you traveled in the last 30 days?	No -MJ at 06/01/22 1737
Exposure Screening	
Have you been in contact with anyone that has been diagnosed with an infectious disease within the last 30 days?	No -MJ at 06/01/22 1737

Vaccination Screening

Row Name	06/01/22 1740
Covid-19 Vaccine Screen - Year Round	
If eligible to	No -MJ at 06/01/22 1740

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

receive a dose of the Covid vaccine, are you interested?

Visit History

Row Name	06/01/22 1605
OTHER	
Visit History	New -NS at 06/01/22 1605

Vital Signs

Row Name	06/01/22 1737
Height and Weight	
Height	6' (1.829 m) -MJ at 06/01/22 1738
Height Method	Stated -MJ at 06/01/22 1738
Weight	104.3 kg (230 lb) -MJ at 06/01/22 1738
Weight Method	Stated -MJ at 06/01/22 1738
Vital Signs	
Temp	98.3 °F (36.8 °C) -MJ at 06/01/22 1738
Temp src	Oral -MJ at 06/01/22 1738
Pulse	64 -MJ at 06/01/22 1738
Resp	18 -MJ at 06/01/22 1738
Respiration Description	Regular;Non-Labored -MJ at 06/01/22 1738
BP	144/82 -MJ at 06/01/22 1738
Pain Assessment	
Pain Assessment	0-10 -MJ at 06/01/22 1738
Pain Score	7 -MJ at 06/01/22 1738
Oxygen Therapy	
SpO2	98 % -MJ at 06/01/22 1738
O2 Device	None (Room air) -MJ at 06/01/22 1738

Vitals Reassessment

Row Name	06/01/22 1737
Vitals Timer	
Automatic Restart Vitals Timer	Yes -MJ at 06/01/22 1738

Vitals Reassessment

Row Name	06/01/22 1737
Vitals Timer	
Automatic Restart Vitals	Yes -MJ at 06/01/22 1738

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Flowsheets (continued)

Timer

Vitals Reassessment

Row Name	06/01/22 1737
Vitals Timer	
Automatic Restart Vitals Timer	Yes -MJ at 06/01/22 1738

Work/School Excuse

Row Name	06/01/22 1759
Excuse from Work/School/Sport	
Work/School/Sport	no work for three days -LH at 06/01/22 1800
Excuse Comments	No bending/lifting for 1 week -LH at 06/01/22 1800

User Key

(r) = Recorded By, (t) = Taken By, (c) = Cosigned By

Initials	Name	Effective Dates	Provider Type	Discipline
NS	Swanson, Nicole R	—	—	—
MJ	Jacobs, Mellada, RN	03/03/22 -	Registered Nurse	Nurse
LH	Head, Lashell L, NP	11/23/20 -	Nurse Practitioner	—

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Documents

Conditions of Admissions - Electronic signature on 6/1/2022 1552 (effective from 6/1/2022) - 3 of 9 e-signatures recorded

Conditions of Admission and General Consent to treat at Lexington Medical Center

AUTHORIZATION FOR TREATMENT: By my signature below, I consent to any procedure, examination or treatment rendered by the physicians or advanced practice providers taking part in my care. I understand that I am under the control of attending physicians and the hospital is not liable for any act or omission in following the instructions of said physicians. I am aware that the practice of medicine and surgery is not an exact science, and I acknowledge that no guarantees have been made as to the result of treatment or examination. I acknowledge that resident physicians, nurses, students, and other qualified personnel may also assist in, or otherwise take part in, my care.

I consent to appropriate test for the presence of infection, such as, but not limited to, infection by the Hepatitis B virus or the human immunodeficiency virus, if deemed necessary for the protection of others, and I authorize withdrawal of blood or other body fluids this purpose. I also understand the organization is required to disclose the results of some communicable diseases, such as HIV, TB, and Viral Meningitis to DHEC and/or the Center for Disease Control Prevention. I understand that if my medical record contains documentation of alcohol abuse, psychiatric condition, drug abuse, or communicable disease, this information will be released as part of my medical record. I consent to the photographing or televising of any procedure to be performed, including appropriate portions of my body, for medical, scientific or educational purposes, provided my identity is not revealed. I further understand that video cameras may be used in patient rooms for observation purposes.

I consent and give permission to LMC to photograph me in connection with medical identity theft prevention.

I authorize Lexington Medical Center to contact me on any cell phone number provided by me for the purpose of conducting business with me or contacting me concerning my account. I consent to the use of automated dialers for that purpose.

RELEASE OF INFORMATION: I authorize release of medical records/information to health care providers as deemed necessary for the continuity of care and for the purpose of review, payment and appeal by me or on my behalf or my insurance carrier.

Lexington Medical Center will make our best effort to pre-certify and or pre-authorize treatment with third party payers who conduct Utilization Review as a service to patients. However, Lexington Medical Center does not accept responsibility for the lack of pre-certification and/or pre-authorization and is not responsible for the final payment outcomes or timing restraints.

MEDICARE-MEDICAID PATIENT'S CERTIFICATION: I certify that the information given by me in applying for payment under Title XVIII and XIX of the Social Security Act is correct. I request that payment of authorized benefits be made on my behalf.

ASSIGNMENT OF INSURANCE/LIABILITY BENEFITS: I authorize and direct my insurers to pay directly to Lexington Medical Center and/or its physicians and and all benefits up to the amount of my bill pertaining to all charges incurred. I assign to Lexington Medical Center, including its affiliates, any and all benefits or proceeds, of any type whatsoever, to which I am entitled, with

respect to the health care service(s) I receive, including but not limited to, the proceeds of any liability settlement or judgment being paid by or on behalf of a third-party and any benefits due from any third-party insurance policy. I direct that all such benefits be paid directly to Lexington Medical Center and/or its affiliates, including its physicians, and applied to my account(s) until the account(s) is paid in full. I understand that I am personally responsible for any remaining fees.

PROMISE TO PAY ACCOUNT: FOR AND IN CONSIDERATION of service rendered by Lexington Medical Center; I promise to pay all charges incurred for the account on the patient. In the event that I default in the obligation of payment to Lexington Medical Center, I understand that my account(s) can be placed with a collection agency and/or Lexington Medical Center can place my account in the Department of Revenue's Debt Set-Off program and /or a judgment may be secured against any owned property to the extent of the unpaid bill. I further agree to pay reasonable attorney's fees, collection fees, Debt Set-Off administrative fees and court costs if my account is placed for legal or third party collection action.

I understand that I am financially responsible to Lexington Medical Center for all charges not covered, approved or considered necessary by my insurance. I will pay at the time of service or have agreeable payment arrangement set up with the Patient Accounts Office.

Patient to initial here



Signature captured with Topaz by Walter R. Hoover Jr.

(Patient to initial here)

HOSPITAL PATIENT SAFETY ACT: I acknowledge that I have received information regarding my rights under the Hospital Patient Safety Act.

Patient to initial here



Signature captured with Topaz by Walter R. Hoover Jr.

(Patient to initial here)

Or brochure Hoover,Walter R Jr.
Print Name

Relationship

PHYSICIANS AS INDEPENDENT CONTRACTORS: I recognize that some physicians who may be involved in my care, such as radiologists and pathologists, are independent contractors and are not employees or agents of the hospital. Separate bills will be sent for their services. I authorize and direct the named insurers to pay benefits directly to these physicians for services

rendered.

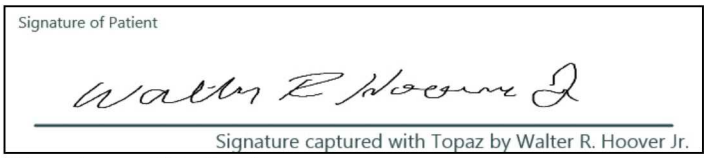
RELEASE FROM RESPONSIBILITY FOR PERSONAL PROPERTY:
Lexington Medical Center encourages patients to leave their personal property at home or be given to a family member for safekeeping. I acknowledge that **Lexington Medical Center is not responsible for any lost, damaged or stolen items that are not secured by Lexington Medical Center during the patient's treatment and/or admission.**

(Patient to initial here)

AVAILABILITY OF CLINICAL TRIALS: I am aware that clinical trials (research studies) are available through the hospital or physicians who are members of the medical staff of Lexington Medical Center. If I desire more information about participating in clinical trials, I can request information be provided to me by my physician.

THIS FORM HAS BEEN EXPLAINED TO ME; I HAVE READ AND UNDERSTAND IT.

Signature of Patient



Signature of Patient

6/1/2022
Date

Guarantor (if other than patient)

If minor, Responsible Party

6/1/2022
Date

Relationship to Patient/ Personal Representative

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Documents (continued)

Nicole R Swanson 6/1/2022
Witness Date

6/1/2022
Second Witness Signature Date

Hoover,Walter R Jr.
M001371678
100059442403
9/6/1968 Male
No admission date for patient encounter.

06/01/2022 - UC in LMC Chapin Urgent Care (continued)

Documents (continued)

AVS Signed - Scan on 6/2/2022 1038 (effective from 6/2/2022)

Scan (below)

Hoover, Walter R Jr. (MRN M001371678) Encounter Date: 06/01/2022

LMC Chapin Urgent Care
557 Columbia Ave
Chapin SC 29036-8324
Phone: 803-932-0655

Walter R Hoover Jr.
MRN: **M001371678**

Department: **LMC Chapin Urgent Care**
Date of Visit: **6/1/2022**

Disclaimer

Thank you for selecting us for your healthcare needs. The examination and treatment you have received in the Urgent Care has been rendered on an walk in basis and is NOT intended to be suitable for or an effort to provide complete medical care. It is important that you follow all discharge instructions as discussed and provided by the Urgent Care staff. You may call us at (803)791-2350 or return to the Urgent Care if your problem worsens or your physician is unavailable. In addition, Lexington Medical Center's Emergency Department is available 24 hours daily.

I have received, read and understand the discharge and follow up instructions provided as part of my visit to the Urgent Care.

Diagnoses this visit

Your diagnosis was: Acute right-sided low back pain with right-sided sciatica

You were seen by

You were seen by: Head, Lashell L, NP

Patient Signature: Walter R Hoover Jr

Date/Time: 6/1/22

Staff Signature: MS

Date/Time: 6/1/22 1807 ~~ET~~ ET

End of Report



Clinton Office: [illegible] Clinton SC [illegible] Phone: [illegible] Fax: [illegible]
Newberry Office: [illegible] Newberry SC [illegible] Phone: [illegible] Fax: [illegible]
Chapin Office: [illegible] Chapin SC [illegible] Phone: [illegible] Fax: [illegible]

Physician Return to Work Form

Date of Exam 6/10/2022
Provider Samuel Davis
Patient Name RICKY HOOVER

Ricky was seen in office today please excuse and will be on light duty with no lifting more than 10lbs til follow up from MRI

Samuel Davis,MD
Electronically signed on 6/10/2022 1:45 PM

Palmetto Bone & Joint, P.A.

Clinton Office: 2971 Highway 76 East, Clinton SC 29325 Phone: (864) 833-9346 Fax: (864) 833-1711
Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-9234 Fax: (803) 321-9259
Chapin Office: 104 Elliott Road, Chapin SC 29036 Phone: (803) 94[illegible]5 Fax: (803) 345-6088

Date of Exam 6/10/2022
Patient Name RICKY HOOVER
DOB 05/06/1968
Provider Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

Allergies

No known drug allergies

Medications

No Current Meds*

Past History

Medical History	No Medical History Reported.
Surgical History	No Surgical History Reported and CHANNEL GROOVED IN SPINAL CORD FOR SCIATIC NERVE TO REST.
Social History	Patient is right handed. Patient does not use alcohol, caffeine, illicit drugs or tobacco.

Review of Systems

Constitutional	No fever, fatigue, weakness or sudden weight change
Eyes	Normal visual acuity, no blurred vision or excessive tearing
HEENT	Normal auditory acuity, no nasal discharge or difficulty swallowing
Cardiovascular	No chest pains or palpitations or high blood pressure
Respiratory	No shortness of breath or cough
Gastrointestinal	Patient has history of abdominal pain and rectal bleeding.
Genitourinary	No dysuria or hematuria
Musculoskeletal	No generalized joint pain, stiffness, weakness or muscle pain
Skin	No rashes or jaundice
Neurological	No headache, dizziness or memory loss
Psychiatric	No mood change, depression or nervousness
Endocrine	No thyroid enlargement, sweating or excessive thirst
Hematolymphatic	No bruising, swollen glands or anemia
Immunological	Patient has history of reactions to drugs.

GB IA Recv 2022062207202 Received 06/22/2022
000055

Vital Signs

Height (in)	72.0
Weight (lbs)	230.0
BMI	31.190200617284

Exam

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Imaging

Lumbar X-RAY Lumbar Spine, 4+ Views

x-rays of the lumbar spine were reviewed by myself show normal lordotic alignment. No acute osseous abnormalities identified.

Diagnosis

M54.5	Low back pain
M54.16	Radiculopathy, lumbar region

Plan

Lumbar patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.

Samuel Davis,MD
Electronically signed on 6/13/2022 10:05 AM

GB IA Recv 2022062207202 Received 06/22/2022
000056

Palmetto Imaging
Downtown | ImageCare | Irmo | West Columbia
Palmetto-Imaging.com

Palmetto Imaging – Irmo
7182 Woodrow Street, Suite 101
Irmo, SC 29063
p: 803.256.7646 | f: 803.936.9202

PATIENT NAME: Hoover, Ricky
DOB: 05/06/1968
MRN: 08-1816384
PHONE:803-394-3047
PHYSICIAN: Samuel M Davis, MD
EXAM DATE: 06/22/2022

EXAM: MR-Lumbar Spine without contrast

REASON FOR EXAM: M54.16 - Radiculopathy, lumbar region / M54.50 - Low back pain, unspecified

ADDITIONAL HISTORY:

COMPARISON:

TECHNIQUE: Multiplanar, multisequence imaging of the lumbar spine without contrast.

No renal obstruction or aortic caliber abnormality as sources for back pain. Cord terminates normally without contour deforming lesion.

No vertebral body compression or pathologic edema. L2 vertebral body hemangioma.

18 mm T2 hypointense lesion extends exophytically from the superior right kidney. The inferior right kidney has a more typical T2 fluid signal cyst.

L1/L2: Unremarkable

L2/L3: Disc height loss. Shallow midline through far left lateral protrusion effacement of the left ventral corner of the thecal sac and mild left foraminal stenosis.

L3/L4: Desiccated disc. Slight retrolithesis. Concentric spondylotic bulge. Mild facet overgrowth. Disc abuts the left L4 nerve in the left lateral recess. Without definitive deflection. Mild foraminal stenoses on the side.

L4/L5: Midline annular fissure and shallow protrusion. Facet arthrosis. Mild trefoil central stenosis. Mild biforaminal stenoses.

L5/S1: Desiccated disc. Diffuse annular bulge. More pronounced or asymmetric from midline through far right lateral disc. With notable abutment and posterior deflection of the right S1 nerve from the right

PATIENT NAME: Hoover, Ricky
DOB: 05/06/1968
EXAM: MR-Lumbar Spine without contrast
EXAM DATE: 06/22/2022

lateral recess. Right laminotomy. Bilateral facet overgrowth.

IMPRESSION: Asymmetric right of midline bulge lumbar sacral junction with deflection of the enlarged S1 root. Prior right laminotomy decompresses the central canal otherwise.

Additional degenerative disc and facet issues as specified above.

Right renal lesions needing additional characterization. Recommend CT urogram.

*** THIS IS AN ELECTRONICALLY VERIFIED REPORT ***
6/23/2022 12:03 PM: William P Edenfield, MD

William P Edenfield, MD
(803) 936-0223

WPE/wpe
DD: 06/23/2022 11:54 am
DT: 06/23/2022 12:03 pm
Accession #: 08-4494206

Palmetto Bone & Joint, P.A.

Clinton Office: 22971 Highway 76 East, Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-0254 Fax: (803) 321-0259
Chapin Office: 104 Ellett Road, Chapin SC 29036 Phone: (803) 941-8095 Fax: (803) 345-6088

Date of Exam 7/1/2022
Patient Name RICKY HOOVER
DOB 09/06/1968
Provider Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.

Allergies

No known drug allergies

Medications

No Current Meds*

Past History

Medical History	No Medical History Reported.
Surgical History	No Surgical History Reported and CHANNEL GROOVED IN SPINAL CORD FOR SCIATIC NERVE TO REST.
Social History	Patient is right handed. Patient does not use alcohol, caffeine, illicit drugs or tobacco.

Review of Systems

Constitutional	No fever, fatigue, weakness or sudden weight change
Eyes	Normal visual acuity, no blurred vision or excessive tearing
HEENT	Normal auditory acuity, no nasal discharge or difficulty swallowing
Cardiovascular	No chest pains or palpitations or high blood pressure
Respiratory	No shortness of breath or cough
Gastrointestinal	Patient has history of abdominal pain and rectal bleeding.
Genitourinary	No dysuria or hematuria
Musculoskeletal	No generalized joint pain, stiffness, weakness or muscle pain
Skin	No rashes or jaundice
Neurological	No headache, dizziness or memory loss
Psychiatric	No mood change, depression or nervousness
Endocrine	No thyroid enlargement, sweating or excessive thirst

Hematolymphatic	No bruising, swollen glands or anemia
Immunological	Patient has history of reactions to drugs.

Vital Signs

Height (in)	72.0
Weight (lbs)	230.0
BMI	31.190200617284

Exam

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Imaging

Lumbar MRI LUMBAR SPINE W/0 CONTRAST

MRI lumbar spine reviewed showing stenosis L4-5

Diagnosis

M54.16	Radiculopathy, lumbar region
M48.061	Spinal stenosis, lumbar region without neurogenic claudication

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.

MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5. Follow-up with me 2 weeks after the shot.



Samuel Davis,MD
Electronically signed on 7/8/2022 10:10 AM

Chapin Orthopedic Surgery Center, LLC.

106 Ellett Road
Chapin, SC 29036

PHONE-803-941-8096
FAX-803-345-6087

Date Of Exam 7/12/2022
Patient Name RICKY HOOVER
Address 6194 DOGWALLA RD WHITMIRE, SC 291789157
Date of Birth 09/06/1968
Patient Age 53

Post Operative Diagnosis M54.5 Low back pain
Post Operative Diagnosis M54.16Radiculopathy, lumbar region
Post Operative Diagnosis M54.31Sciatica, right side

Statement of Procedure

Procedure Performed: Lumbar transforaminal epidural steroid injection at L5-S1, right.

Indications: The patient presents with low back pain secondary to the listed diagnoses.

Surgeon: Giridhar Gundu, M.D., Physical Medicine and Rehabilitation

Preoperative/Postoperative Diagnosis: Lumbosacral radiculopathy.

Procedure Summary: This procedure was performed at Palmetto Bone & Joint. History and physical was reviewed and updated. Informed consent was obtained. Risks of procedures were explained to the patient and the patient voiced understanding. Consent was signed by the patient. Please view copy in the patient's medical record. Prior to the procedure, a time-out was performed as follows: Prior to the procedure, the procedure team members verbally confirmed correct patient identity (2 identifiers), correct operation/procedure to be performed, correct operation/procedure site/side, correct consent form, correct position, correct imaging labeled and displayed, and allergies confirmed.

The patient was then brought to the operating room and placed in a prone position. ChloraPrep was used to clean the lumbosacral area. C-arm fluoroscopy was brought in to identify the L5 transverse process on the right side; S1 foramen on the right side using AP and oblique fluoroscopic viewing. Lidocaine 1% plain, approximately 2 cc at each site, was used to anesthetize the skin and underlying subcutaneous tissue. A 22-gauge 5-inch spinal needle was advanced to the 6 o'clock position below the pedicle of L5 and the foramen of S1. The needle was then walked off and placed into the dorsal rostral aspect of the foramen. Negative aspiration was carried out. One cc of contrast was instilled at each level, showing excellent nerve root sheath and epidural spread. The patient received a total of 4 cc of 0.25% bupivacaine mixed with 80 mg of methylprednisolone injected with 2 cc at each level. The patient tolerated the procedure well with no complication. The patient was sent home in stable condition with a driver.

