

State of South Carolina
Workers' Compensation Commission

APPELLATE PANEL DECISION AND ORDER

COMMISSION PANEL: The Honorable Cynthia C. Dooley, The Honorable T. Scott Beck,
The Honorable Melody L. James

SCWCC File No.: 1715460

Lashanda Wiggins,

Claimant,

v.

IH Services, Inc.,

Employer,

And

Hartford Accident and Indemnity Co.,

Carrier,

Defendants.

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SC Court of Appeals

AFFIRMED

Hearing held in Richland County, South Carolina,
on October 13, 2025

Per notice timely and properly served upon all Parties of Interest.

Appearances: Claimant/Appellant appeared *pro se*.

Russell Sanford, of Willson Jones Carter & Baxley, P.A.,
appeared on behalf of Defendants/Respondent.

Court Reporter: Amber Scarborough Creel Court Reporting, Inc.
1230 Richland Street, Columbia, SC 29201
(803) 252-3445, contact@creelreporting.com

Filed: December 12, 2025

I. STATEMENT OF THE CASE

This case was heard by the undersigned Commissioned in Saint George, South Carolina in Dorchester County on August 16, 2024. The Commission's file reflects that the Claimant's first counsel, Carl Jacobson, filed a Notice of Claim in October 2017 alleging a DOI of October 6, 2017 where the Claimant injured her neck, left shoulder, left arm, back, left ankle, and left leg as she was "carrying a load of towels and a broom." A Form 19 was filed in December 2017 denying the case.

The claim was dormant until December 2020 when the Claimant's second counsel, Kelly Burnside, filed a Form 50 Hearing Request, alleging that the Claimant injured her "neck, left shoulder/arm, back, left ankle/leg" which occurred when the Claimant "tripped while carrying a load of towels and a broom" on DOI October 6, 2017. Defendants timely and properly filed a Form 51 denying the case in full. Subsequently, Attorney Jacobson was released from the case. A hearing was set for April 13, 2021, but the parties executed a consent order canceling the hearing without prejudice to any party.

Defendants filed a Form 21 in August 2021 requesting to pay any PPD due. The parties executed a clincher referring to DOI October 6, 2017 where the claim was fully and completely resolved for \$3000. Of note, the clincher specifically provides that "Claimant also expressly represents and agrees that she sustained no work accidents or work injuries while employed by IH Service, Inc. other than the alleged work accident and resulting injury occurring on or about October 6, 2017." Attorney of record Kelly Burnside signed the agreement along with Claimant and Lynnley Ross, attorney for Defendants. The Commission received the signed agreement on December 8, 2021, and closed the claim on December 28, 2021.

On September 15, 2023, Claimant filed a handwritten motion to relieve Ms. Burnside of her duties as her counsel. Claimant claimed in the motion that she still had pain and wanted additional medical treatment. Claimant also made allegations in her motion that Ms. Burnside took her settlement money and that the Claimant never received it. Claimant then filed a Form 50 alleging a new injury for DOI September 17, 2017, alleging a “fall on the job.” Which resulted in her “left side hurting from the fall” and her “left knee hurts constantly.”

Defendants timely and properly filed Forms 51 for DOI September 17, 2017 and October 6, 2017. For both DOIs, but via separate Forms 51, Defendants denied the case in full and asserted that the Statute of Limitations bars benefits. Defendants also asserted that the claim had already been clinchered as well as asserting the Affirmative Defense of Notice and the equitable doctrine of estoppel bar the Claimant’s claims.

A hearing was set before a single commissioner for March 27, 2024, but it was postponed for additional time for the Claimant to retain an attorney. The hearing was reset for August 16, 2024, which proceeded on the merits.

On January 14, 2025, the single commissioner issued an order in which she found that (1) Claimant’s October 6, 2017 claim had been fully resolved by a clincher, (2) Claimant did not meet her burden of proving a compensable work injury on September 17, 2017, and (3) even if Claimant did suffer an otherwise-compensable work injury on September 17, 2017, her claim would be barred by the statute of limitations, the equitable doctrine of laches, and the equitable doctrine of estoppel.