GB IA Recv 2022071906290 Received 07/19/2022
000061



Giridhar Gundu,MD
Electronically signed on 7/12/2022 1:18 PM

GB IA Recv 2022071906290 Received 07/19/2022
000062

Palmetto Bone & Joint, P.A.

Clinton Office: 22971 Highway 76 East, Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-6254 Fax: (803) 321-6259
Chapin Office: 104 Ellett Road, Chapin SC 29036 Phone: (803) 941-8095 Fax: (803) 345-6088

Date of Exam	8/2/2022
Provider	Giridhar Gundu
Provider NPI	1437380805
Patient Name	RICKY HOOVER
DOB	09/06/1968

History

Chief Complaint

Low back pain, right lower extremity pain

History of Present Illness

Patient returns following a recent lumbar transforaminal epidural steroid injection. Patient mentions that he has had about 60% improvement in his numbness in the right lower extremity. However he did not see any change in his low back pain. He continues to have difficulty performing his regular activities of daily living. Patient also asked that following the injection he has had a headache lasting for 1 week with associated swelling, redness around his face. Denies of any other complaints.

Allergies

No known drug
allergies

Diagnosis

M54.5 Low back pain
M54.16 Radiculopathy, lumbar region

Plan

Lumbar

1. Considering patient had minimal relief of symptomatology following the recent interventions, also had a reaction following it as well, a repeat procedure was not performed today.
2. Patient to follow up with Dr. Sam Davis for further evaluation and management. Patient understands that in agreement.

GB IA Recv 2022081613604 Received 08/16/2022
000063



Giridhar Gundu,MD
Electronically signed on 8/5/2022 9:36 AM

GB IA Recv 2022081613604 Received 08/16/2022 000064

Palmetto Bone & Joint, P.A.

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Newberry Office: 2605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-6254 Fax: (803) 321-6259
Chapin Office: 104 Elliett Road, Chapin SC 29036 Phone: (803) 941-8095 Fax: (803) 345-0088

Date of Exam	8/5/2022
Patient Name	RICKY HOOVER
Date of Birth	09/06/1968
Provider Name	Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.

8/5/2022, patient returns after having had the injection. He notes some improvement in the numbness in the foot still does have pain in the right lower back.

Exam

GB IA Recv 2022081711394 Received 08/17/2022

000065

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Diagnosis

M54.5 Low back pain

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.
MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5.
He notes improvement in the numbness in his right foot still does have pain in the right lower back. I explained that surgery is not likely to remove that pain in the right lower back. Recommended a trial of dry needling. I will have him follow up with me in 4 weeks.

j

Samuel Davis,MD
Electronically signed on 8/5/2022 12:56 PM

GB IA Recv 2022081711394 Received 08/17/2022
000066



Palmetto Bone & Joint, P.A.

Clinton Office: 22971 Highway 76 East, Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 7605 Kinard Street, Suite 105, Newberry SC 29108 Phone: (803) 321-6254 Fax: (803) 321-6258
Chapin Office: 164 Ellen Road, Chapin SC 29036 Phone: (803) 941-8095 Fax: (803) 345-6088

Date of Exam 9/9/2022
Patient Name RICKY HOOVER
DOB 09/06/1968
Provider Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain

History of Present Illness (Lumbar)

Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.

The patient rates the pain as 7 out of 10.

The patient has not had previous lumbar surgery.

The patient has not had epidural injections.

7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.

8/5/2022, patient returns after having had the injection. He notes some improvement in the numbness in the foot still does have pain in the right lower back.

9/9/2022: Patient returns after having dry needling. He states that this offered no significant improvement.

Allergies

No known drug allergies

Medications

No Current Meds*

Past History

Medical History	No Medical History Reported.
Surgical History	No Surgical History Reported and CHANNEL GROOVED IN SPINAL CORD FOR SCIATIC NERVE TO REST.
Social History	Patient is right handed. Patient does not use alcohol, caffeine, illicit drugs or tobacco.

Review of Systems

Constitutional	No fever, fatigue, weakness or sudden weight change
Eyes	Normal visual acuity, no blurred vision or excessive tearing
HEENT	Normal auditory acuity, no nasal discharge or difficulty swallowing
Cardiovascular	No chest pains or palpitations or high blood pressure
Respiratory	No shortness of breath or cough
Gastrointestinal	Patient has history of abdominal pain and rectal bleeding.
Genitourinary	No dysuria or hematuria
Musculoskeletal	No generalized joint pain, stiffness, weakness or muscle pain
Skin	No rashes or jaundice

Neurological	No headache, dizziness or memory loss
Psychiatric	No mood change, depression or nervousness
Endocrine	No thyroid enlargement, sweating or excessive thirst
Hematolymphatic	No bruising, swollen glands or anemia
Immunological	Patient has history of reactions to drugs.

Vital Signs

Height (in)	72.0
Weight (lbs)	230.0
BMI	31.190200617284

Exam

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Diagnosis

M54.5	Low back pain
M54.16	Radiculopathy, lumbar region

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.

MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5.

He notes improvement in the numbness in his right foot still does have pain in the right lower back. I explained that surgery is not likely to remove that pain in the right lower back. Recommended a trial of dry needling.

Patvement in his pain.is offered no significant improvement in his pain. I do think he may benefit from a second opinion by a neurosurgeon. I have sent him a prescription for gabapentin. Follow-up 6 weeks or sooner.

42

Samuel Davis,MD
Electronically signed on 9/12/2022 12:49 PM

Palmetto Bone & Joint, P.A.

Clinton Office: 22971 Highway 76 East Clinton SC 29325 Phone: (864) 833-3046 Fax: (864) 833-1711
Newberry Office: 2605 Kinard Street, Suite 103, Newberry SC 29108 Phone: (803) 321-0254 Fax: (803) 321-0259
Chapin Office: 104 Ellett Road Chapin SC 29036 Phone: (803) 941-8005 Fax: (803) 345-6068

Date of Exam	1/3/2023
Patient Name	RICKY HOOVER
Date of Birth	09/06/1968
Provider Name	Samuel Davis,MD

History

Chief Complaint low back and radiating right leg pain
History of Present Illness (Lumbar)
Patient comes in for evaluation of pain radiating from the lower back and down the right lower extremity. This has been present for about 2 weeks. Patient states that this was caused by doing heavy items at work. The patient has not had physical therapy/ Chiropractic care. The patient continues to perform HEP. The patient has been taking NSAIDs. These offer little help. The pain is worse with walking. The patient is having difficulty walking. Patient has difficulty performing activities of daily living. Quality of life is progressively declining.
The patient rates the pain as 7 out of 10.
The patient has not had previous lumbar surgery.
The patient has not had epidural injections.
7/1/2022: Patient returns for reevaluation and to discuss results of MRI lumbar spine. He informs me that he has been fired from his job.
8/5/2022, patient returns after having had the injection. He notes some improvement in the numbness in the foot still does have pain in the right lower back.
9/9/2022: Patient returns after having dry needling. He states that this offered no significant improvement.
1/3/2023: Patient returns with worsening radiating right leg pain. He inquires about getting something to help with the pain.

Exam

Lumbar

Alert and oriented x 3
No wounds or lesions of the skin
Pedal pulses are present and normal
Tenderness to palpation over L5
Positive right straight leg raise

ROS
Ten systems were reviewed and are negative except per the HPI

STRENGTH
Right Quad 5, tibialis anterior 5 (out of 5)
Left quad 5, tibialis anterior 5 (out of 5)

SENSORY
Sensation right L4 nl, L5 nl, S1 nl
Sensation left L4 nl, L5 nl, S1 nl

Lumbar ROM limited due to pain
Gait is antalgic

Diagnosis

M54.5	Low back pain
M54.16	Radiculopathy, lumbar region

Plan

Lumbar

patient has been having low back and radiating right leg pain for about 2 weeks after having an incident at work. X-rays show no acute osseous abnormalities but I am concerned about the pain he is experiencing. Recommended MRI lumbar spine.
MRI lumbar spine was reviewed and shows spinal stenosis L4-5. This could account for the pain he is experiencing in his back and his legs. I do not think that he requires surgery at this point. Recommended proceeding with an epidural injection at L4-5.
He notes improvement in the numbness in his right foot still does have pain in the right lower back. I explained that surgery is not likely to remove that pain in the right lower back. Recommended a trial of dry needling.
Patient continues to have pain in that right leg. He has not yet had his second opinion. I sent him a prescription for gabapentin. I explained that I am unable to provide any narcotics. Referral for pain management was also sent.

j

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
January 4, 2023 at 7:33:20 AM CST	Fax Services	69	3	Received

Samuel Davis,MD
Electronically signed on 1/4/2023 8:22 AM

Palmetto Bone & Joint, P.A.

Physician Return to Work Form

Date of Exam 1/3/2023
Provider Samuel Davis
Patient Name RICKY HOOVER

Patient may return to work 1/3/23 no restrictions.

Samuel Davis,MD
Electronically signed on 1/4/2023 8:30 AM

Initial Evaluation

Date of Visit:	08-29-22	**Therapist:**	Kiersten Armstrong PT
Patient Name:	Hoover, Walter	**Referring MD:**	Samuel Davis MD
Patient #:	2253999	**Time In:**	
Date of Birth:	09-06-1968	**Time Out:**	
Age:	53	**Certification Period:**	08-29-22 / 09-04-22

Total Time based minutes: Total Treatment time: 40

Date of Onset: 05-25-22

Diagnosis:

M54.50 Low back pain, unspecified

SUBJECTIVE:

Walter Hoover is a 53 year old male who presents to therapy today for evaluation of Physical Therapy. The patient was referred by Samuel Davis, MD . Injured Worker reports an injury to supervisor while working at tractor supply moving dog pens.

Medical treatment to this point includes medication, epidurals

Presenting Problems:

PAIN TYPE: 10/10 with radicular pain down the R LE
PAIN FREQUENCY: constant
LOCATION OF PAIN: Low back pain (R side) and R LE
AGGRAVATING FACTORS: all movement
EASING FACTORS: none

Functional Status	Prior	Current
Work activities	No limitations	Unable to perform

Contraindications:

1. None

OBJECTIVE:

Observations:

If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

Summary of Functional Tolerances

Employer: Tractor Supply

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

Job Title: Team Lead
Current Job Status: Off Work
Supervisor: Steven Norton
Job Demands Information provided by: Patient
Work Day: Shift Length 8 Hours
Length of Time at Job: Years: 0 Months: 8
Last Date Worked: 06-06-22 **OCCASIONAL=1-33%, FREQUENT=34-66%, CONSTANT=67-100% (The tasks tested are estimates of work capacity)**

Active Work Tasks	Initial	Last	Current	Job Demand/LTG	Comments
	08-29-22		**08-29-22**		
Sitting	Seldom				at lunch
Standing	Constant				
Walking	Constant				
Work from Ladder	Frequent				
Climb Ladder	Constant				
Climb Stairs	Never				
Twisting	Constant				
Bending/Stooping	Constant				
Squatting	Constant				
Kneeling	Constant				
Crawling	Occasional				
Work Postures					
Reaching	Constant				
Reach above shoulder	Constant				
Keyboard	Occasional				
Grasp	Constant				
Fine Manipulation	Frequent				
Material Handling Tasks					
Lifting Floor to Waist (lbs)	50				

	Additional Work Related Goals	Goal Status	Time Frame
X	Client will demonstrate safe biomechanics of lifting techniques on a constant basis		6 Weeks

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

ACTIVITY LOG:

Service Based	Comment	Status	Time	Done Today
Dry Needling (3 or more muscles)	see comment	Active	5	Yes
E-Stim (unattended)	c DN	Active	10	Yes
PT Evaluation Low Complexity	Eval	Active	25	Yes

Activity Comments:
Pt signed consent for DN, DN performed with 30 x 60 mm needles inserted to L4-L5, 30 x 100 mm needles inserted into the R glute med. All needles were left in situ and connected to e stim x 10 minutes.

ASSESSMENT:
DIAGNOSIS: (Match Primary Physician Diagnosis) Lumbar radiculopathy (RLE)
MUSCULOSKELETAL LIMITATIONS: Limited AROM of the lumbar spine with (+) n/t in the R LE.
WORK RELATED LIMITATIONS: Pt unable to work at this time, was also terminated.
CURRENT PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) IF working Heavy
GOAL PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) Very Heavy
CO-MORBIDITIES, POSSIBLE BARRIERS TO PROGRESS, AND/OR INCONSISTENCIES: At this time this pain is chronic, pt with allergic reaction to medication and epidurals. Pt has had no other treatment at this time to control the pain.

Skilled intervention is required for this Injured Worker to address their work related functional limitations.

The patient's rehab potential is good.

Goals	Short-Long	Time Frame	Result	Comment
Percent of Goals Met	Long Term	One Visit	Initial	0%

Assessment of Complexity:
Medical and Therapy History: 1-2 personal factors and/or comorbidities that impact the plan of care.
Patient Examination: Examination of body systems was completed using standardized tests and measures addressing 1-2 elements from any of the following: body structures and functions, activity limitations, and/or participation restrictions.
Clinical Presentation: With stable and/or uncomplicated characteristics.
Clinical Decision Making: Low complexity using standardized patient assessment instrument and/or measurable assessment of functional outcome.

Based on the documented information above, the patient complexity is determined to be low.

PLAN:
The patient's treatment will include PT Eval Moderate Complexity, Dry Needling 3 or more muscles, E-Stim Unattended, PT Eval Moderate Complexity , Unlisted Modality and PT Eval Low Complexity .
As the client progresses, we will be comparing their functional abilities to their required physical demand level (PDL). If there are significant functional deficits that persist, only then will we assess appropriateness for work conditioning.

We will develop a home exercise program. The patient will be seen 1 time per week for 1 week, for a total of 1 visit. Patient/caregiver of patient has consented to treatment and understands the diagnosis, prognosis and treatment goals associated with this plan of care.
Thank you for your referral. We will keep you updated on this patient's progress.
Best regards,

Kiersten Armstrong PT DPT

This document was electronically signed on 09-07-22 at 09:31a by Kiersten Armstrong PT.

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

Drayer

Plan of Care

Date of Visit: 08-29-22
Patient Name: Hoover, Walter
Patient #: 2253999
Date of Birth: 09-06-1968
Age: 53

Therapist: Kiersten Armstrong, PT
Referring MD: Samuel Davis, MD
Certification Period: 08-29-22 - 09-04-22
Case: PT001

Date of Onset: 05-25-22

Diagnosis:
M54.50 Low back pain, unspecified

Completed 1 of 2 scheduled visits

ASSESSMENT:
DIAGNOSIS: (Match Primary Physician Diagnosis) Lumbar radiculopathy (RLE)
MUSCULOSKELETAL LIMITATIONS: Limited AROM of the lumbar spine with (+) n/t in the R LE.
WORK RELATED LIMITATIONS: Pt unable to work at this time, was also terminated.
CURRENT PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) IF working Heavy
GOAL PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) Very Heavy
CO-MORBIDITIES, POSSIBLE BARRIERS TO PROGRESS, AND/OR INCONSISTENCIES: At this time this pain is chronic, pt with allergic reaction to medication and epidurals. Pt has had no other treatment at this time to control the pain.

Skilled intervention is required for this Injured Worker to address their work related functional limitations.

PLAN/RECOMMENDATIONS:
The patient's treatment will include PT Eval Moderate Complexity, Dry Needling 3 or more muscles, E-Stim Unattended, PT Eval Moderate Complexity , Unlisted Modality and PT Eval Low Complexity .
As the client progresses, we will be comparing their functional abilities to their required physical demand level (PDL). If there are significant functional deficits that persist, only then will we assess appropriateness for work conditioning.

We will develop a home exercise program. The patient will be seen 1 time per week for 1 week, for a total of 1 visit.
Patient/caregiver of patient has consented to treatment and understands the diagnosis, prognosis and treatment goals associated with this plan of care.
OBJECTIVE:
Observations:
If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

Summary of Functional Tolerances

PHYSICAL THERAPY PLAN OF CARE CONTINUED

Date of Visit: 08-29-22
Patient Name: Hoover, Walter
Patient Number: 2253999
Date of Birth: 09-06-1968

Referral Source: Samuel Davis, MD
Date of Onset: 05-25-22
Certification Period: 08-29-22 - 09-04-22
Case: PT001

Employer: Tractor Supply
Job Title: Team Lead
Current Job Status: Off Work
Supervisor: Steven Norton
Job Demands Information provided by: Patient
Work Day: Shift Length 8 Hours
Length of Time at Job: Years: 0 Months: 8
Last Date Worked: 06-06-22 **OCCASIONAL=1-33%, FREQUENT=34-66%, CONSTANT=67-100% (The tasks tested are estimates of work capacity)**

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Walking	Constant				
Work from Ladder	Frequent				
Climb Ladder	Constant				
Climb Stairs	Never				
Twisting	Constant				
Bending/Stooping	Constant				
Squatting	Constant				
Kneeling	Constant				
Crawling	Occasional				
Work Postures					
Reaching	Constant				
Reach above shoulder	Constant				
Keyboard	Occasional				
Grasp	Constant				
Fine Manipulation	Frequent				
Material Handling Tasks					
Lifting Floor to Waist (lbs)	50				

	Additional Work Related Goals	Goal Status	Time Frame

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2175 Fax: (803) 760-7482

PHYSICAL THERAPY PLAN OF CARE CONTINUED

Date of Visit: 08-29-22
Patient Name: Hoover, Walter
Patient Number: 2253999
Date of Birth: 09-06-1968

Referral Source: Samuel Davis, MD
Date of Onset: 05-25-22
Certification Period: 08-29-22 - 09-04-22
Case: PT001

X	Client will demonstrate safe biomechanics of lifting techniques on a constant basis		6 Weeks

Thank you for your referral. We will keep you updated on this patient's progress.

TO BE COMPLETED BY PHYSICIAN:

I hereby certify that rehabilitation services are medically necessary for the above mentioned. I also understand that my signature signifies agreement with the plan.

Samuel Davis, MD Signature

9/07/2022
Date

Please sign the above Progress Note and return to:
Drayer PT - Chapin, SC
130 Amicks Ferry Rd Ste G
Chapin, SC 29036-9400

Phone: (803) 932-2176
Fax: (803) 760-7482

Best regards,

Kiersten Armstrong PT DPT

This document was electronically signed on 09-07-22 at 09:31a by Kiersten Armstrong PT.

Drayer

End of Care

Last Visit: 08-29-22
Patient Name: Hoover, Walter
Patient #: 2253999
Date of Birth: 09-06-1968
Age: 54

Therapist: Kiersten Armstrong PT
Referring MD: Samuel Davis MD
Time In:
Time Out:

Total Time based minutes: Total Treatment time: 0

Date of Onset: 05-25-22

Diagnosis:
M54.50 Low back pain, unspecified

SUBJECTIVE:
Walter Hoover has attended a total of 1 treatment sessions following evaluation of Physical Therapy.
Presenting Problems:
PAIN TYPE: 10/10 with radicular pain down the R LE
PAIN FREQUENCY: constant
LOCATION OF PAIN: Low back pain (R side) and R LE
AGGRAVATING FACTORS: all movement
EASING FACTORS: none

Functional Status	Prior	Current
Work activities	No limitations	Unable to perform

Contraindications:
1. None

OBJECTIVE:
Observations:
If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

ASSESSMENT:
The patient's discharge prognosis is poor. Pt was only authorized one visit, DC at this time.

DIAGNOSIS: (Match Primary Physician Diagnosis) Lumbar radiculopathy (RLE)
MUSCULOSKELETAL LIMITATIONS: Limited AROM of the lumbar spine with (+) n/t in the R LE.
WORK RELATED LIMITATIONS: Pt unable to work at this time, was also terminated.
CURRENT PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) IF working Heavy
GOAL PHYSICAL DEMAND LEVEL: (Unable to Determine, Sedentary, Light, Medium, Heavy, Very Heavy) Very Heavy
CO-MORBIDITIES, POSSIBLE BARRIERS TO PROGRESS, AND/OR INCONSISTENCIES: At this time this pain is

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

chronic, pt with allergic reaction to medication and epidurals. Pt has had no other treatment at this time to control the pain.