On January 28, 2025, Claimant filed an appeal, claiming only that she disagreed with the single commissioner. A hearing was held before the appellate panel on October 13, 2025. At the hearing, Claimant expressed general dissatisfaction with the clincher agreement that she signed

for this alleged injury, claiming that she did not understand the agreement despite being represented by counsel at the time. We affirm the decision of the single commissioner.

II. SINGLE COMMISSIONER FINDINGS OF FACT AND CONCLUSIONS OF LAW

The verbatim findings of fact and conclusions of law in the appealed order of the single commissioner are as follows:

Single Commissioner Findings of Fact

1. That Employee, Employer, and Carrier are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Lashanda Wiggins as Employee-Claimant and IH Services, Inc. as Employer and Hartford Accident and Indemnity Co as Carrier, Defendants.
2. Claimant resolved her October 6, 2017, claim on a full and final clincher basis and thus, Claimant is barred from receiving additional benefits under the Act for that date of injury.
3. Claimant also pled a separate injury date of September 17, 2017.
4. Claimant's request for benefits from a September 17, 2017 injury is a duplicate claim. This finding is based on the preponderance of the evidence which includes the Claimant's own testimony, the medical records in evidence, and the other filings with the Commission which includes the October 6, 2017, claim with the same set of facts and allegedly injured body parts.
5. Notwithstanding the above finding of duplicity, Claimant is found to have failed to meet her burden in proving a compensable work injury on September 17, 2017, based on the greater weight of the evidence. More specifically, there is no evidence provided in the record to support such a finding.

6. Despite her hearing testimony, Claimant testified in her February 10, 2021 deposition to a date of accident of October 6, 2017. Claimant further testified in her February 10, 2021 deposition that she had been involved in no new accidents since her October 6, 2017 work accident.
7. Even if Claimant were involved in a second work accident on September 17, 2017, she was released at MMI by Dr. James Bethea on August 17, 2021 with a 0% impairment rating, no permanent physical impairment, and no additional treatment needed.
8. Furthermore, Defendants prevail on the statutory notice and statute of limitations defenses as well as the equitable doctrines of estoppel and laches.
9. Based on the above findings, all claims for benefits are denied.
10. Claimant did not provide notice within ninety days after the occurrence of the alleged accident on September 17, 2017. Claimant provided no reasonable excuse as to why she did not provide timely notice, and I find that the passage of time in this particular case means that the Defendants were significantly prejudiced.
11. Claimant did not file any claim within two years after the alleged accident on September 17, 2017.
12. Claimant had the opportunity to act prior to her filing, was negligent in asserting her claim, and materially prejudiced Defendants by neglecting to assert her rights.
13. Claimant made a false representation, intended for Defendants to act, and had knowledge of the real facts. Defendants lacked knowledge and the means of knowledge as to the truth of the facts in question, Defendants relied upon the conduct of Claimant, and Defendants made a prejudicial change in position in reliance on the conduct of Claimant.

14. I specifically find as a fact that this case is medically complex. It is a sophisticated case requiring highly scientific procedures or techniques for diagnosis or treatment, not just MRI and other objective testing. I find this case would require specific findings by a licensed medical provider that the Claimant's claims for injury occurring on either date in 2017 were still causing her 2024 problems. Such is not a finding that a lay person could make and expert testimony is/was necessary in this particular complicated, sophisticated case. As no expert testimony was submitted in support of the Claimant's assertions, the case must fail.
15. I specifically give weight to the opinion of Dr. Bethea stating that the claimant's complaints are unrelated to her October 2017 fall and that there is no impairment.

Single Commissioner Conclusions of Law

1. Under § 42-1-130, Claimant was a covered employee at the time in question; and under § 42-1-140, Defendant/Employer was a covered employer under the Act.
2. Under § 42-15-20, Claimant did not provide notice within ninety days after the occurrence of the alleged accident on September 17, 2017 and therefore no compensation is payable.
3. Under § 42-15-40, Claimant did not file the claim within two years after the alleged accident on September 17, 2017 and the right to compensation is barred.
4. Under § 42-1-160, the case is medically complex and is a sophisticated case requiring highly scientific procedures or techniques for diagnosis or treatment.
5. Under the doctrine of res judicata, any claim arising out of Claimant's previously settled October 6, 2017, work accident is precluded and not subject to review. Claimant's September 17, 2017, claim is duplicative of her prior claim and therefore barred.
6. Under the equitable doctrine of laches, Claimant had the opportunity to act prior to her filing, was negligent in asserting her claim, and materially prejudiced Defendants by neglecting to assert her

rights. The equitable doctrine of laches bars the Claimant's claim for benefits.