Skilled intervention is required for this Injured Worker to address their work related functional limitations.

Goals	Short-Long	Time Frame	Result	Comment	Last Assessed
Percent of Goals Met	Long Term	One Visit	Discontinued	0%	

PLAN:
Reason for concluding the current episode of care:
1. Insurance authorization issues

Thank you for your referral.

Best regards,

Kiersten Armstrong PT DPT

This document was electronically signed on 10-03-22 at 08:47a by Kiersten Armstrong PT.

130 Amicks Ferry Rd Ste G Chapin, SC 29036-9400
Phone: (803) 932-2176 Fax: (803) 760-7482

SOUTH CAROLINA INTERNAL MEDICINE, LLC
EST. 1986

SC Internal Medicine Associates and Rehabilitation, LLC
7182 WOODROW ST STE 200
IRMO SC 29063-2958

Hoover, Walter Rick Jr. MRN: 975788493, DOB: 9/6/1968, Sex: M Visit date: 9/1/2022

Hoover, Walter Rick Jr.

MRN: 975788493

Dudley, Amanda C, NP
Nurse Practitioner
Specialty: Nurse Practitioner

Progress Notes
Signed

Encounter Date: 9/1/2022

Patient and his spouse state he was seen by ortho referred to Drayer PT for dry needling. States a cortisone injection was not successful and they were advised to see a neurosurgeon as he has previously has spinal surgery. Will refer to lexington brain and spine.

Patient requires a printed order for this referral for his lawyer. Order placed in designated area for pickup.

Mr. Hoover is agreeable to this at this time.

Electronically signed by Dudley, Amanda C, NP at 9/1/2022 9:47 AM

Orders Only on 9/1/2022

Orders Placed

Ambulatory Referral to Neurosurgery -Columbia/Sumter Closed

Medication Changes

As of 9/1/2022 9:47 AM

None

Visit Diagnoses

Primary: **Acute bilateral low back pain with right-sided sciatica** M54.41

ImageCare Associates, LLC
210 Rahon Road, Suite 100
Columbia, SC 29203

Soft Tissue Study Report

WALTER HOOVER
June 27, 2022

MRN:	5421HOOV			**Study Time:**	12:44 PM
DOB:	1968-09-06	**Age:**	53	**Reading Group:**	ImageCare Associates LLC
Gender:	M			**Referring Group:**	Amanda Dudley, NP
				Sonographer:	Carissa Muenzer
				Location:	South Carolina Internal Medicine
				Equipment:	Z6

Study Quality: Good
Diagnosis Code: Groin pain
Indications: Right groin pain x one month

Findings:

Real time ultrasound transverse and longitudinal images of the soft tissue were performed.
In patient's area of concern in the right inguinal region, there is a hypoechoic area with hyperechoic center seen, measuring 2.1 x .4 x 1.7 cm. Possible lymph node.
There is a second hypoechoic area seen, measuring 1.2 x .6 x 1.4 cm. Possible lymph node.
There is a third hypoechoic area seen, measuring .5 x .4 x .5 cm.
A fourth hypoechoic area is seen, measuring 1.5 x .4 x .6 cm.

Conclusions:
Multiple benign appearing lymph nodes are present in the right inguinal region with no other sonographic abnormality.

June 28, 2022 09:12 AM EDT
Laura G Ulrich, MD
Electronically Signed on Studycast

Hoover, Walter R

MRN: 008810055

Office Visit 1/6/2023
MUSC Health Columbia
Northeast Neurosurgery

Provider: Brett Christopher Gunter, MD (Neurosurgery)
Primary diagnosis: Sacroiliac joint dysfunction of right side
Reason for Visit: Back Pain

Progress Notes

Brett Christopher Gunter, MD (Physician) • Neurosurgery

MUSC HEALTH NEUROSURGERY COLUMBIA NE
INDEPENDENT MEDICAL EVALUATION

DOB : 9/6/1968

01/06/23

EMPLOYER: Tractor Supply Company

DATE OF INJURY: 05/25/2022

PREVIOUS SURGERY: No

Chief Complaint
Patient presents with
- Back Pain
  IME- Discuss mri and xrays lumbar

Review of patient's allergies indicates:

Allergen	Reactions
• Acetaminophen *Whelps/hives*	Hives and Swelling

HISTORY OF PRESENT ILLNESS:

54-year-old right-handed male was working for tractor supply in Newberry South Carolina. He was on the job and was task with moving some dog kennel's which each bundle weighed about 184 pounds they are about 6 feet wide and about 10 feet long. Kennels themselves were awkward and heavy. He and a coworker were moving some kinnels as the coworker was pushing the kennel over so that it would fall to the floor and he would catch the kennel and lift the kennel. He immediately had the onset of severe back pain.

So far in his treatment he has had 2 lumbar epidural steroid injections and dry needling but without formal physical therapy. The epidurals did seem to improve the numbness on the lateral aspect of his right foot but beyond that he has received no improvement. He has had no formal physical therapy. He has not returned to work and is apparently terminated from that job.

He has a significant past history of back surgery. He said it was done at Southeastern spine Institute around 2019. After surgery he resumed his normal daily activities which include

hiking and playing softball. He had some mild intermittent back soreness that would come and go with increased activities but beyond that he did not have any back pain or leg pain.

CURRENT SYNDROME:
He has pain in his right lower back it radiates around his right hip and seems to skip a portion of his thigh and go below his knee and in fact involve the area of his lower leg on the lateral aspect below the knee and also down to the ankle on that side. The pain is only on the right-hand side. He points to an area that is significantly on the right SI joint.

Past medical , social history, family history, review of systems. Pertinent findings are otherwise per history pf present illness.

Review of Systems
Musculoskeletal: Positive for back pain.

NEUROLOGICAL EXAM:

Vitals:

	01/06/23 1139
Weight:	**(!) 109.3 kg (241 lb)**
Height:	182.9 cm (6')

GENERAL: appropriate for age
HEAD: normocephalic
EYES: pupils equal and reactive, extraocular movements intact
EARS: external anatomy unremarkable
THROAT: oropharynx clear to visual inspection
NECK: free of masses or lesions. No palpable step offs. No tenderness to palpation. mildly restricted range of motion.
LUNGS: clear to auscultation bilaterally
HEART: regular rate and rhythm
ABDOMEN: soft non- distended, nontender
EXTREMITIES: warm, moist, pulse present
BACK: mildly restricted range of motion, he has significant tenderness over the right SI joint on examination and significantly less tenderness over the left SI joint.

NEUROLOGICAL EXAM:
Mental status: awake alert and oriented to person, place, and time
Speech: fluent and conversant

POWER EXAM:
UPPER EXTREMITES:
SHOULDER ABDUCTION: LEFT 5/5 RIGHT 5/5
ELBOW FLEXOR: LEFT 5/5 RIGHT 5/5
ELBOW EXTENSOR: LEFT 5/5 RIGHT 5/5
HAND GRIP: LEFT 5/5 RIGHT 5/5
LOWER EXTREMITIES:
HIP FLEXORS: LEFT 5/5 RIGHT 5/5
QUADRICEPS: LEFT 5/5 RIGHT 5/5
HAMSTRINGS: LEFT 5/5 RIGHT 5/5

ANTERIOR TIBIALIS: LEFT 5/5 RIGHT 5/5
EXTENSOR HALLUCIS LONGUS: LEFT 5/5 RIGHT 5/5
GASTROSOLEUS: LEFT 5/5 RIGHT 5/5

SENSORY:
UPPER EXTREMITES: sensation intact to light touch
LOWER EXTREMITIES: sensation intact to light touch
CEREBELLAR: gait and finger to nose testing intact
REFLEXES: upper and lower extremity reflexes symmetric and intact
ADDITIONAL EXAM:
Negative clonus, negative Hoffman's

RADIOGRAPHIC STUDIES:

MRI of his lumbar spine is not available. There is an MRI of a patient with his name but has the wrong date of birth and at this time were not able to use that study.

ADDITIONAL STUDIES:

ASSESSMENT:

To a reasonable degree of medical certainty the following is true:

He does not have an injury to his lumbosacral spine, but he does need to provide me with an MRI of the lumbar spine with and without contrast that has his name and date of birth properly displayed on the image study. After review of this study it may by necessity require a change in this statement.

He has right sacroiliac joint dysfunction which is causally related to the injury he suffered on the job.

PLAN:

1. MRI of the lumbar spine with and without contrast "evaluate for right-sided nerve root entrapment"

2. Consult pain management for SI joint injection. Up to 3 injections may be required for improvement in this clinical syndrome. I would recommend at least 1 injection every 2-3 weeks. The patient should maintain a diary after each injection to record which joint was injected and what if any relief was obtained. I recommend injection in both joints.

3. Physical therapy with an emphasis on maneuvers to reduce pain caused by disorders of the sacroiliac joint including local measures like heat, ice, ultrasound, massage, TENS unit, and dry needling. Evaluation and recommendation by the physical therapist. Exercises to improve range of motion and truncal stability with the development of a home exercise program. Instruction in proper will back behaviors to reduce the risk of additional injury.

4. Follow-up with me after the above test. Please make sure that at the next visit the patient has a written report from the test this been ordered and also brings all CDs of previous radiographic studies.

5. **Sedentary Work:** Lifting or exerting up to 10 pounds of force up to 3 hours to lift, pull, carry, push, or otherwise move or if work involves sitting moat of the time, but may involve standing

or walking for a brief period. According to the U.S. Department of Labor Guidelines. Temporary restriction

6. Percocet 5/325 1-2 by mouth every 4 hours as needed Disp [40] forty No refills prn

Brett C. Gunter, MD FACS
MUSC Columbia Northeast Neurological Surgery

Instructions

MUSC AMBULATORY AVS (Automatic SnapShot taken 1/6/2023)

Additional Documentation

Vitals: Ht 182.9 cm (6') Wt 109.3 kg (241 lb) ! (Abnormal) BMI 32.69 kg/m² BSA 2.36 m²

Flowsheets: Anthropometrics

Communications

Media

From this encounter

Scan on 1/9/2023 10:44 AM: 010923 NE 114 Neur

Orders Placed

MRI Lumbar Spine W Wo Contrast
Amb referral to Pain Clinic Closed
Amb referral to Physical Therapy Closed

Medication Changes

As of 1/6/2023 12:46 PM

	Refills	Start Date	End Date
Added: oxyCODONE-acetaminophen (Percocet) 5-325 mg per tablet	0	1/6/2023	2/5/2023
Take 1 tablet by mouth every 4 hours as needed. - Oral			

Medication List at End of Visit

As of 1/6/2023 12:46 PM

	Refills	Start Date	End Date

	Refills	Start Date	End Date
cyclobenzaprine (Flexeril) 10 mg tablet Take 1 tablet by mouth. - Oral Patient-reported medication		7/20/2022	
gabapentin (Neurontin) 300 mg capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Patient-reported medication		9/9/2022	
meloxicam (Mobic) 7.5 mg tablet Take one to two tablets by mouth daily. Patient-reported medication		11/9/2022	
oxyCODONE-acetaminophen (Percocet) 5-325 mg per tablet Take 1 tablet by mouth every 4 hours as needed. - Oral	0	1/6/2023	2/5/2023
predniSONE (Deltasone) 10 mg tablet dose pack Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab); Patient-reported medication		6/1/2022	

Visit Diagnoses

Primary: **Sacroiliac joint dysfunction of right side** M53.3

Hoover, Walter R

MRN: 008810055

Brooke Hawkins Telephone Encounter Signed Encounter Date: 2/28/2023

Patient called office yelling, being rude and calling staff out of their name. Referred to staff as a the b word and a hag because he wanted pain medication.
Patient threatened to come in office and "let us have it".

Electronically signed by Brooke Hawkins at 2/28/2023 9:59 AM

Telephone on 2/28/2023

Orders Placed

None

Medication Renewals and Changes

As of 2/28/2023 9:59 AM

None

Visit Diagnoses

None

Hoover, Walter R

MRN: 008810055

Office Visit 3/6/2023
MUSC Health Columbia
Northeast Neurosurgery

Provider: Brett Christopher Gunter, MD (Neurosurgery)
Primary diagnosis: Sacroiliac joint dysfunction of right side
Reason for Visit: Back Pain • Leg Pain

Progress Notes

Brett Christopher Gunter, MD (Physician) • Neurosurgery

MUSC COLUMBIA NORTHEAST
NEUROSURGERY OFFICE VISIT

DOB : 9/6/1968

NEUROSURGERY FOLLOW-UP NOTE

03/06/23

DATE OF SURGERY:

Chief Complaint
Patient presents with
- Back Pain
- Leg Pain

INTERIM HISTORY:

This seems to be some disagreement between the patient and his family in my office regarding the interactions. Certainly, it does not appear possible that we are able to continue to take care of this patient as it just appears to be too much "discord" with regard to the relationship between the practice and the patient. The patient left abruptly after hearing this news and so I really did not get much opportunity to expand on that concept. I did discuss briefly with the young lady that was here with him today and they asked me if I would refer them to the Southeastern spine clinic.

Current Outpatient Medications:
- **cyclobenzaprine (Flexeril) 10 mg tablet, Take 1 tablet by mouth., Disp: , Rfl:**
- **gabapentin (Neurontin) 300 mg capsule, TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS, Disp: , Rfl:**
- **HYDROcodone-acetaminophen (Lorcet) 5-325 mg tablet, Take 1 tablet by mouth every 6 hours as needed for severe pain., Disp: 30 tablet, Rfl: 0**
- **meloxicam (Mobic) 7.5 mg tablet, Take one to two tablets by mouth daily., Disp: , Rfl:**
- **predniSONE (Deltasone) 10 mg tablet dose pack, Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);, Disp: , Rfl:**

No past medical history on file.

Social History

HOOVER, WALTER **DOB:** 09/06/1968 (54 yo M) **Acc No.** 103009 **DOS:** 04/25/2023

Pain Specialists
Edward Tavel, MD - Matthew Drakeley, MD
Neurology Specialists
David Stickler, MD - Patricia Myers, MD
Psychiatry Specialists
Erin Burkill, PhD - Michael Sugarman, PhD ABPP

HOOVER, WALTER

54 Y old Male, DOB: 09/06/1968
Account Number: 103009
6194 DOGWALLA RD, WHITMIRE, SC-29178-9157
Home: 803-394-3047
Guarantor: HOOVER, WALTER
Insurance: GALLAGHER BASSETT
Referring: LISA WORKERS COMP
Appointment Facility: PAIN SPECIALISTS OF COLUMBIA

04/25/2023 **PROGRESS NOTES: SYDNEY BURRELL, PA-C**

Reason for Appointment
1. Low Back Pain

History of Present Illness
Worker's Comp:
DOI 5/25/2022. Work Status Employed. Body Parts Covered Low back. Claim Status Open. NCM Randi Walle (to attend).
Pain Management:
Patient is here today for the evaluation and treatment of low back pain. Patient complains of BILAT low back pain that is more severe on the RIGHT that radiates and is accompanied by numbness/tingling with shooting pain. Patient says the outer side of his right foot is numb. Pain is 10/10 on pain scale today.
Patient was at work at Tractor Supply CO and was moving some heavy dog beds and the way it was brought down and as it was falling he went to grab it and it hurt his back. Patient states that it has been almost a year and that medication helps but he wants to help fix this he doesn't want to mask the pain. He is interested in getting surgery. Patient states that he used to be on percocet and states that he would take one in the morning and one at night and found that it was very helpful.
The pain radiates down the back of the right leg. The severity of the pain is 10/10 average, 10/10 max. The pain began 5/25/22. The pain occurred after a work accident. The pain is described as sharp shooting pain with some numbness and tingling. The timing of the pain is continuous. The pain is associated with poor sleep, change in appetite, weight gain, balance issues. The pain is improved by TENS, medication. The pain is aggravated by bending, activity, movement. Imaging studies that have been performed include MRI with and without constrast. Non pharmacologic approaches that have been utilized include TENS, physical therapy, dry needling. Medications that have been utilized include narcotics , non-steroidal anti-inflammatories . Treatments have included epidural steroid injections(allergic), , TENS unit, anti-inflammatory meds, physical therapy.

Current Medications
Taking
- oxyCODONE-Acetaminophen 5-325 MG Tablet TAKE ONE TABLET BY MOUTH EVERY 4 HOURS AS NEEDED Oral
- Meloxicam 7.5 MG Tablet TAKE ONE TO TWO TABLETS BY MOUTH ONE TIME DAILY Oral
- Gabapentin 300 MG Capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Oral

Medication List reviewed and reconciled with the patient

Past Medical History
Medical History Verified.

Surgical History
spine/back surgery 2019

Family History
Father: alive

Mother: alive

Allergies
Prednisone
steroids

Hospitalization/Major Diagnostic Procedure
see above

Review of Systems
Cardiology:
Patient denies chest pain (angina), shortness of breath, dizziness, swelling in ankles, irregular heartbeats (palpitations).
Constitutional:
Patient denies fever, loss of appetite, weakness/fatigue, weight loss, , rash. Patient complaining of insomnia, weight gain.
Gastroenterology:
Patient denies nausea/vomiting, diarrhea, constipation, difficulty swallowing, heartburn.
Musculoskeletal:
Patient denies joint swelling, joint stiffness, leg cramps, muscle cramps, neck pain.
Neurology:
Patient denies dizziness, poor balance, blurred vision, arm weakness, leg weakness. Patient complaining of tingling, numbness.
Respiratory:
Patient denies wheezing, cough, use of inhalers, painful breathing.

Vital Signs
Pain Scale **10**, Ht **5'10"**, Wt **200 lbs**, BMI **28.69**, BP **141/93 mm Hg**, HR **74**, RR **18**.

Physical Examination
LAB-UDS:
LAB-UDS UDS w/ Adulterant BURRELL,SYDNEY K 4/30/2023 8:28:07 PM > .

Assessments
1. Sacroiliitis, not elsewhere classified - M46.1 (Primary)
2. Other long term (current) drug therapy - Z79.899

Mr. Hoover is a 54 year old male presenting for evaluation and management of low back pain secondary to acute work injury occurring 05/25/2022. Patient states that he was working for Tractor Supply Company and was moving dog kennels weighing >180 lbs. with a coworker. His injury occurred when a cowoker was handing him a kennel but dropped it; when Mr. Hoover attempted to catch the kennel, he was knocked to the ground. He reports that he immediately felt low back pain with radiation into his right lower extremity.
He was initially evaluated by Dr. Samuel Davis of Palmetto Bone & Joint. He underwent TF LESI at L5-S1 with Dr. Giridhar Gundu; unfortunately patient reported adverse reaction to the steroid injection which included headache/head swelling and facial flushing.
He was then referred to Dr. Gunter for IME who opined that Mr. Hoover was suffering from right sacroiliac dysfunction and recommended SI joint injections. He recommended patient work at sedentary duty. Patient notes today that he has been dismissed as a patient from Dr. Gunter's office since the time of IME.
Note that patient does have history of back surgery in 2019 but reports that he had complete resolution of his back pain up until his accident.
Today he continues to endorse low back pain with radiation into the right lower extremity, stopping at the calf. He reports associated numbness on the bottom and outer portion of his right foot. He denies symptoms in his left leg.
For this injury he has tried narcotics, gabapentin, muscle relaxers, and NSAIDs with minimal relief. He is currently enrolled in physical therapy from which he reports severe pain.
We discussed treatment plan as outined in IME with Dr. Tavel completed Feb. 14, 2023. Patient indicates that he has had adverse reactions to steroid injections and does not want to proceed with any further steroid injections at this time.

HOOVER, WALTER **DOB:** 09/06/1968 (54 yo M) **Acc No.** 103009 **DOS:** 04/25/2023

We discussed local anesthetic injection and he is not interested in this either. He states that he is only interested in moving forward with surgical intervention (SI fusion).
He can RTC PRN.
Patient seen today by Dr. Tavel and Sydney Burrell, PA-C.

Treatment

1. Sacroiliitis, not elsewhere classified
Notes: After talking with patient, patient will return in office on an as needed basis. Total time spent with patient in excess of 30 minutes with 50% of that time spent counseling patient regarding treatment options. Electronic records being sent to referring provider. As always, thank you for this kind referral and I look forward to working with you in the care of this patient.

2. Other long term (current) drug therapy
LAB: Urine Drug Screen
LAB: Full Panel
Notes: UDS performed in the office today and sent to in office lab. Screening performed for confirmation that no illicit drugs are present. Urine sample sent to in house lab for confirmation.

Procedure Codes

G0481 Definitive Drug Confirmation;8-14 drug classes
80307 DRUG TEST PRSMV CHEM ANLYZR

Follow Up

prn

Electronically signed by SYDNEY BURRELL , PA-C on 05/01/2023 at 01:45 PM EDT

Sign off status: Pending

PAIN SPECIALISTS OF COLUMBIA
15 Monckton Blvd.
Columbia, SC 29206-4700
Tel: 843-818-1181
Fax: 843-818-1145

PROGRESS NOTES

Patient: HOOVER, WALTER
Account Number: 103009
DOB: 09/06/1968 **Age:** 54 Y **Sex:** Male
Phone: 803-394-3047
Address: 6194 DOGWALLARD, WHITMIRE, SC-29178-9157

Provider: Edward M Tavel, MD
Date: 05/02/2023

Subjective:

Chief Complaints:
1. Low Back Pain.

HPI:
Worker's Comp:
DOI 5/25/2022. Work Status Employed. Body Parts Covered Low back. Claim Status Open. NCM Randi Walle (to attend).
Pain Management:
Patietn is here today for a #1 RIGHT SI joint injection. He states the pain radiates down into the RIGHT buttock and leg. He denies any numbness/tingling. He rates pain 10/10 today on a pain scale.

ROS:
Constitutional:
Patient denies fever, loss of appetite, insomnia.
Gastroenterology:
Patient denies nausea/vomiting, diarrhea, constipation.
Neurology:
Patient denies arm weakness. Patient complaining of tingling, numbness, poor balance, leg weakness.

Medical History: Medical History Verified.

Surgical History: spine/back surgery 2019.

Hospitalization/Major Diagnostic Procedure: see above .

Family History: Father: alive. Mother: alive.

Medications: Discontinued oxyCODONE-Acetaminophen 5-325 MG Tablet TAKE ONE TABLET BY MOUTH EVERY 4 HOURS AS NEEDED Oral , Discontinued Meloxicam 7.5 MG Tablet TAKE ONE TO TWO TABLETS BY MOUTH ONE TIME DAILY Oral , Discontinued Gabapentin 300 MG Capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Oral , Medication List reviewed and reconciled with the patient

Allergies: Prednisone, steroids.

Objective:

Vitals: Pain Scale **10**, Ht 70 in, Wt **200 lbs**, BMI **28.69**, BP **148/83 mm Hg**, HR **57**, RR **18**.

Examination:
Pre-procedure Assessment:
NPO since last PM
Bloodthinners None.
IV size and location 24 gauge.
Consent signed by patient.
Driver Wife.

Assessment:

Assessment:

1. Sacroiliitis, not elsewhere classified - M46.1 (Primary)

Plan:

1. Sacroiliitis, not elsewhere classified
Start CeleBREX Capsule, 200 MG, 1 capsule with food, Orally, Once a day, 30 day(s), 30 .
Notes: After today's injection, we will schedule a follow up appointment for the patient in 3 weeks to discuss results. Permanent images have been recorded. Patient instructed that sedation will remain in system for 24 hours and cause drowsiness, no driving or operating heavy machinery. Do not drink alcohol. Rest today and resume normal activity tomorrow, use ice for soreness. AN INDEPENDENT, TRAINED, OBSERVER IS PRESENT TO MONITOR THE PATIENT DURING THE MODERATE SEDATION.

Procedures:
*Sacroiliac Joint Injection:
Location RIGHT SI JOINT. Pre-procedure Diagnosis M46.1- Sacroilitis, not elsewhere classified. Plan of Treatment Will do an SI Joint Injection today. Sedation Total of 2mg Versed admin IVP Landis,Andrea 5/2/2023 11:01:00 AM> . Procedure Detail Right SI Joint: The procedure and potential risks were explained to the patient and informed written consent was obtained. The patient was escorted to the procedure room and placed in the prone position. Pillows were utilized for proper positioning and comfort. The patient's lower back was prepped with iodine x3 and draped in a sterile fashion. Subcutaneous 1% lidocaine was instilled into the superficial soft tissue of the patient's lower back for local anesthesia. With fluoroscopic guidance, a 22 gauge, 3 1/2" spinal needle was advanced into the posteroinferior aspect of the right SI joint. After confirmation of the intra-articular position of the needle tip, 2cc 0.25% bupivacaine was injected. The patient tolerated the

the right SI joint. After confirmation of the intra-articular position of the needle tip, 2cc 0.25% bupivacaine was injected. The patient tolerated the procedure well, and was transported to the recovery area for observation and discharge instructions. Permanent images saved and recorded. Post-procedure Observation Transported to recovery area via wheelchair, IV removed-no redness or inflammation, Written discharge instructions reviewed with patient and driver , Patient at baseline mobility, no leg weakness/numbness, Vital signs stable BP:140/80 P: 76, Patient now rates pain on a 10/10 scale, Escorted to private vehicle without incident IV OUT Landis,Andrea 5/2/2023 11:15:35 AM> . Post-procedure Diagnosis Same as pre-procedure diagnosis. Intra-procedure Monitoring Patient easily arousable, oriented, able to follow commands and answer questions throughout entire procedure, Vital signs monitored constantly through procedure, and remained stable at all times. Notes Will see patient back in 2-3 weeks for follow up.

Procedure Codes: 27096 INJECT SACROILIAC JOINT, Modifiers: RT , 99152 MOD CS BY SAME PHYS, 5 YRS +, A4550 STERILE TRAY, J2250 MIDAZOLAM 1 MG (VERSED), Units: 2.00

Follow Up: 3 Weeks (Reason: F/U)

Electronically signed by EDWARD TAVEL , MD on 05/03/2023 at 10:36 AM EDT
Sign off status: Pending

Provider: Edward M. Tavel, MD **Date: 05/02/2023**

Socioeconomic History
- Marital status: Single
  - Spouse name: Not on file
- Number of children: Not on file
- Years of education: Not on file
- Highest education level: Not on file

Occupational History
- Not on file

Tobacco Use
- Smoking status: Former
  - Types: Cigarettes
  - Quit date: 2020
  - Years since quitting: 3.1
- Smokeless tobacco: Never

Substance and Sexual Activity
- Alcohol use: Never
- Drug use: Never
- Sexual activity: Not on file

Other Topics Concern
- Not on file

Social History Narrative
- Not on file

Social Determinants of Health

Financial Resource Strain: Not on file
Food Insecurity: Not on file
Transportation Needs: Not on file
Physical Activity: Not on file
Stress: Not on file
Social Connections: Not on file
Housing Stability: Not on file

No family history on file.

Review of Systems
Musculoskeletal: Positive for back pain.
Neurological: Positive for tingling.

PHYSICAL EXAMINATION:
241lb.

No examination was performed

DIAGNOSTIC STUDIES:
No information is diagnostic studies is available.

ASSESSMENT:

I believe the following to be true: The patient and I mutually agree that he should seek his care elsewhere. Do not believe we can effectively care for the patient through our practice since the relationship appears to be unsatisfactory for an efficient patient care.

PLAN:

1. The patient would prefer to be transferred or referred to the Southeastern spine Institute which seems like a reasonable plan from my perspective.

2. At this stage we would make no efforts to provide additional information regarding work status etc.

Brett C. Gunter, MD FACS
MUSC Columbia Northeast Neurological Surgery

Instructions

MUSC AMBULATORY AVS (Automatic SnapShot taken 3/6/2023)

Additional Documentation

Vitals: Ht 182.9 cm (6') Wt 109.3 kg (241 lb) ! (Abnormal) BMI 32.69 kg/m² BSA 2.36 m²

Flowsheets: Anthropometrics

Communications

Orders Placed

None

Medication Changes

As of 3/6/2023 11:25 AM

None

Medication List at End of Visit

As of 3/6/2023 11:25 AM

	Refills	Start Date	End Date
cyclobenzaprine (Flexeril) 10 mg tablet Take 1 tablet by mouth. - Oral Patient-reported medication		7/20/2022	
gabapentin (Neurontin) 300 mg capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Patient-reported medication		9/9/2022	

	Refills	Start Date	End Date
HYDROcodone-acetaminophen (Lorcet) 5-325 mg tablet	0	2/13/2023	3/15/2023
Take 1 tablet by mouth every 6 hours as needed for severe pain. - Oral			
meloxicam (Mobic) 7.5 mg tablet		11/9/2022	
Take one to two tablets by mouth daily.			
Patient-reported medication			
predniSONE (Deltasone) 10 mg tablet dose pack		6/1/2022	
Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);			
Patient-reported medication			

Visit Diagnoses

Primary: Sacroiliac joint dysfunction of right side M53.3

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INDEPENDENT MEDICAL EXAMINATION

Patient Name: Walter Hoover
Date of Birth: 9/6/1968
Date of Injury: 05/25/2022
Date of IME: 2/14/2023
Case Status: open
Body parts covered: lumbar spine

History of Present Illness

Mr. Hoover is a 54 year old male presenting for independent medical examination following a work related injury that occurred on 5/25/22. He reports that he was working for a tractor supply company and was moving dog kennels with a coworker. He states that the kennels weighed over 180lbs and are typically moved with a forklift. He states a coworker was handing him a kennel and dropped it and he tried to catch it and was knocked to the ground. He reports that he immediately felt low back pain with radiation into his right lower extremity.

He originally presented to Palmetto Bone and Joint for new patient evaluation with Dr. Samuel Davis with complaints of low back pain with radiation into his right leg. Dr. Davis ordered a lumbar MRI. Lumbar MRI was performed on 6/22/22 and Dr. Davis reported that MRI showed WHAT. At follow up appointment Dr. Davis ordered LESI at L4-5. On 7/12/22 Mr. Hoover underwent lumbar transforaminal epidural steroid injection at L5-S1 with Dr. Giridhar Gundu. At his follow up appointment with Dr. Davis he reporting 60% improvement in his right leg numbness but no change in his low back pain. He reported adverse effects to the steroid to include headache and redness in his face. Mr. Hoover then tried dry needling, but reported that it was not helpful. At follow up visit on 9/9/2022, Dr. Davis recommended second opinion with a neurosurgeon.

Mr. Hoover had an IME with Dr. Gunter on 1/6/2023. Dr. Gunter recommended new LMRI and opined that Mr. Hoover was suffering from right sacroiliac dysfunction and recommended SI joint injections. He recommended patient work at sedentary duty.

Today, Mr. Hoover complains of low back pain with radiation into his right lower extremity, stopping at the calf. He reports associated numbness on the bottom and outer portion of his right foot. He denies symptoms in his left leg. He reports that he has had previous back surgery in 2019, and states he had complete resolution of back pain following the surgery. For this injury he has tried narcotics, gabapentin, muscle relaxers, and NSAIDs with minimal relief. Since he has seen Dr. Gunter he has had new lumbar MRI, but we do not have the report available for review today. He states he has been out of work since the injury.

Physical Exam:

General:

General appearance: pleasant, well nourished, in no acute distress

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Back:

Spine: pain in lower lumbar area, unable to sit on right side of buttocks. S I joints: tender on right side, + FABER on the right, +compression on the right.

Musculoskeletal:

Gait: Normal. Strength: 5/5 in both the upper and lower extremities. Tone and Spasticity: No spasticity or increased tone, No atrophy

Current Medications:

1. Non-contributory

Discussion and Recommendations:

It is within a reasonable degree of medical certainty that Mr. Walter Hoover is suffering from sacroiliac joint dysfunction on the right as a result of a work-related injury that occurred on 05/25/22. He has had intervention to include epidural steroid injection, dry-needling, and medication management.

The following are recommendations in the treatment plan:

1. Right SI joint injection x2
2. Consider SI joint RFA if short lived relief with SI joint injection. Consider SI joint fusion should he fail both the steroid injections and the RFA
3. Start Celebrex 200mg QD. Narcotics are not indicated.
4. Obtain LMRI report for review
5. Anticipate MMI in 3-6 months pending response to injections and timeliness of care

The following are responses to questions asked for the IME:

1. We kindly request you address Dr. Gunter's pain recommendations and determine appropriate treatment for the lumbar spine
    a. Please see detailed treatment plan as outlined above

Edward Tavel, MD

03/07/23
Date

BenchMark PHYSICAL THERAPY

Daily Note

Date of Visit: 04-17-23
Patient Name: Hoover, Walter
Patient #: 2253999
Date of Birth: 09-06-1968
Age: 54

Therapist: Brice Rizzetta PT
Referring MD: Brett Gunter MD
Time In: 08:52a
Time Out: 10:14a

Total Time based minutes: 72 Total Treatment time: 82

Date of Onset: 03-20-2023

Diagnosis:
M53.3 Sacrococcygeal disorders, not elsewhere classified

SUBJECTIVE:
Had a busy weekend helping kids at the house. Pain is still there but he feels better knowing he can move without risk of further injury

Contraindications:
1. none

OBJECTIVE:
Observations:
If applicable, Grip Strength for Consistency of Effort Testing will be added at therapist's discretion under the Hand Exam.

Objective Comments:
IE:
- Only subjective information gathered this session due to patient concerns of increasing pain. Will follow up with doctors office for imaging results before moving forward with objective measures.

FU visit 1:
- severe hypersensitivity to touch over the involved area. s/s consistent with allodynia. unable to assess joint mobility or palpate musculature below L3 due to pain and hypersensitivity.

Gait assessment
- IE: antalgic, decreased trunk rotation, decreased time in stance on RLE

Offloads RLE when seated

ACTIVITY LOG:

Exercises	Comment	Sets	Reps	Wt	Time	Done Today	Spec	Provider	Weekly Goal	Weekly Goal Met
97140 - Manual Therapy - [TP007]	======== ========	===	===	=====	8	Yes		10381 (PT) Brice C		

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www.BENCHMARKPT.com

Exercises	Comment	Sets	Reps	Wt	Time	Done Today	Spec	Provider	Weekly Goal	Weekly Goal Met
								Rizzetta		
Touch	Right lumbar/SIJ for desensitizatio n					Yes		10381 (PT) Brice C Rizzetta		
97110 - Ther-Ex / Procedure - [TP001]	======== ========	===	===	=====	10	Yes		10381 (PT) Brice C Rizzetta		
UBE/leg bike	10min					Yes		10381 (PT) Brice C Rizzetta		
97530 - Therapeutic Activity - [TP009]	======== ========	===	===	=====	30	Yes		10381 (PT) Brice C Rizzetta		
Patient education	management strategies					Yes		10381 (PT) Brice C Rizzetta		
LTR	2min					Yes		10381 (PT) Brice C Rizzetta		
BKFO	2min					Yes		10381 (PT) Brice C Rizzetta		
STS	3 x 10 tap					Yes		10381 (PT) Brice C Rizzetta		
step ups	8in	3	10			Yes		10381 (PT) Brice C Rizzetta		
SS	GTB 3x					Yes		10381 (PT) Brice C Rizzetta		
97112 - Neuro Re-Ed - [TP002]	======== ========	===	===	=====	8	Yes		10381 (PT) Brice C Rizzetta		
VC/TC	technique					Yes		10381 (PT) Brice C Rizzetta		
Neural glides	Right in seated		10			Yes		10381 (PT) Brice C Rizzetta		
97537 - Community / Work Reintegration - [TP013]	======== ========	===	===	=====	16	Yes		10381 (PT) Brice C Rizzetta		
Seated ball roll	For bending and reaching					Yes		10381 (PT) Brice C Rizzetta		
Standing reaching to floor		2	10			Yes		10381 (PT) Brice C Rizzetta		
Carries	25# 150ft ea					Yes		10381 (PT) Brice C Rizzetta		
Row	CC SA 12.5#		30			Yes		10381 (PT)		

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Exercises	Comment	Sets	Reps	Wt	Time	Done Today	Spec	Provider	Weekly Goal	Weekly Goal Met
	neu/low							Brice C Rizzetta		
Lifting	25# knees to waist	3	10			Yes		10381 (PT) Brice C Rizzetta		

Service Based	Comment	Status	Time	Done Today
E-Stim (unattended)	BR IFC LPs for pain modulation	Active	10	Yes

ASSESSMENT:
The patient's progress towards goals is good and his tolerance to treatment is good. Patient states that he is now working out on Total Gym at home and doing as much as he can to stay moving. He states that he is no longer having abdominal pain but the SIJ pain is unchanged. It is still very sensitive to touch. Added ss, lifting and STS to mimic squatting all with good tolerance

Patient with significant improvement in activity tolerance this session. Movements were still painful but patient is no longer living in fear of creating further injury/damage. States that he feels better just knowing there isn't anything he is going to do to create additional damage. He recognizes that he needs to ease into activity gradually to avoid overloading tissue that hasn't been loaded as it normally would be since the injury

Goals	Short-Long	Time Frame	Result	Comment	Last Assessed
Percent of Goals Met	Long Term	12 weeks	Ongoing	0%	4/5/23

PLAN:

Walter will continue with therapist management as outlined in the plan of care. This is visit # 7.

Patient/caregiver of patient has consented to treatment and understands the diagnosis, prognosis and treatment goals associated with this plan of care.

Best regards,

Brice Rizzetta PT

This document was electronically signed on 04-17-23 at 10:32a by Brice Rizzetta PT.

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PROGRESS NOTES

Patient: HOOVER, WALTER
Account Number: 103009
DOB: 09/06/1968 **Age:** 54 Y **Sex:** Male
Phone: 803-394-3047
Address: 6194 DOGWALLARD, WHITMIRE, SC-29178-9157

Provider: Edward M Tavel, MD
Date: 05/02/2023

Subjective:

Chief Complaints:
1. Low Back Pain.

HPI:
Worker's Comp:
DOI 5/25/2022. Work Status Employed. Body Parts Covered Low back. Claim Status Open. NCM Randi Walle (to attend).
Pain Management:
Patietn is here today for a #1 RIGHT SI joint injection. He states the pain radiates down into the RIGHT buttock and leg. He denies any numbness/tingling. He rates pain 10/10 today on a pain scale.

ROS:
Constitutional:
Patient denies fever, loss of appetite, insomnia.
Gastroenterology:
Patient denies nausea/vomiting, diarrhea, constipation.
Neurology:
Patient denies arm weakness. Patient complaining of tingling, numbness, poor balance, leg weakness.

Medical History: Medical History Verified.

Surgical History: spine/back surgery 2019.

Hospitalization/Major Diagnostic Procedure: see above .

Family History: Father: alive. Mother: alive.

Medications: Discontinued oxyCODONE-Acetaminophen 5-325 MG Tablet TAKE ONE TABLET BY MOUTH EVERY 4 HOURS AS NEEDED Oral , Discontinued Meloxicam 7.5 MG Tablet TAKE ONE TO TWO TABLETS BY MOUTH ONE TIME DAILY Oral , Discontinued Gabapentin 300 MG Capsule TAKE ONE CAPSULE BY MOUTH EVERY 12 HOURS Oral , Medication List reviewed and reconciled with the patient

Allergies: Prednisone, steroids.

Objective:

Vitals: Pain Scale **10**, Ht 70 in, Wt **200 lbs**, BMI **28.69**, BP **148/83 mm Hg**, HR **57**, RR **18**.

Examination:
Pre-procedure Assessment:
NPO since last PM
Bloodthinners None.
IV size and location 24 gauge.
Consent signed by patient.
Driver Wife.

Assessment:

Assessment:

1. Sacroiliitis, not elsewhere classified - M46.1 (Primary)

Plan:

1. Sacroiliitis, not elsewhere classified
Start CeleBREX Capsule, 200 MG, 1 capsule with food, Orally, Once a day, 30 day(s), 30 .
Notes: After today's injection, we will schedule a follow up appointment for the patient in 3 weeks to discuss results. Permanent images have been recorded. Patient instructed that sedation will remain in system for 24 hours and cause drowsiness, no driving or operating heavy machinery. Do not drink alcohol. Rest today and resume normal activity tomorrow, use ice for soreness. AN INDEPENDENT, TRAINED, OBSERVER IS PRESENT TO MONITOR THE PATIENT DURING THE MODERATE SEDATION.

Procedures:
*Sacroiliac Joint Injection:
Location RIGHT SI JOINT. Pre-procedure Diagnosis M46.1- Sacroilitis, not elsewhere classified. Plan of Treatment Will do an SI Joint Injection today. Sedation Total of 2mg Versed admin IVP Landis,Andrea 5/2/2023 11:01:00 AM> . Procedure Detail Right SI Joint: The procedure and potential risks were explained to the patient and informed written consent was obtained. The patient was escorted to the procedure room and placed in the prone position. Pillows were utilized for proper positioning and comfort. The patient's lower back was prepped with iodine x3 and draped in a sterile fashion. Subcutaneous 1% lidocaine was instilled into the superficial soft tissue of the patient's lower back for local anesthesia. With fluoroscopic guidance, a 22 gauge, 3 1/2" spinal needle was advanced into the posteroinferior aspect of the right SI joint. After confirmation of the intra-articular position of the needle tip, 3cc 0.25% bupivacaine was injected. The patient tolerated the

the right SI joint. After confirmation of the intra-articular position of the needle tip, 2cc 0.25% bupivacaine was injected. The patient tolerated the procedure well, and was transported to the recovery area for observation and discharge instructions. Permanent images saved and recorded. Post-procedure Observation Transported to recovery area via wheelchair, IV removed-no redness or inflammation, Written discharge instructions reviewed with patient and driver , Patient at baseline mobility, no leg weakness/numbness, Vital signs stable BP:140/80 P: 76, Patient now rates pain on a 10/10 scale, Escorted to private vehicle without incident IV OUT Landis,Andrea 5/2/2023 11:15:35 AM> . Post-procedure Diagnosis Same as pre-procedure diagnosis. Intra-procedure Monitoring Patient easily arousable, oriented, able to follow commands and answer questions throughout entire procedure, Vital signs monitored constantly through procedure, and remained stable at all times. Notes Will see patient back in 2-3 weeks for follow up.

Procedure Codes: 27096 INJECT SACROILIAC JOINT, Modifiers: RT , 99152 MOD CS BY SAME PHYS, 5 YRS +, A4550 STERILE TRAY, J2250 MIDAZOLAM 1 MG (VERSED), Units: 2.00

Follow Up: 3 Weeks (Reason: F/U)

Electronically signed by EDWARD TAVEL , MD on 05/03/2023 at 10:36 AM EDT
Sign off status: Pending

Provider: Edward M. Tavel, MD **Date: 05/02/2023**

HOOVER, WALTER **DOB:** 09/06/1968 (54 yo M) **Acc No.** 14013 **DOS:** 06/22/2023

Patient: HOOVER, WALTER
DOB: 09/06/1968 **Age:** 54 Y **Sex:** Male

Provider: Gisele J. Girault, MD
Date: 06/22/2023

Reason for Appointment
1. WORKERS COMP NEW PATIENT

History of Present Illness
Initial Pain Management Consult:

Mr. Hoover comes to us as a new workers' compensation patient. His work related injury occured on 5/25/22 while working for Tractor Supply Company. He was moving dog kennels with a coworker. these kennels are typically moved with a forklift. He was handed a kennel by the coworker and he dropped it, hetried to catch it and he was knocked to the ground. He immediately felt low back pain that radiates into his right lower leg.

He has had lumbar transforaminal epidural steroid injections at L5-S1 and reported 60% improvement in his right leg numbness but no change in the low back pain. Adverse effects to the steroid included headache and redness in his face. He has also had dryneedling but it did not help.

.
WORKERS COMP
GALLAGHER BASSETT
PO BOX 2934
CLINTON, IA 52733-2934
PH: 407-583-3269
FX: 407-281-6472
CLAIM #: 004169065746WC01
BODY PART: LOW BACK
DIANNA FRYE, RN, CCM, QRP
PH: 336-212-7222
FX: 888-812-8220
DFRYE@FRYECASEMGT.COM.

Allergies
predniSONE
steroids

Vital Signs
Wt: **200** lbs, BMI: **28.69** Index, Ht: 70 in, Pain scale: **10** 1-10, Ht-cm: 177.8 cm, Wt-kg: 90.72 kg.

Examination
General Examination:

LUMBOSACRAL SPINE EXAM -- Inspection: Erythema-Bilateral-No erythema present. Edema- bilateral- No edema present. Scars- There are no scars present. Alignment- normal alignment. Palpation: Tenderness: Paraspinal-left-mild tenderness in the paraspinal muscles and noted in the lumbosacral area. Right- mild tenderness in the paraspinal muscles. Bilateral - No paraspinal tenderness is present. Exquisite bilateral sacroiliac joint tenderness. Positive FABER sign. Muscle: Lumbar Paraspinal-Left- muscle tightness. Right- muscles tightness and mild paraspinal muscle spasm. Bilateral- normal muscle tone with no spasm or trigger points present on palpation. Gluteus Maximus-

HOOVER, WALTER **DOB:** 09/06/1968 (54 yo M) **Acc No.** 14013 **DOS:** 06/22/2023

Right Gluteus Maximus muscle tightness and mild Gluteus Maximus muscle spasm. ROM: ROM- The range of motion for the lumbar spine is moderately restricted in all planes of movement and motion for the lumbar spine is limited with pain exacerbated (due to pain in the left lower back and SI joint). Provocative testing- Left- SI provocation test is positive for pain, Yeoman's Test positive for SI joint pain, Gaenslen's Test is positive for SI joint pain, Hibb's Test is positive for SI joint pain and Sacral Apex Test is positive for SI joint pain. Right-Si Provocation test is positive for pain, Yeoman's Test positive for SI joint pain, Hibb's Test is positive for SI joint pain and Sacral Apex test is positive for pain. Straight Leg Raising test is negative (for radicular pain). Bilateral- Straight Leg Raising test is negative.

Assessments

1. Sacroiliitis, not elsewhere classified - M46.1 (Primary)

Treatment

1. Sacroiliitis, not elsewhere classified

Notes: Mr. Hoover states his pain is at the bottom of his spine, his thigh, it feels like it is coming around his waste, on the right side. He has numbness. 6/22/22 imaging shows fissures at L4-L5 and shallow protrusion. He also has a bulge at L5-S1. More pronounced on the right side. I believe he is suffering from right side SI joint dysfunction and I recommend the following treatment plan:

* Series of right SI injections and if these injections are successful then this series may be repeated every six months as needed indefinitely.
* Initiation of a nonsteroidal anti-inflammatory medication such as diclofenac 50 mg PO BID while Mr. Hoover is receiving his injections. The nonsteroidal anti-inflammatory drug may be discontinued when he has completed his injection series and used on a PRN basis thereafter.
* Use of physician guided home exercise program.
* EMG/NCS of the LE.

.

I am unwilling to take Mr. Hoover on as a patient as he was combative when he first arrived; telling me what he was and was not going to do. Also, I found out at the end of the visit that his girlfriend was recording the visit without permission. Had she asked if she could record I probably would have allowed it, but I was not asked. As his girlfriend did most of the talking, she stated they were in the process of suing previous providers and had fired previous attorneys.

2. Others

Notes: Electronically signed by Gisele J. Girault, MD, scribed by: Jan Brodie

Total time spent in preparation, reviewing labs and imaging, face to face contact, writing orders and documentation: 45 MINS.



Electronically signed by GISELE GIRAULT , MD on 07/13/2023 at 09:32 AM EDT

Sign off status: Completed

Addendum:

Provider: Gisele J. Girault, MD **Date: 06/22/2023**

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

HOOVER, WALTER **DOB:** 09/06/1968 (54 yo M) **Acc No.** 14013 **DOS:** 06/22/2023

07/14/2023 02:20 AM Haris, Ash > Update to Encounter: Appointment Facility updated from Pain Medicine Specialists to Carolina Interventional Pain Assoc.

Provider: Gisele J. Girault, MD **Date: 06/22/2023**

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)

LEXINGTON BRAIN AND SPINE INSTITUTE
222 E Medical Ln, Ste 200
West Columbia SC 29169-4848
Outpatient

Hoover, Walter R Jr.
MRN: M001371678, DOB: 9/6/1968, Sex: M
Visit date: 11/13/2023

Hoover, Walter R Jr.

MRN: M001371678

Office Visit 11/13/2023
LEXINGTON BRAIN AND SPINE INSTITUTE - NEUROSURGERY

Provider: Boyd, Scott B, MD (Neurosurgery)
Primary diagnosis: SI (sacroiliac) joint dysfunction
Reason for Visit: Workers Comp

Progress Notes

Boyd, Scott B, MD (Physician) • Neurosurgery

Chief Complaint
Patient presents with
- Workers Comp

IME. The pt presents to the NS Clinic for c/o back pain. Review MRI L-spine (pt to bring disc)

Vitals:

	11/13/23 1121
BP:	160/83
Pulse:	68

Body mass index is 31.87 kg/m².

HPI
This is a 55-year-old here for independent medical evaluation of low back and right leg pain. This is related to a work injury on May 25, 2022 while working at tractor supply company he was moving dog kennel's with a coworker and he slipped and was knocked to the ground by a dropped dog kennel. He felt immediate onset of low back pain on the right. He has a history of prior right L5-S1 microdiscectomy done 4 years ago and had good resolution of his radicular pain but had some lingering S1 pattern numbness. This current pain is different from what he experienced before. He describes pain over his lower right lumbosacral area that radiates down to the buttock and anterior thigh. He feels intermittent weakness in his right leg. He has to guard his right hip while sitting he has undergone physical therapy that aggravated his pain. He has had several injections including SI joint injections that provided substantial but very temporary relief. He has also had a reaction to both oral and injected steroids and so is felt to be allergic to steroids.

Pain location:/frequency: Back, cont
Pain scale (1-10): 10
History of trauma: Work inj, 5/25/22 "moving dog kennels"
Aggravating factors: in one position too long
Alleviating factors: denies
Associated symptoms: pain into right hip to grpoin, denies numbness/tingling. Occ right leg seem weak, "doesn't want to work"
Prior spine surgery: 2019 Back surgery
Physical therapy: Since injury, yes
Injection therapy: Since injury, yes
Painmedications: occ meloxicam,
Hand dominance: Right
Smoking status: Former smoker

Review of Systems
Constitutional: Positive for unexpected weight change.
Respiratory: Negative.

Cardiovascular: Negative.
Gastrointestinal: Negative.
Genitourinary: Negative.
Musculoskeletal: Positive for back pain and muscle cramps.
Neurological: Positive for weakness.

Past Medical History:

Diagnosis	Date
• Hernia, inguinal	

Past Surgical History:

Procedure	Laterality	Date
• BACK SURGERY		
• HERNIA REPAIR		
• KNEE SURGERY		
• TYMPANOSTOMY TUBE PLACEMENT		

Current Outpatient Medications:
• predniSONE 10 mg (STERAPRED DS) 6 day pak, Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);, Disp: 1 kit, Rfl: 0

Allergies

Allergen	Reactions
• Tylenol [Acetaminophen]	Swelling
• Other *"Allergic to STEROIDS"*	Other (See Comments)

The patient reports that he has quit smoking. His smoking use included cigarettes. He smoked an average of .5 packs per day. He has never used smokeless tobacco. He reports that he does not currently use drugs after having used the following drugs: Marijuana. He reports that he does not drink alcohol. The patient has a family history includes Stroke in his father.

Reviewed and updated this visit by provider:

Objective

Physical Exam
Constitutional: Patient is oriented to person, place, and time. Appears well-developed and well-nourished. Non-toxic appearance. Pain distress.
HENT:
Head:Normocephalic and atraumatic.
Eyes: Conjunctivae, EOM and lids are normal. Pupils are equal, round, and reactive to light. No scleral icterus. No nystagmus.
Neck: Normal range of motion. Phonation normal. Nomuscular tenderness present. No tracheal deviation present.
Back: Significant limitation of lumbar range of motion. Exquisite tenderness to palpation of right SI joint
Cardiovascular: Normal rate and intact distal pulses. Exam reveals nodecreased pulses.
Pulmonary/Chest: Effort normal. No accessory muscle usage or stridor. No respiratory distress. Patient exhibits no wheezes. Abdominal: Patient exhibits no distension. There is no guarding. : Normal range of motion. Patient exhibits no edema or deformity.
Neurological: Patient is alert and oriented to person, place, and time. Patient displays no tremor. No cranial nerve deficit. Normalmuscle tone. Coordination normal.

Reflex Scores:
Tricep reflexes are 2+ on the right side and 2+ on the left side.
Bicep reflexes are 2+ on the right side and 2+ on the left side.
Brachioradialis reflexes are 2+ on the right side and 2+ on the left side.

Patellar reflexes are 2+ on the right side and 2+ on the left side.
Achilles reflexes are tr+ on the right side and 1+ on the left side.
5-/5 right EHL subtle weakness
5/5 power all other lower extremity muscle groups.
Skin: Skin is warm, dry and intact.
Psychiatric: Patient has a normalmood and affect. Speech is normal and behavior is normal. Cognition and memory are normal.

No results found.
MRI of the lumbar spine done at Palmetto imaging shows some chronic moderate degenerative changes. There are postop changes of hemilaminectomy on the right at L5-S1 with either recurrent residual disc osteophyte in the lateral recess versus scar tissue that abuts but does not impinge the adjacent L5 or S1 nerve roots. There may be a midline annular tear at L4-5 but at no level is there more than mild foraminal or central canal stenosis.

Assessment/Plan

Low back and proximal right leg pain in a pattern most consistent with SI joint dysfunction rather than radiculopathy. I believe he may have some chronic radicular numbness from previous surgery but his pain I believe is related to his SI joint on the right. He has had extensive treatment thus far that is been either not helpful or made his conditions worse. According to his records and his history he did have temporary improvement with SI joint injections. SI joint fusion surgery has been recommended to him as a possible treatment option by Dr. Gunter. I do not believe that he is at MMI as I believe he should be reevaluated by pain management to consider specifically SI joint RFA. If this is not possible or ineffective then he should be offered SI joint fusion. I have discussed with him that this is not a procedure that I performed and have noted quite variable results. Upon completion or consideration for these treatments he would be at MMI.

Diagnoses and all orders for this visit:

1. SI (sacroiliac) joint dysfunction
- Referral to Pain Clinic

This note was created using dictation software. Although I take great effort to ensure accuracy, there is a possibility for grammatical, spelling, and transcription errors.

Boyd, Scott B

Instructions

After Visit Summary (Automatic SnapShot taken 11/13/2023)

Additional Documentation

Vitals: BP 160/83 (BP Location: Left arm, Patient Position: Sitting) Pulse 68 Ht 6' (1.829 m) Wt 106.6 kg (235 lb) BMI 31.87 kg/m^2 BSA 2.33 m^2 Pain Sc 10-Worst pain ever

Flowsheets: Anthropometrics, Shock Index, Pain Assessment, DI BP Formula

Media

From this encounter

Outside Radiology Results - Scan on 9/20/2023 1456 by Taylor, Megan N: XR-L Spine - Palmetto Imaging 06/22/22
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Pain Specialists of Charleston
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: outside records - SC Internal Med
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Southeastern Spine Institute
Outside Radiology Results - Scan on 9/20/2023 1456 by Taylor, Megan N: MRI L Spine - Palmetto Imaging 06/22/22
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Benchmark PT
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - East Cooper Medical Center
Outside Radiology Results - Scan on 9/20/2023 1456 by Taylor, Megan N: MRI L Spine - Southeastern Spine 03/08/2019
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - Palmetto Bone & Joint
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Reccords - Drayer PT initial eval
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Outside Records - MUSC Dr. Gunter
Workers Comp Documents - Scan on 9/20/2023 1456 by Taylor, Megan N: Pain Medicine Specialists OV notes - 06/22/23
Workers Comp Documents - Scan on 9/12/2023 1328 by Taylor, Megan N: Signed IME Letter
Workers Comp Documents - Scan on 8/16/2023 1510 by Taylor, Megan N: IME Referral Form

Orders Placed

Referral to Pain Clinic Pending Review

Medication Changes

As of 11/13/2023 11:21 AM

None

Medication List at End of Visit

As of 11/13/2023 11:21 AM

	Refills	Start Date	End Date
predniSONE 10 mg (STERAPRED DS) 6 day pak	0	6/1/2022	—

Day 1: 60 mg (6 tab); Day 2: 50 mg (5 tab); Day 3: 40 mg (4 tab); Day 4: 30 mg (3 tab); Day 5: 20 mg (2 tab); Day 6: 10 mg (1 tab);

Visit Diagnoses

Primary: **SI (sacroiliac) joint dysfunction** M53.3

LEXINGTON Brain and Spine INSTITUTE
A Lexington Medical Center Physician Practice

LEXINGTON BRAIN AND SPINE INSTITUTE - NEUROSURGERY
222 E MEDICAL LN, STE 200
WEST COLUMBIA SC 29169-4848
Phone: 803-935-8410
Fax: 803-936-7816

Patient:
Walter R Hoover Jr.
6194 DOGWALLA RD
WHITMIRE SC 29178
Home: 803-394-3047
Mobile: 803-394-3047

MRN: M001371678
DOB: 9/6/1968
SSN: xxx-xx-5421
Sex: M

Primary
GENERIC WORKERS' COMP/GENERIC WORKERS' COMP

Sub: HOOVER,WALTER R JR.
Grp:
ID: 004169-065746WC-01
Sub DOB: 09/06/1968

Secondary
- No Secondary Coverage -

Sub:
Grp:
ID:
Sub DOB:

Referral to Pain Clinic
Diagnosis: SI (sacroiliac) joint dysfunction (M53.3)
Questions:
Comments: Recommend eval for SIJ RFA
Workman's comp to schedule

Referred To Information:

Referring/Authorizing Provider Information:
Boyd, Scott B, MD
222 East Medical Lane
Lexington Medical Park 3
Suite 200
WEST COLUMBIA SC 29169
Phone: 803-935-8410
Fax: 803-936-7816
NPI: 1528160686

Order Date: *Nov 13, 2023* **Order Time**: *12:19 PM*
Expected Date:

Authorized by: *Boyd, Scott B, MD*

CDS Vendor:
CDS Adherence:
CDS Hardship Exception:

This document serves as a request of services and does not constitute Insurance authorization or approval of services. To determine eligibility, please contact the members Insurance carrier to verify and review coverage.

Gallagher Bassett Appointment Update

Walter Hoover
Claim Representative: Tanna Discher
Claim: 004169065746WC01
DOB:9/6/68
DOI: 6/1/22
Diagnosis: Lumbar Pain

Provider: Dr. Boyd
222 East Medical Lane
West Columbia, SC

Appointment Update: November 13, 2023
Return visit:

Medical Update: Case manager met with Mr. Hoover and female companion on November 13, 2023 at the appointment with Dr. Boyd. Mr. Hoover was called back to the exam room and stated very loudly to the office staff that case manager was not allowed to gather any medical information related to him. The female companion states "she doesn't do her job and if she gets medical information, it is breaking HIPPA." Case manager attempted to explain to staff she was present on behalf of Gallagher Bassett and allowing a private exam.
Mr. Hoover continued to express he does not give permission.

Case manager waited in the waiting area and the office manager advised Dr. Boyd was notified and advised to keep the peace he will make sure he documents this in his office note but will not speak to the case manager.
The office note will be ready by the end of the business day.

Name	Pay Rate	Paycheck Issue Date	Pay Period Begin Date	Pay Period End Date	Gross - Total	Gross excluding bonus	Monthly Store Bonus	Reg Hours	OT Hours	Vacation - Hours
Hoover Jr,Walter R	15.40	12/31/2021	12/12/2021	12/25/2021	312.00	312.00	0.00	24.00	0.00	0.00
Hoover Jr,Walter R	15.40	01/14/2022	12/26/2021	01/08/2022	830.44	830.44	0.00	63.88	0.00	0.00
Hoover Jr,Walter R	15.40	01/28/2022	01/09/2022	01/22/2022	751.66	751.66	0.00	57.82	0.00	0.00
Hoover Jr,Walter R	15.40	02/11/2022	01/23/2022	02/05/2022	1201.62	1111.11	90.51	72.15	0.00	0.00
Hoover Jr,Walter R	15.40	02/25/2022	02/06/2022	02/19/2022	1281.20	1281.20	0.00	80.00	2.13	0.00
Hoover Jr,Walter R	15.40	03/11/2022	02/20/2022	03/05/2022	1210.06	1210.06	0.00	78.47	.07	0.00
Hoover Jr,Walter R	15.40	03/25/2022	03/06/2022	03/19/2022	1245.01	1245.01	0.00	79.45	.93	0.00
Hoover Jr,Walter R	15.40	04/08/2022	03/20/2022	04/02/2022	1205.51	1205.51	0.00	77.50	.52	0.00
Hoover Jr,Walter R	15.40	04/22/2022	04/03/2022	04/16/2022	1495.61	1195.04	300.57	77.60	0.00	0.00
Hoover Jr,Walter R	15.40	05/06/2022	04/17/2022	04/30/2022	1074.30	1074.30	0.00	69.76	0.00	0.00
Hoover Jr,Walter R	15.40	05/20/2022	05/01/2022	05/14/2022	1332.56	1332.56	0.00	85.60	.62	0.00
Hoover Jr,Walter R	15.40	06/03/2022	05/15/2022	05/28/2022	1138.14	1138.14	0.00	71.70	1.47	0.00
Hoover Jr,Walter R	15.40	06/17/2022	05/29/2022	06/11/2022	1149.53	882.73	266.80	57.32	0.00	0.00
Hoover Jr,Walter R	15.40	07/01/2022	06/12/2022	06/25/2022	122.12	122.12	0.00	7.93	0.00	0.00

Pay Period Begin Date	Pay Period End Date	Gross - Total
12/12/2021	12/25/2021	312.00
12/26/2021	01/08/2022	830.44
01/09/2022	01/22/2022	751.66
01/23/2022	02/05/2022	1201.62
02/06/2022	02/19/2022	1281.20
02/20/2022	03/05/2022	1210.06
03/06/2022	03/19/2022	1245.01
03/20/2022	04/02/2022	1205.51
04/03/2022	04/16/2022	1495.61
04/17/2022	04/30/2022	1074.30
05/01/2022	05/14/2022	1332.56

DOI: 5/25/2022

Total:	11939.97
12/12/21-5/14/22	22
AWW	542.7259091
CR	361.8353636

CLIENT: 004169 TRACTOR SUPPLY COMPANY

NAME: HOOVER JR WALTER
NET PTD: $ 65,406.34

004169 065746 WC 01 LP 15 CP 003
STORE : 0453
NEWBERRY

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY	CODE * CHECK MESSAGE				* DATES OF SERVICE
CR-RP	0000825432	0189654649	05Jul23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 7/02/23 - 7/08/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000824030	0189474778	28Jun23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 6/25/23 - 7/01/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000822597	0189322903	22Jun23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 6/18/23 - 6/24/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000820902	0189107232	14Jun23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 6/11/23 - 6/17/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000819258	0188924808	07Jun23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 6/04/23 - 6/10/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000817612	0188733330	31May23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 5/28/23 - 6/03/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000816180	0188558634	24May23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 5/21/23 - 5/27/23 TEMPOR *				
	IND 001 05			596.32	
CR-CP	0000814080	0188355686	17May23	596.32	HOOVER, WALTER
* IND	001 * TTD 5/14 THRU 5/20/23				*
	IND 001 05			596.32	
CR-RP	0000812723	0188175408	10May23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 5/07/23 - 5/13/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000811109	0187983351	03May23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 4/30/23 - 5/06/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000809535	0187789296	26Apr23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 4/23/23 - 4/29/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000807841	0187595278	19Apr23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 4/16/23 - 4/22/23 TEMPOR *				
	IND 001 05			596.32	
CR-RP	0000806172	0187393161	12Apr23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 4/09/23 - 4/15/23 TEMPOR *				

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

CLIENT: 004169 TRACTOR SUPPLY COMPANY

NAME: HOOVER JR WALTER
NET PTD: $ 65,406.34

004169 065746 WC 01 LP 15 CP 003
STORE : 0453
NEWBERRY

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY	CODE * CHECK MESSAGE				* DATES OF SERVICE
	IND 001 05			596.32	
CR-CP	0000804948	0187239561	06Apr23	596.32	HOOVER, WALTER
* IND	001 * TTD 4/2 THRU 4/8/23				*
	IND 001 05			596.32	
CR-RP	0000803310	0187040173	30Mar23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 3/26/23 - 4/01/23 TEMPOR				*
	IND 001 05			596.32	
CR-RP	0000801695	0186844142	23Mar23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 3/19/23 - 3/25/23 TEMPOR				*
	IND 001 05			596.32	
CR-RP	0000800209	0186662334	16Mar23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 3/12/23 - 3/18/23 TEMPOR				*
	IND 001 05			596.32	
CR-CP	0000797541	0186396838	07Mar23	596.32	HOOVER, WALTER
* IND	001 * TTD 3/5 THRU 3/11/23				*
	IND 001 05			596.32	
CR-CP	0000796300	0186235432	01Mar23	596.32	HOOVER, WALTER
* IND	001 * TTD 02/26/23 THRU 3/4/23				*
	IND 001 05			596.32	
CR-RP	0000794543	0186023235	21Feb23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 2/19/23 - 2/25/23 TEMPOR				*
	IND 001 05			596.32	
CR-RP	0000793018	0185842933	14Feb23	596.32	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days 2/12/23 - 2/18/23 TEMPOR				*
	IND 001 05			596.32	
CR-RP	0000791706	0185669173	07Feb23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000789835	0185470979	31Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000788495	0185285941	24Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000786898	0185104625	17Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000785659	0184947418	10Jan23	596.32	HOOVER, WALTER

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

CLIENT: 004169 TRACTOR SUPPLY COMPANY

| | 004169 065746 WC 01 LP 15 CP 003

NAME: HOOVER JR WALTER | | STORE : 0453

NET PTD: $ 65,406.34 | | NEWBERRY

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY	CODE * CHECK MESSAGE				* DATES OF SERVICE
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000784342	0184781547	03Jan23	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000783049	0184625232	27Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000781519	0184454583	20Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000780127	0184266528	13Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000778867	0184111860	07Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000777599	0183958889	01Dec22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000775774	0183761437	22Nov22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-RP	0000775021	0183671148	18Nov22	596.32	HOOVER, WALTER
* IND	001 * 1 WEEK TTD				*
	IND 001 05			596.32	
CR-CP	0000772589	0183406352	08Nov22	596.32	HOOVER, WALTER
* IND	001 * TTD 11/06/2022 - 11/12/2022				*
	IND 001 05			596.32	
CR-CP	0000771754	0183324099	04Nov22	596.32	HOOVER, WALTER
* IND	001 * TTD 10/31/2022 - 11/05/2022				*
	IND 001 05			596.32	
CR-CP	0000769709	0183082341	26Oct22	596.32	HOOVER, WALTER
* IND	001 * TTD 10/24/2022 - 10/30/2022				*
	IND 001 05			596.32	
CR-CP	0000768147	0182944045	20Oct22	596.32	HOOVER, WALTER
* IND	001 * TTD 10/17/2022 - 10/23/2022				*
	IND 001 05			596.32	

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
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TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

CLIENT: 004169 TRACTOR SUPPLY COMPANY

004169 065746 WC 01 LP 15 CP 003

NAME: HOOVER JR WALTER

STORE : 0453

NEWBERRY

NET PTD: $ 65,406.34

ST-TY PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY CODE * CHECK MESSAGE				* DATES OF SERVICE
CR-CP 0000766450	0182741288	12Oct22	596.32	HOOVER, WALTER
* IND 001 * TTD 10/10/2022 - 10/16/2022				*
IND 001 05			596.32	
CR-CP 0000764776	0182587594	05Oct22	596.32	HOOVER, WALTER
* IND 001 * TTD 10/3/2022 - 10/9/2022				*
IND 001 05			596.32	
CR-CP 0000763346	0182423771	28Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 9/26/2022 - 10/02/2022				*
IND 001 05			596.32	
CR-CP 0000761770	0182256824	21Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 9/19/2022 - 9/25/2022				*
IND 001 05			596.32	
CR-CP 0000760381	0182095789	14Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 09/12/2022 - 09/18/2022				*
IND 001 05			596.32	
CR-CP 0000758584	0181925970	07Sep22	596.32	HOOVER, WALTER
* IND 001 * TTD 9/5/2022 - 9/11/2022				*
IND 001 05			596.32	
CR-CP 0000756625	0181706501	28Aug22	596.32	HOOVER, WALTER
* IND 001 * 1WK TTD 8/29/22 - 9/4/22				*
IND 001 05			596.32	
CR-CP 0000755924	0181628512	24Aug22	596.32	HOOVER, WALTER
* IND 001 * 1 WK TTD 8/22 - 8/28/22				*
IND 001 05			596.32	
CR-CP 0000754265	0181458981	17Aug22	596.32	HOOVER, WALTER
* IND 001 * 1 WK TTD 8/15 - 8/21/22				*
IND 001 05			596.32	
CR-CP 0000752932	0181322149	11Aug22	2901.52	HOOVER, WALTER
* IND 001 * 1WK TTD 8/8 - 8/14 + UNDERPAYMENT ADJUST				*
IND 001 05			2901.52	
VO-CP 0000752931		11Aug22	596.32-	HOOVER, WALTER
* IND 001 * 1WK TTD 8/8 - 8/14				*
IND 001 05			596.32	
CR-CP 0000751721	0181165304	04Aug22	247.96	HOOVER, WALTER
* IND 001 * 1 WK TTD 8/1 - 8/7/22				*
IND 001 05			247.96	
CR-CP 0000749863	0180995285	28Jul22	247.96	HOOVER, WALTER
* IND 001 * 1 WKS 0 DAYS 7/25/22 - 7/31/22 TEMPOR				*

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
HP-PREFUND HOLD

TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
FP-FIELD PAY ST-STATISTICAL CV-CONVERTED

NOTE: Recoveries are not included.

CLIENT: 004169 TRACTOR SUPPLY COMPANY

004169 065746 WC 01 LP 15 CP 003

NAME: HOOVER JR WALTER

STORE : 0453 NEWBERRY

NET PTD: $ 65,406.34

ST-TY	PAY CTRL #	CHECK #	DATE	AMOUNT	PAYEE NAME
* PAY	CODE * CHECK MESSAGE				* DATES OF SERVICE
	IND 001 05			247.96	
CR-CP	0000748418	0180820177	21Jul22	247.96	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	7/18/22 -	7/24/22	TEMPOR *	
	IND 001 05			247.96	
CR-CP	0000747183	0180683092	15Jul22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	7/11/22 -	7/17/22	TEMPOR *	
	IND 001 05			298.17	
CR-CP	0000745882	0180519315	08Jul22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	7/04/22 -	7/10/22	TEMPOR *	
	IND 001 05			298.17	
CR-CP	0000745102	0180442166	05Jul22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	6/27/22 -	7/03/22	TEMPOR *	
	IND 001 05			298.17	
CR-CP	0000742337	0180154352	22Jun22	298.17	HOOVER, WALTER
* IND	001 * 1 Wks 0 Days	6/20/22 -	6/26/22	TEMPOR *	
	IND 001 05			298.17	
CR-CP	0000741542	0180046480	17Jun22	340.77	HOOVER, WALTER
* IND	001 * 1 Wks 1 Days	6/12/22 -	6/19/22	TEMPOR *	
	IND 001 05			340.77	
CR-CP	0000741541	0180046481	17Jun22	681.53	HOOVER, WALTER
* IND	001 * 2 Wks 2 Days	5/26/22 -	6/10/22	TEMPOR *	
	IND 001 05			681.53	

STATUS: IS-ISSUED PE-PENDING VO-VOIDED SP-STOPPAY AV-ADJVOID
CR-CLEARED HO-HOLD BK-BANKING SA-STOPAGED MV-MOVEVOID
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TYPE: CP-COMPUTER RP-REPETITIVE SM-STATISTICAL MOVED MC-MANAGED CARE FEE
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CLIENT: 004169 TRACTOR SUPPLY COMPANY

NAME: HOOVER JR WALTER
NET PTD: $ 65,406.34

004169 065746 WC 01 LP 15 CP 003
STORE : 0453
NEWBERRY

INDEMNITY

*** 1st Disability Begin Date : 26May22 ***

$	33,887.42	001 TEMPORARY TOTAL DISABILITY
$	33,887.42	TOTAL INDEMNITY PAYMENTS

From: Lorianne Campbell
To: Claudia Piechota
Cc: Jeff Close; Heidi Greene - Orlando GB
Subject: URGENT Hoover is at it again. 004169-065746-wc-01
Date: Tuesday, July 11, 2023 10:07:58 AM

No one should have contact with him.

Lori Campbell|Claims Supervisor|Gallagher Bassett
Postal mail should be sent to:
P.O. Box 2934, Clinton, IA 52733-2934
O: 407-583-3269 | Fax: 407-281-6472
Email: Lorianne_Campbell@gbtpa.com
Alternate Point of Contact: Jill_Keene@gbtpa.com

From: Jeff Close <Jeff_Close@gbtpa.com>
Sent: Tuesday, July 11, 2023 9:39 AM
To: Lorianne Campbell <Lorianne_Campbell@gbtpa.com>; Heidi Greene - Orlando GB <Heidi_Greene@gbtpa.com>
Subject: Lori; you need to call this guy to day. 004169-065746-wc-01

I took call from service desk as they could not get in touch with you. .. said he was angry and demanded to speak to supervisor.

So I took call. With him was someone named Amy. I asked who Amy was and he said it did not matter. She would not tell me if she is from attorney office or what. they said he has been waiting for information from you or us for his case.

He was loud. Called me a liar and then called me an idiot. They started giving me a list of information they wanted. Since the list was getting long I asked for them to send me email listing their wants. He said we have that . I told him that I did not know his case but if he would send me a list I would get it to you and defense . again he said we have that and has been waiting for it. Again, he called me an idiot. I said call me that again and I am hanging up . he kept it up, and I hung the phone up.

He also said he was recording our conversation.

Jeff Close **|** Claims Supervisor **|** Gallagher Bassett
P.O. Box 2934, Clinton, IA 52733
Direct Line: 407-583-3266
Email: Jeff_Close@gbtpa.com
Alternate Contact: Heidi_Greene@gbtpa.com 407-583-3201

BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 2207041

WALTER HOOVER, JR., Employee, Claimant, vs. TRACTOR SUPPLY COMPANY, Employer, AND STARR SPECIALTY INSURANCE COMPANY, Carrier, Defendants.	NOTICE OF MOTION AND MOTION FOR ORDER LIMITING CLAIMANT'S COMMUNICATION WITH DEFENDANTS, THEIR REPRESENTATIVES AND ASSIGNED REHABILITATION PROFESSIONALS

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND, WALTER HOOVER, PRO SE CLAIMANT:

PLEASE TAKE NOTICE that Defendants Tractor Supply Company and Starr Specialty Insurance Company, ("Defendants"), within 10 days, or the first available date thereafter, shall move for an Order placing limitations on the type of communication that Claimant has with the Defendants Counsel assigned to Claimant's case and their representatives and assigned rehabilitation professionals. The grounds for this Motion are as follows:

1. This matter stems from an admitted work accident on May 25, 2022.

2. The focus of Claimant's authorized treatment has been to the back. Claimant has been out of work for reasons related to the work accident since May 2022, and TTD is continuing.

3. Claimant is now pro se after two prior attorneys filed motions to be relieved as counsel, which were granted by the Commission.

4. Throughout this claim, Claimant has frequently communicated with Defense Counsel, their representatives, and medical providers in a manner that is disruptive, combative, and antagonistic, but more importantly, not productive or helpful with respect to resolving any of the issues raised in these communications.

5. On March 7, 2023, Defendants received an email from former Nurse Case Manager, Randi Walle, detailing Claimant's aggressive behavior with authorized treating physician, Dr. Gunter's, office staff. The aggressive behavior included, Claimant threatening the office staff, swearing at them, and having his girlfriend call the office demanding pain medication while pretending to be a case manager. (Exhibit 1)

6. On April 15, 2023, Claimant emailed Defense Attorney, Claudia Piechota, alleging she is being non-compliant and intentionally withholding mileage reimbursement from the Claimant. (Exhibit 2)

7. On April 27, 2023, Claimant emailed Defense Attorney aggressively stating the incorrect mileage was paid and stating the math was done "by someone's first grader", calling Defense Attorney "sweetie" and stating she is out of luck as he is not able to hire an attorney due to the slander by Dr. Gunter's office. (Exhibit 3)

8. On May 3, 2023, Claimant emailed Defense Attorney asking if the Commissioner allows her to pay him just when she feels like it. (Exhibit 4)

9. On May 9, 2023, Defense received an email from Gallagher Bassetts Field Case Manager detailing that due to Claimant's aggressive behavior and threats made to the Nurse Case Manager, Randi Walle, this claim will now switch to a Telephonic Nurse Case Manager. (Exhibit 5)

10. On May 10, 2023, Claimant called Defense Associate 22 times over the span of 19 minutes and left two voicemails stating he was going to continue to call until he was answered. (Exhibit 6)

11. On May 17, 2023, Claimant emailed Defense Attorney referring to her as a "beginner" attorney and alleging her of deliberately neglecting his medical care. (Exhibit 7)

12. On May 17, 2023, Defense Attorney forwarded the email from Dr. Tavel's office detailing they are releasing or discharging Claimant due to his aggressive behavior, to inform Claimant of this. (Exhibit 8)

13. On May 18, 2023, Defense Attorney received email correspondence from Claimant, demanding Defense Attorney send Claimant all items on 10 item list in said email. (Exhibit 9)

14. On May 18, 2023, Claimant emailed Defense Attorney, complaining that his new Telephonic Nurse Case Manager had not been in contact with him, and he needs to see a Neurologist, as he

is in excruciating pain. (Exhibit 10)

15. On May 19, 2023, Claimant emailed the new Telephonic Case Manager, a lengthy email alleging Gallagher Bassett has forced him into "risky" steroid injections and forced him into painful physical therapy. Further, he admits to audio recording Dr. Tavel during an appointment. Additionally, alleging that the Defendants are being negligent in handling his care. (Exhibit 10)

16. Defendants reserve the right to supplement the grounds for this motion with testimony and/or additional documentation if necessary.

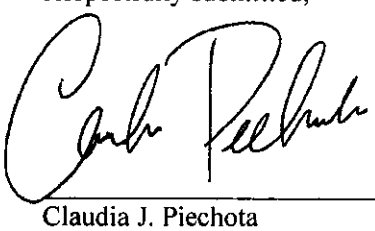
For the foregoing reasons, Defendants Move for and Order directing Claimant to:

(a) Refrain from speaking with any of Defendant's Counsel or Defendant's representatives in a hostile, argumentative, threatening, combative and/or otherwise disruptive manner;

(b) Limit communication with Defendant's Counsel to include future medical treatment and the workers' compensation claim only;

(c) Refrain from contacting any Tractor Supply Co. and Starr Specialty Insurance Co. regarding her pending workers' compensation claim, whether such communication is over the phone, in writing, or in person.

Respectfully submitted,



Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN & PRICKETT, LLC
945 Houston Northcutt Blvd
Mt. Pleasant, SC 29464
Tel: (843) 310-0485
Fax: (843) 589-9000

ATTORNEY FOR DEFENDANTS

Mt. Pleasant, South Carolina.
May 22, 2023

[redacted]

From: Randi Walle <Randi_Walle@gbtpa.com>
Sent: Tuesday, March 07, 2023 1:50 PM
To: Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Cc: Claudia Piechota <cpiechota@hplplaw.com>
Subject: Claim #004169-065746-WC-01 - Walter Hoover

Hello—

On Friday 3/3, I called Mr. Hoover with the intentions on confirming his Monday appointment with Dr. Gunter. Mr. Hoovers girlfriend answered the phone. Mr. Hoovers girlfriend mentioned that Mr. Hoover was in a lot of pain because he ran out of pain meds. The girlfriend mentioned that they called Dr. Gunters office to get more pain medication earlier that week. The girlfriend mentioned that the office accused her of pretending to be a case manager. I told her that I was sorry to hear that Mr. Hoover was in pain, but Dr. Gunter can address the issue on Monday. The phone call ended.

Mr. Hoover had his appointment yesterday (3/6/2023) with Dr. Gunter. I got to the office about 20 minutes early and provided my business card to the front desk clerk. About 2 minutes after checking in, a staff member called my name and brought me into an office where Ms. Seymour was sitting in a chair waiting to speak with me. Ms. Seymour informed me that she needed to have a conversation about my client. She reported that Mr. Hoover had called the office last week and was being rude and threatening to the staff. Ms. Seymour provided me with a print out of the incident from Mr. Hoovers chart (print out is attached) and it read "Patient called office yelling, being rude and calling staff out of their name. Referred to staff as a the B word and a had because he wanted pain medication. Patient

EXHIBIT 1

threatened to come in office and let us have it". I asked Ms. Seymour if the girlfriend pretended to be a case manager and Ms. Seymour replied "she did". Ms. Seymour informed me that the office was thinking about canceling the appointment but decided not to and planned on speaking with me regarding the issue. Ms. Seymour mentioned that they don't tolerate abusive behavior to the staff. The conversation was over and I went back to my seat in the waiting room.

After about 20 minutes in the waiting room, Mr. Hoover/his girlfriend/and myself were called to the exam room. Dr. Gunter entered the room and sat in the chair. Dr. Gunter asked Mr. Hoover how he was doing. IW reported that he is in pain and ran out of pain meds. IW reported that he wanted to see the doctor in Charleston that did his previous back surgery because he knows what he is doing. Dr. Gunter said he needed to address the incident between Mr. Hoover and the staff. Dr. Gunter mentioned the above incident and Mr. Hoover walked out of the room abruptly and his girlfriend began to follow him but stopped, turned around, and said "she can't be in the room alone with the doctor". The girlfriend stood in the doorway and told Dr. Gunter that Mr. Hoover wants to go to Southeastern Spine Institute in Charleston. Dr. Gunter replied that he didn't see any problem with that and he will include that in his notes. The girlfriend walked out of the office and I left shortly after her. I asked Dr. Gunter on my way out when will his notes be ready and he told me "in about 5 minutes". I sat in the waiting room and waited for the notes.

At 2:20pm, Holly Atkins- who represents Mr. Hoover- called me. I told her I was in the middle of an office visit and asked her to call me back in 30 minutes. Holly replied to call her back when I was done. At 3:02pm, I called Holly back. Holly mentioned that she heard about the appointment. I informed her of the incident and read her what was allegedly said by her client (Mr. Hoover). I also mentioned that the girlfriend was accused of acting like she was a case manager when calling the office. Holly said she didn't believe the girlfriend would do something like that. Holly asked if I could send a copy of the MRI to her and I informed her that all medicals and the MRI were emailed to Vida last week. I told Holly that I would forward her the email sent to Vida when I get home. Email with attachments forwarded to Holly at 8:02pm.

Sincerely,

Randi Walle RN| Field Case Manager | **GBCARE** | Gallagher Bassett
377 Riverside Drive, Suite 400, Franklin, TN 37064
D: 629-899-3086 **F:** 629-899-3172 **C:** 510-815-4342
E: Randi_Walle@gbtpa.com

Alternate Point of Contact: - Diane C. Baker RN CCM CDMS 615-778-5074 diane_baker@gbtpa.com

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EXHIBIT 1

Rachel N. Shipp

From: Claudia Piechota
Sent: Saturday, April 15, 2023 9:13 AM
To: Walter Hoover,Jr
Cc: Rachel N. Shipp
Subject: RE: I am sharing 'Hoover mileage updated' with you

Sounds great- I will let me client know.

CLAUDIA J. PIECHOTA

Holder Padgett Littlejohn + Prickett, LLC
CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Saturday, April 15, 2023 9:11 AM
To: Claudia Piechota <cpiechota@hplplaw.com>
Cc: Rachel N. Shipp <rshipp@hplplaw.com>
Subject: Re: I am sharing 'Hoover mileage updated' with you

Ive tried for MONTHS to get my reimbursement.. then you imply that you are intentionally holding it for no good reason. Im sorry, but THATS RUDE... and your intentional non-compliance with SC Regulation Code 67-1601A is obvious and apparent.

I have done EVERYTHING youve asked me to do... and I get steady resistance on this. I have responsibilities as a claimant... just as you do as as an attorney.

Do what you need to, Claudia, but for the love of God, send me the CORRECT amount I am owed for mileage.

On Sat, Apr 15, 2023, 7:54 AM Claudia Piechota <cpiechota@hplplaw.com> wrote:

Mr. Hoover,

As previously mentioned, your personal primary care visits are not authorized under workers' compensation and therefore will not be covered. I will add to the subpoena. Please refrain from being rude as I am simply doing my job. Further, you never answered my question regarding your compensation rate issue; therefore, I will notify my client to be prepared to proceed with a hearing regarding the same.

THANKS,

CLAUDIA J. PIECHOTA

EXHIBIT 2

Holder Padgett Littlejohn + Prickett, LLC

CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464

o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CIP

w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Saturday, April 15, 2023 7:50 AM
To: Claudia Piechota <cpiechota@hplplaw.com>
Subject: Re: I am sharing 'Hoover mileage updated' with you

The pharmacy has had me listed as Ricky Hoover for a while. Try adding that to the subpoena, you should have all of the information you need.

My primary care doctor, Amanda Dudley referred me to Quest Diagnostics for a CBC&CMP as I was passing blood in my stool.

This situation occured due to the accident and was reported to Tractor Supply Management in writing 1-2 days post injury.

If you cant find your authorization that was issued for Drayer PT, maybe reach out to Dr. Samuel Davis's office. I feel certain they should have a copy of the referral/authorization for the ONE Dry Needling session... thats all you all approved.

For now, I am going to get back to enjoying my Saturday. I didnt plan on waking up and having to do your job for you.

I hope you get it figured out!

On Fri, Apr 14, 2023, 9:32 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:

EXHIBIT 2

Mr. Hoover –

Please find attached the subpoena we have sent to Publix Pharmacy. Accordingly, they advised me that you have only picked up prescriptions on June 1, July 20, August 24, September 9, January 6, and February 14. Would you be able to assist me in providing additional information to account for the discrepancy in the visits you listed for mileage reimbursement. Additionally, we do not pay mileage for you to go to your attorney's office. I also do not have any record of you being seen at Drayer PT on August 16 or going to Quest Diagnostics on July 13.Please note, we do not provide compensation for unauthorized visits.

If you could please assist me in providing an explanation for the above, I'd greatly appreciate it.

Thank you and have a great weekend!

Sent from Mobile

Claudia J. Piechota
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd. | Mt. Pleasant, SC 29464
d. 843.310.0485 | f. 843.589.9000
www.hplplaw.com | cpiechota@hplplaw.com

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From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Friday, April 14, 2023 7:03:05 PM
To: Claudia Piechota <cpiechota@hplplaw.com>
Subject: Re: I am sharing 'Hoover mileage updated' with you

Claudia, this is absurd.

I need an explaination as to why you have been withholding my mileage reimbursement after I have been repeatedly requesting the status of it for 4 months now. You have statutes you HAVE to follow. You dont get to withold MY money. You are purposely failing to follow the statutes in place.

EXHIBIT 2

Form 50 will be filed on Monday.

On Fri, Apr 14, 2023, 8:57 AM Claudia Piechota <cpiechota@hplplaw.com> wrote:

Hi Walter-

I have received your mileage. Did Holly ever discuss with you the fact that your compensation rate was incorrectly calculated and we have an overpayment of TTD?

CLAUDIA J. PIECHOTA

Holder Padgett Littlejohn + Prickett, LLC

CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464

o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CIP

w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Friday, April 14, 2023 8:45 AM
To: Claudia Piechota <cpiechota@hplplaw.com>
Subject: Fwd: I am sharing 'Hoover mileage updated' with you

---------- Forwarded message ---------
From: **Walter Hoover,Jr** <whooverjr@gmail.com>
Date: Fri, Apr 7, 2023, 9:00 AM
Subject: I am sharing 'Hoover mileage updated' with you
To: Claudia Piechota <cpiechota@hplplaw.com>

EXHIBIT 2

Please expedite.

One app for all your Word, Excel, PowerPoint and PDF needs. Get the Office app:
https://aka.ms/officeandroidshareinstall

EXHIBIT 2

[redacted]

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, April 27, 2023 9:27 AM
To: Claudia Piechota <cpiechota@hplplaw.com>
Subject: 004169-065746-WC-01

Claudia,

The mileage reimbursement is a benefit under my medical care. It is OWED to me... no matter how you look at it, no matter how long you sit on it.
You have already extended the benefit on this claim, Claudia. Unfortunately, it was obvious that it calculated by someone's first grader as it was very incorrect!

Since the incorrect deposit was made, I have, IN A TIMELY MANNER, each month provided every little detail you may need to PROPERLY calculate my reimbursement. You have responded more than once over the last 4 months that you're "working on it." Its simple math!?????

What is the hold up and when can I expect my reimbursement?

Also, if youre waiting for me to hire an attorney, youre out of luck, sweetie. Ive tried. Between the Defamation and Slander at Dr. Gunter's office, Gallagher Bassett and you too, we are not able to find an attorney to represent me... for THIS case anyway.

EXHIBIT 3

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Wednesday, May 3, 2023 8:22 AM
To: Claudia Piechota <cpiechota@hplplaw.com>
Subject: Mileage 004169-065746-WC-01

Any updates?

Randi offered to call and get the Riley prescription situated so we could be paid for the mileage to Publix. She's asking for a statement on letterhead. Hopefully that is corrected before the 10 day period you mentioned.

Also, I understood, at this point, that once a benefit has started, the only way it is to be halted is at the instruction of Commissioner. Is that true? If so, why has there been a 4, almost 5 month, delay in paying the remainder of my mileage when the updated mileage has been submitted to you on a monthly basis.

Does the Commissioner allow you to pay me just *when you feel like paying me?*

EXHIBIT 4

[redacted]

From: Kimberly Adams <Kimberly_Adams@gbtpa.com>
Sent: Tuesday, May 9, 2023 12:40 PM
To: Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Cc: Diane Baker <Diane_Baker@gbtpa.com>; Linda Summerlin <Linda_Summerlin@gbtpa.com>; Randi Walle <Randi_Walle@gbtpa.com>
Subject: Walter Hoover # 004169-065746-WC-01

EXHIBIT 5

Hi Lorianne:l

It has come to my attention that Mr. Hoover on several occasions has made threatening comments to Randi Walle who is the FCM that has been working with him.
Also Mr. Hoover has been released by Dr. Gunter (surgeon) due to threatening comments that were made to staff over the phone and there is a possibility that he will be released from Dr. Taval (pain management) due to threatening calls made to his office as well.

I am Randi's supervisor and I have also discussed this with my manager Diane Baker and the decision has been made that this file needs to be transferred to a Telephonic Case Manager and Randi will be closing her file.
In the interim until a TCM is assigned I will contact Dr. Taval's office and provide my contact information.

Please complete an electronic referral for TCM to complete this transfer.

Thank you for your professional time and assistance with this matter.

Kim

Kimberly M. Adams RN, CCM | Field Case Manager
GBCare | Gallagher Bassett
377 Riverside Drive, Suite 400, Franklin, TN 37064
D: 615-778-5096 | **F:** 615-716-7486
kimberly_adams@gbtpa.com
Alternate: Contact: Diane Baker
615-778-5074
Diane_baker@gbtpa.com

EXHIBIT 5

Search

History Voicemail Lines SMS

All History

(803) 622-0650 · Missed 10:30 AM

WIRELESS CALLER
(803) 622-0650 · Missed
May 10
10:29 AM

WIRELESS CALLER
(803) 622-0650 · Missed
May 10
10:28 AM

WIRELESS CALLER
(803) 622-0650 · Missed
May 10
10:27 AM

WIRELESS CALLER
(803) 622-0650 · Missed
May 10
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WIRELESS CALLER	(803) 622-0650 · Missed	May 10 10:34 AM
WIRELESS CALLER	(803) 622-0650 · Missed	May 10 10:33 AM
WIRELESS CALLER	(803) 622-0650 · Missed	May 10 10:32 AM
WIRELESS CALLER	(803) 622-0650 · Missed	May 10 10:31 AM
WIRELESS CALLER	(803) 622-0650 · Missed	May 10 10:30 AM
WIRELESS CALLER	(803) 622-0650 · Missed	May 10 10:30 AM

(803) 622-0650

WIRELESS CALLER

(803) 622-0650

00:00 -00:13

Date:	**May 10, 10:29 AM**
Encryption:	**Standard** · Learn more
Verification:	**Verified Number**
Sharing:	Disabled

Transcription:

Yes, this is Walter R. Who are junior again, trying to find out the information. I ask you early. Apparently you don't want to tell me so. I'm going to call you until you do have a great day.

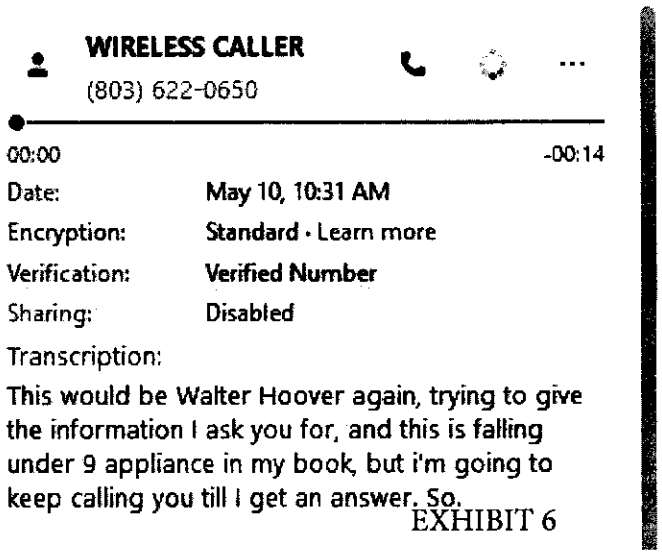

WIRELESS CALLER
(803) 622-0650
00:00
-00:14
Date: May 10, 10:31 AM
Encryption: Standard · Learn more
Verification: Verified Number
Sharing: Disabled
Transcription:
This would be Walter Hoover again, trying to give the information I ask you for, and this is falling under 9 appliance in my book, but i'm going to keep calling you till I get an answer. So.

EXHIBIT 6

Rachel N. Shipp

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Wednesday, May 17, 2023 7:28 PM
To: Claudia Piechota
Cc: Rachel N. Shipp
Subject: Re: 004168-065748-WC-01

Claudia,

I will need you to get the recordings from Dr. Gunter's office before we meet.

Date of calls: 02/28/22
Call times: between 9:37am-9:59am
Calls from: 803.394.3047

I want them played for Comissioner.

...and no one has told me that Dr. Tavel released me. How do you know and I don't?

On Wed, May 17, 2023, 6:26 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:
Mr. Hoover,

Every correspondence, including this one, voicemails, calls and why doctors discharged you will be submitted to the commission for our hearing.

We authorized treatment with Dr. Gunter and Dr. Tavel; however, your aggressive actions towards staff and the doctors have caused both to release you. At this point, my client would like the commission to address non compliance along with lowering your compensation rate.

Again, I kindly ask you to keep your thoughts and emails like above to yourself as they are inappropriate.

Thanks,
Sent from Mobile
Claudia J. Piechota
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd. | Mt. Pleasant, SC 29464
d. 843.310.0485 | f. 843.589.9000
www.hplplaw.com | cpiechota@hplplaw.com
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From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Wednesday, May 17, 2023 6:11 PM
To: Claudia Piechota <cpiechota@hplplaw.com>

EXHIBIT 7

Cc: Rachel N. Shipp <rshipp@hplplaw.com>
Subject: 004168-065748-WC-01

How long do you all plan to delibertly neglect my medical care? It is obvious your neglect is malicious and very intentional!

Claudia... even as an beginner/Associate Attorney, you know this is not acceptable!!

I AM IN PAIN!!! Somebody needs to get in touch with me asap!

EXHIBIT 7

Rachel N. Shipp

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Wednesday, May 17, 2023 8:12 PM
To: Claudia Piechota
Cc: Rachel N. Shipp
Subject: Re: 004169-065746-WC-01 HOOVER JR, WALTER R

Again, Id like the recorded calls from Dr. Gunter's office.

In fact, in your previous email (03/22/22), you said that the Form 21 you were submitting was in-part due to, and I quote "your spouse impersonating our Nurse Case Manager." You should also request that call. We can address them all while we are there.

Also, if you could send over the "final conversation encounter" sent to you from Dr. Tavel's office, that'd be great.

On Wed, May 17, 2023, 7:35 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:
See below-

Jordan, email below, is your telephonic nurse case manager as your last one also requested to be released due to your aggressive behavior.

Thanks,
Sent from Mobile
Claudia J. Piechota
Holder Padgett Littlejohn + Prickett, LLC
945 Houston Northcutt Blvd. | Mt. Pleasant, SC 29464
d. 843.310.0485 | f. 843.589.9000
www.hplplaw.com | cpiechota@hplplaw.com
CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

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From: Nicole Isherwood <NIsherwood@painchas.com>
Sent: Thursday, May 11, 2023 9:51 AM
To: Jordan Koehler <Jordan_Koehler@gbtpa.com>
Cc: Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: 004169-065746-WC-01 HOOVER JR, WALTER R

Per our conversation, Dr. Tavel will be releasing or discharging this patient from our practice due to aggressive behavior. I will send the final conversation encounter that we have with patient. Please inform me if you need anything further. We are in the process of reaching out to the patient to inform him of this as well.

EXHIBIT 8

Best Regards,

Nicole Isherwood
Work Comp Manager

Pain Specialists of Charleston, PA
2695 Elms Plantation Blvd
Charleston SC 29406
(t) 843.818.1181
(e) nisherwood@painchas.com
(w) www.PainChas.com

Learn More About Our Comprehensive Healthcare Offerings:
Pain & Neurology Specialists of Charleston
Pain & Neurology Specialists of Columbia
Pain & Neurology Specialists of Beaufort
Pain & Neurology Specialists of Pawleys Island
MRI of Charleston
Clinical Trials of South Carolina
Psychiatry Specialists of South Carolina

From: Jordan Koehler <Jordan_Koehler@gbtpa.com>
Sent: Wednesday, May 10, 2023 12:01 PM
To: Nicole Isherwood <NIsherwood@painchas.com>
Cc: Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: 004169-065746-WC-01 HOOVER JR, WALTER R

Good morning,
I am the nurse case manager assigned to patient Walter Hoover Jr, DOB: 9/6/68.
I see per the notes that he was scheduled for an injection on 5/2/23. Can you provide the notes for this and also provide me with the next appointment date/time?

Thank you

Jordan Koehler BSN, RN, ODG Certified | Telephonic Case Manager | **GBCARE** | Gallagher Bassett

377 Riverside Drive, Suite 400, Franklin, TN 37064
D: 224-366-1655 | **F:** 629-899-3285
E: Jordan_Koehler@gbtpa.com

Alternate Points of Contact: Kristy Goodale RN - 615-716-7273 Kristy_Goodale@gbtpa.com
Kelly Compton RN - 615-716-7267 Kelly_Compon@gbtpa.com

Urgent after hours hotline: 888-605-8228

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EXHIBIT 8

Rachel N. Shipp

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, May 18, 2023 10:17 AM
To: Claudia Piechota; Rachel N. Shipp
Subject: Fwd: 004169-065746-WC-01 (Hoover)

UPDATED

Claudia,

Per Ashish in Gallagher Bassett's customer service Department (844.424.6457, Option 3), I need Lorraine, my adjuster, to provide the following documents/information promptly via email.

1.) History of **ALL** payments coming from Gallagher Bassett, along with the issue/payment dates, to include paper checks issued and direct deposits.

2.) History of **ALL** Claims Adjusters who have been assigned to my claim/case, to include the start and end date of each assigned Adjuster.

3.) History of **ALL** Nurse Case Managers assigned to my claim/case, to include the start and end dates of each assigned NCM.

4.) History of **ALL** Communications between my Nurse Case Manager and Gallagher Bassett/HPLP Law

5.) Any and **ALL** notes made on my file, to include all phone calls/inquiries that we have made to Gallagher Bassett Customer Service regarding my claim, mileage reimbursement, accessing the GBGo app, etc.

6.) Copy of Form 20 and **ALL** documents associated and/or used to calculate my compensation, from May 25, 2022 to current.

7.) The following referrals:
- Dr. Davis > Dr. Gundu
- Dr. Davis > Drayer Physical Therapy
- Dr. Davis > Neurology
- Dr. Davis > Pain Management

- Dr. Gunter > Pain Management
- Dr. Gunter > Physical Therapy

8.) **ALL** Notes from One Call, to include the notes from 02/24/23.

9.) Any and **ALL** communication/correspondance with my Health Care Providers to include any contact with my Drs, as well as any contact with their Nurses and/or other office staff.

10.) **ALL** recorded calls regarding the **false accusations** from Dr. Gunter's office, to include all calls made by me and the person you and Denise Seymour refer to as my "spouse."

Date of calls: 02/28/23
Call times: 9:37am-10:30am

EXHIBIT 9

Calls from: 803.394.3047

We are preparing for our appointment with the Commissioner and would like this promptly to review **PRIOR** to.

EXHIBIT 9

Rachel N. Shipp

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, May 18, 2023 11:20 AM
To: Claudia Piechota; Rachel N. Shipp
Subject: 004169-065746-WC-01 (Hoover)

Claudia,

I am noticing that Jordan started on my case over a week ago, May 10th, right? Is there a reason that as of yesterday, I am 1, just being notified that Jordan took over and 2, I have not had any contact with Jordan who is supposedly advocating for my care??? ...in over a week?

I have notified you directly more than once... I need to see a Neurologist as soon as possible! I am in excruciating pain!

EXHIBIT 10

[redacted]

[redacted]

[redacted]

[redacted]

From: Jordan Koehler <Jordan_Koehler@gbtpa.com>
Sent: Friday, May 19, 2023 11:51 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: FW: 004169-065746-WC-01 (Hoover)

FYI – this is the email I have received from Walter and my response. He also has left me 3 voicemails.

Thank you.

Jordan Koehler BSN, RN, ODG Certified | Telephonic Case Manager | GBCARE | Gallagher Bassett

377 Riverside Drive, Suite 400, Franklin, TN 37064
D: 224-366-1655 | F: 629-899-3285
E: Jordan_Koehler@gbtpa.com

Alternate Points of Contact: Kristy Goodale RN - 615-716-7273 Kristy_Goodale@gbtpa.com
Kelly Compton RN - 615-716-7267 Kelly_Compon@gbtpa.com

Urgent after hours hotline: 888-605-8228

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From: Jordan Koehler
Sent: Friday, May 19, 2023 10:50 AM
To: Walter Hoover,Jr <whooverjr@gmail.com>
Subject: RE: 004169-065746-WC-01 (Hoover)

Good morning Walter,

EXHIBIT 11

I thank you for providing me information on your claim, I appreciate this. I am working with your adjuster and the attorney's office on a plan and am currently in the process of getting you scheduled to see a provider. Once I can get you scheduled with a provider I will provide an update on that appointment and we will take it each day from there moving forward. Unfortunately, most neurologists will not see a patient without most up-to-date imaging and a referral from another provider. With that being said, we must get you established with a doctor and then go from there. I hope this makes sense. If you have any questions do not hesitate to reach out.

Thank you,

Jordan Koehler BSN, RN, ODG Certified | Telephonic Case Manager | **GBCARE** | Gallagher Bassett

377 Riverside Drive, Suite 400, Franklin, TN 37064
D: 224-366-1655 | **F:** 629-899-3285
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Alternate Points of Contact: Kristy Goodale RN - 615-716-7273 Kristy_Goodale@gbtpa.com
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From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, May 18, 2023 5:29 PM
To: Jordan Koehler <jordan_koehler@gbtpa.com>
Subject: 004169-065746-WC-01 (Hoover)

[EXTERNAL]

Jordan,

Full disclosure on my claim.

Back in August 2022, Dr. Davis, an authroized Workers Comp Physician, evaluated me for the injury which took place at Tractor Supply on 05/25/22. He ordered an MRI and noted injuries to L4 & L5.
Once he exausted his efforts (steroid & dry needling) he referred me to a Neurologist. This was back in August, 2022.

A long 6 months later, in January 2023, I saw Dr. Gunter, Neurologist. Dr. Gunter did an IME, however he refused to acknowledge the injuries to L4 & L5 that Dr. Davis discovered.

Dr. Gunter said, and I quote, "forget everything you've heard before today's appointment." ...and he would interrupt me and stop me any time I mentioned previous visits with Dr Davis.

In the office at my initial visit on Jan 6th, Dr. Gunter did the Fortin Finger Test and it was Positive SIJ, which was his diagnosis. He ordered a new MRI. During this initial appointment, Dr. Gunter acknowledged how painful my diagnosis was. He prescribed pain meds. This was the first relief I'd had since May 2022...

Unfortunately, his office staff lied to him and based on that, they released me and since my pain level stays at a 10/10. Ive been forced into physical therapy and threatened that my benefits would stop if I didnt go. So I went as long as I could tolerate... and then some. Dr Tavel's office eventually put PT on hold due the increased pain.

Gallagher Bassett has tried to force me into risky steriod injections which were halted in by Dr. Gundu back in August 2022 (ordered by Dr. Davis) due to facial swelling, head/neck redness, profuse sweating and I had a headache for over a week... it was pure misery. I won't do it again.

Behind Dr. Gunter, I was seen again by Dr. Tavel, the Anesthesiologist. He did the most recent IME. During my most recent office visit on Tuesday April 25th, 2023, Dr. Tavel admitted that he's never known about the injuries to L4 & L5. I have this recorded on audio and am prepared to share this with the Commissioner.

All in all, I am writing to let you know that I expect ALL of my injuries to be assessed going forward, including the injuries identified by Dr. Davis (L4 & L5). This has yet to be addressed since seeing Dr. Davis in 2022. This needs addressing asap!

I am in severe pain and Claudia at the attorney's office, my Adjuster, Lorraine and my previous NCM, Randi, are all being very vexacious.

I need someone to hear me!!! I cannot live like this. I am in severe pain all day, every day. I am steadily gaining weight due to being inactive because of the pain, I cannot sleep and overall I am aggitated and miserable all the time...

I did not ask to be here. I am asking you to come into this claim with a clear mind, because NO ONE has asked me my side yet. They just continue to ignore me and halt my care and are consistently negligent in handling my claim. (We have filed Form 50 and will address these issue with the Commissioner in the coming weeks.)

I need to see a Neurologist who will review ALL of my records and plan a course of treatment as soon as possible.

I am interested in discussing Plasma-Rich-Platelet Injections with a Neurologist in leiu of the Rhizotomy.

Please reach out to me if you have additional questions.

My number is 803.394.3047, but it is currently unavailable. Until further notice, please reach me at 803.622.0650.

Ricky

WALTER HOOVER, JR., Employee, Claimant, vs. TRACTOR SUPPLY COMPANY, Employer, AND STARR SPECIALTY INSURANCE COMPANY, Carrier, Defendants.	)	**CERTIFICATE OF SERVICE**

The undersigned certifies that they are an employee of HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC, and that they have served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Law of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to, and/or emailed to:

TO: **VIA US MAIL**
Ms. Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

TO: **VIA CERTIFIED MAIL**
Mr. Walter Hoover, JR
6194 Dogwalla Rd
Whitmire, SC 29178
(VIA EMAIL: whooverjr@gmail.com)

DOCUMENT: Notice of Motion and Motion to Limit Communication

DATE OF MAILING: May 22, 2023

Rachel N Shipp

Rachel N Shipp

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye
Subject: Re: Hoover (004169-065746-WC-01)
Date: Tuesday, October 3, 2023 3:46:24 PM

I would like to release the Nurse Case Manager on my claim.

I have missed appointments because she failed to notify me and she doesn't return emails or call when she says she will.

I haven't even heard from her since June 20th.

Please remove the Nurse Case Manager from my claim and let me know when my appointment is.

On Tue, Oct 3, 2023, 2:36 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Walter-
>
> Dianna will be in contact with you regarding your appointment with Dr. Boyd.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
>
> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Friday, September 29, 2023 9:30 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Exactly, what is your intent?

You scheduled my Appointment with Lexington Brain and Spine back on August 16th and just decided NOT to notify me? ...knowing that I've begged you for this appointment for MONTHS and that live EVERYDAY in pain. You HAVE to do better than this!

Who is rescheduling this appointment? ...and can I get notified this time? ...or is that too much to ask????

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota; dianna frye; Lorianne Campbell
Subject: Re: Hoover (004169-065746-WC-01)
Date: Thursday, October 12, 2023 10:02:48 AM

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: dianna frye
To: whooverjr@gmail.com
Subject: APPT
Date: Thursday, October 12, 2023 9:10:36 AM
Attachments: image001.png
Importance: High

Mr. Hoover,
You are scheduled to see Dr. Boyd at Lexington Brain and Spine on November 13, 2023 at 11:15 am.
Please bring imaging on a disc for the doctor to review.
Address 222 E. Medical Ln. Suite 200
West Columbia, SC 29169

Thank you

Dianna Frye RN.CCM. QRP
Senior Nurse Case Manager
Catastrophic Case Manager/Certified
Frye Case Management & Consulting, LLC
dfrye@fryecasemgt.com
Mobile: 336 212 7222
Fax 888 812 8220



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From: Claudia Piechota
To: Walter Hoover,Jr
Cc: Tanna Discher; dianna frye
Subject: RE: APPT
Date: Sunday, October 15, 2023 7:23:00 PM

Mr. Hoover-

Your appointment with Dr. Boyd is an IME with the option to treat if he finds you require additional treatment.

Thank you,

CLAUDIA J. PIECHOTA

Holder Padgett Littlejohn + Prickett, LLC
CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH

Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, October 12, 2023 10:04 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Fwd: APPT

Is this a new IME or is Dr. Boyd "continuing care?"

---------- Forwarded message ---------
From: **dianna frye** <dfrye@fryecasemgt.onmicrosoft.com>
Date: Thu, Oct 12, 2023, 9:10 AM
Subject: APPT
To: whooverjr@gmail.com <whooverjr@gmail.com>

Mr. Hoover,
You are scheduled to see Dr. Boyd at Lexington Brain and Spine on November 13, 2023 at 11:15 am.
Please bring imaging on a disc for the doctor to review.
Address 222 E. Medical Ln. Suite 200
West Columbia, SC 29169

Thank you

Dianna Frye RN.CCM. QRP

Senior Nurse Case Manager
Catastrophic Case Manager/Certified
Frye Case Management & Consulting, LLC
dfrye@fryecasemgt.com
Mobile: 336 212 7222
Fax 888 812 8220



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From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye; Tanna Discher
Subject: Re: Hoover (004169-065746-WC-01)
Date: Sunday, October 15, 2023 9:22:58 PM

Is there a reason you have not contacted me like you are supposed to, until now? Its been since before our hearing. I've sent several unanswered emails... what's the deal?

And further, why did you nor Dianna not notify me of my appointment with Dr. Boyd at Lexington Brain and Spine on September 21st? Isn't that your job?

On Sun, Oct 15, 2023, 7:22 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Mr. Hoover-
>
> Dianna Frye will continue to be on your claim. This is something you can bring up at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
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>
> w. hplplaw.com | e. cpiechota@hplplaw.com
>
> ---
>
> **From:** Walter Hoover,Jr <whooverjr@gmail.com>
> **Sent:** Thursday, October 12, 2023 10:03 AM
> **To:** Claudia Piechota <cpiechota@hplplaw.com>; dianna frye

<dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell
<Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye; Tanna Discher
Subject: Re: Hoover (004169-065746-WC-01)
Date: Monday, October 16, 2023 10:22:23 AM

Checking back. I need answers.

On Sun, Oct 15, 2023, 9:21 PM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Is there a reason you have not contacted me like you are supposed to, until now? Its been since before our hearing. I've sent several unanswered emails... what's the deal?
>
> And further, why did you nor Dianna not notify me of my appointment with Dr. Boyd at Lexington Brain and Spine on September 21st? Isn't that your job?
>
> On Sun, Oct 15, 2023, 7:22 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:
>
> > Mr. Hoover-
> >
> > Dianna Frye will continue to be on your claim. This is something you can bring up at your upcoming hearing.
> >
> > Thank you,
> >
> > CLAUDIA J. PIECHOTA
> >
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> > Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
> >
> > o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
> >
> > w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, October 12, 2023 10:03 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye; Tanna Discher
Subject: Re: Hoover (004169-065746-WC-01)
Date: Monday, October 16, 2023 12:43:05 PM

...but isn't that part of your JOB? That is my question!

Is it????

On Mon, Oct 16, 2023, 11:14 AM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Again, Mr. Hoover, you can address all of this at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
>
> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com
>
> ---
>
> **From:** Walter Hoover,Jr <whooverjr@gmail.com>
> **Sent:** Monday, October 16, 2023 10:22 AM
> **To:** Claudia Piechota <cpiechota@hplplaw.com>
> **Cc:** dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Tanna Discher <Tanna_Discher@gbtpa.com>
> **Subject:** Re: Hoover (004169-065746-WC-01)
>
> Checking back. I need answers.

On Sun, Oct 15, 2023, 9:21 PM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Is there a reason you have not contacted me like you are supposed to, until now? Its been since before our hearing. I've sent several unanswered emails... what's the deal?
>
> And further, why did you nor Dianna not notify me of my appointment with Dr. Boyd at Lexington Brain and Spine on September 21st? Isn't that your job?
>
> On Sun, Oct 15, 2023, 7:22 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:
>
> > Mr. Hoover-
> >
> > Dianna Frye will continue to be on your claim. This is something you can bring up at your upcoming hearing.
> >
> > Thank you,
> >
> > CLAUDIA J. PIECHOTA
> >
> > Holder Padgett Littlejohn + Prickett, LLC
> >
> > CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
> >
> > Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
> >
> > o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
> >
> > w. hplplaw.com | e. cpiechota@hplplaw.com
> >
> > ---
> >
> > **From:** Walter Hoover,Jr <whooverjr@gmail.com>
> > **Sent:** Thursday, October 12, 2023 10:03 AM
> > **To:** Claudia Piechota <cpiechota@hplplaw.com>; dianna frye

<dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell
<Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota
Cc: dianna frye
Subject: Re: Hoover (004169-065746-WC-01)
Date: Monday, October 16, 2023 1:23:12 PM

Excuse me? What is your problem?

YOU, YOURSELF, cc'd her in an email at 7:22pm last night. I did not and have not cc'd her, Claudia.

I have simply used the "Reply All" button, so before you get hateful and flapping your gums at me, you need to check yourself young lady.

On Mon, Oct 16, 2023, 12:59 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Mr. Hoover-
>
> Please stop ccing my client, Tanna. She is represented by me, and you are not to have direct communication with her. Again, you are welcome to address all of this at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
>
> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Monday, October 16, 2023 12:43 PM
To: Claudia Piechota <cpiechota@hplplaw.com>
Cc: dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Tanna Discher <Tanna_Discher@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

...but isn't that part of your JOB? That is my question!

Is it????

On Mon, Oct 16, 2023, 11:14 AM Claudia Piechota <cpiechota@hplplaw.com> wrote:

> Again, Mr. Hoover, you can address all of this at your upcoming hearing.
>
> Thank you,
>
> CLAUDIA J. PIECHOTA
>
> Holder Padgett Littlejohn + Prickett, LLC
>
> CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
>
> Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
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> o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
>
> w. hplplaw.com | e. cpiechota@hplplaw.com
>
> ---
>
> **From:** Walter Hoover,Jr <whooverjr@gmail.com>
> **Sent:** Monday, October 16, 2023 10:22 AM
> **To:** Claudia Piechota <cpiechota@hplplaw.com>

Cc: dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Tanna Discher <Tanna_Discher@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Checking back. I need answers.

On Sun, Oct 15, 2023, 9:21 PM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Is there a reason you have not contacted me like you are supposed to, until now? Its been since before our hearing. I've sent several unanswered emails... what's the deal?
>
> And further, why did you nor Dianna not notify me of my appointment with Dr. Boyd at Lexington Brain and Spine on September 21st? Isn't that your job?
>
> On Sun, Oct 15, 2023, 7:22 PM Claudia Piechota <cpiechota@hplplaw.com> wrote:
>
> > Mr. Hoover-
> >
> > Dianna Frye will continue to be on your claim. This is something you can bring up at your upcoming hearing.
> >
> > Thank you,
> >
> > CLAUDIA J. PIECHOTA
> >
> > Holder Padgett Littlejohn + Prickett, LLC
> >
> > CHARLESTON | COLUMBIA | GREENVILLE | RALEIGH
> >
> > Office: 945 Houston Northcutt Blvd | Mt. Pleasant, SC 29464
> >
> > o. 843.278.0100 | d. 843.310.0485 | f. 843.589.9000 | vCard: CJP
> >
> > w. hplplaw.com | e. cpiechota@hplplaw.com

From: Walter Hoover,Jr <whooverjr@gmail.com>
Sent: Thursday, October 12, 2023 10:03 AM
To: Claudia Piechota <cpiechota@hplplaw.com>; dianna frye <dfrye@fryecasemgt.onmicrosoft.com>; Lorianne Campbell <Lorianne_Campbell@gbtpa.com>
Subject: Re: Hoover (004169-065746-WC-01)

Remove the Nurse Case Manager. I do not want her contacting me going forward.

Contact me directly regarding my appointments, etc.

On Thu, Sep 28, 2023, 7:37 AM Walter Hoover,Jr <whooverjr@gmail.com> wrote:

> Why didn't you notify me about my Dr's appointment? I am in pain!
>
> Why don't yall keep in contact with me like you're supposed to?

From: Walter Hoover,Jr
To: Claudia Piechota
Subject: Hoover (004169-065746-WC-01)
Date: Tuesday, October 17, 2023 5:00:02 PM

I want the Nurse Case Manager removed from my Claim immediately! I feel that she is working against me and it is my right to have her removed.

I want her removed today, Claudia.

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT LLC
ATTORNEYS AT LAW

Claudia J. Piechota

Reply to: *Charleston*
direct: **(843) 310-0485**
fax: **(843) 589-9000**
cpiechota@hplplaw.com

RECEIVED
Feb 03 2026
SC Court of Appeals

February 3, 2026

Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Walter Hoover, Jr., Appellant, v. Tractor Supply Company, Employer, and Starr Specialty Insurance Company, Carrier, Defendants, Of which Tractor Supply Company is the Respondent.
Appellate Case No. 2025-001248

Dear Sir or Madam:

Enclosed for filing in the above referenced case are the following documents:

(1) Respondent's Motion to Correct the Record on Appeal
(2) Memorandum In Support of Respondents' Motion to Correct the Record on Appeal
(3) Proof of Service of the Motion to Correct the Record on Appeal
(4) Exhibits
(5) $50.00 Filing Fee

Sincerely,

Claudia J. Piechota
HOLDER PADGETT LITTLEJOHN + PRICKETT
945 Houston Northcutt Blvd.
Mt. Pleasant, SC 29464
(843) 310-0485
Attorney for Respondent

cc: Walter Hoover
6194 Dogwalla Road
Whitmire, SC 29178
Tel: (803) 394-3047
Pro se Appellant