7. Under the doctrine of equitable estoppel, Claimant made a false representation, intended for Defendants to act, and had knowledge of the real facts. Defendants lacked knowledge and the means of knowledge as to the truth of the facts in question, Defendants relied upon the conduct of Claimant, and Defendants made a prejudicial change in position in reliance on the conduct of Claimant and thus the claim is barred.

III. ISSUES ON APPEAL

1. Does Claimant's signed clincher agreement prevent her from continuing to seek benefits for the sole claimed injury?

IV. DECISION OF THE APPELLATE PANEL

Appellate Panel's Findings of Fact

1. That Employee, Employer, and Carrier are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Lashanda Wiggins as Employee-Claimant and IH Services, Inc. as Employer and Hartford Accident and Indemnity Co as Carrier, Defendants.
2. Claimant resolved her October 6, 2017, claim on a full and final clincher basis and thus, Claimant is barred from receiving additional benefits under the Act for that date of injury.
3. Claimant also pled a separate injury date of September 17, 2017.
4. Claimant's request for benefits from a September 17, 2017 injury is a duplicate claim. This finding is based on the preponderance of the evidence which includes the Claimant's own testimony, the medical records in evidence, and the other filings with the Commission

which includes the October 6, 2017, claim with the same set of facts and allegedly injured body parts.

5. Notwithstanding the above finding of duplicity, Claimant is found to have failed to meet her burden in proving a compensable work injury on September 17, 2017, based on the greater weight of the evidence. More specifically, there is no evidence provided in the record to support such a finding.
6. Despite her hearing testimony, Claimant testified in her February 10, 2021 deposition to a date of accident of October 6, 2017. Claimant further testified in her February 10, 2021 deposition that she had been involved in no new accidents since her October 6, 2017 work accident.
7. Even if Claimant were involved in a second work accident on September 17, 2017, she was released at MMI by Dr. James Bethea on August 17, 2021 with a 0% impairment rating, no permanent physical impairment, and no additional treatment needed.
8. Furthermore, Defendants prevail on the statutory notice and statute of limitations defenses as well as the equitable doctrines of estoppel and laches.
9. Based on the above findings, all claims for benefits are denied.
10. Claimant did not provide notice within ninety days after the occurrence of the alleged accident on September 17, 2017. Claimant provided no reasonable excuse as to why she did not provide timely notice, and we find that the passage of time in this particular case means that the Defendants were significantly prejudiced.
11. Claimant did not file any claim within two years after the alleged accident on September 17, 2017.

12. Claimant had the opportunity to act prior to her filing, was negligent in asserting her claim, and materially prejudiced Defendants by neglecting to assert her rights.
13. Claimant made a false representation, intended for Defendants to act, and had knowledge of the real facts. Defendants lacked knowledge and the means of knowledge as to the truth of the facts in question, Defendants relied upon the conduct of Claimant, and Defendants made a prejudicial change in position in reliance on the conduct of Claimant.
14. We specifically find as a fact that this case is medically complex. It is a sophisticated case requiring highly scientific procedures or techniques for diagnosis or treatment, not just MRI and other objective testing. We find this case would require specific findings by a licensed medical provider that the Claimant's claims for injury occurring on either date in 2017 were still causing her 2024 problems. Such is not a finding that a lay person could make and expert testimony is/was necessary in this particular complicated, sophisticated case. As no expert testimony was submitted in support of the Claimant's assertions, the case must fail.
15. We specifically give weight to the opinion of Dr. Bethea stating that the claimant's complaints are unrelated to her October 2017 fall and that there is no impairment.

Appellate Panel's Conclusions of Law

Based on the foregoing findings of fact, the undersigned commissioners make the following conclusions of law:

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

2. Under § 42-15-20, Claimant did not provide notice within ninety days after the occurrence of the alleged accident on September 17, 2017 and therefore no compensation is payable.
3. Under § 42-15-40, Claimant did not file the claim within two years after the alleged accident on September 17, 2017 and the right to compensation is barred.
4. Under § 42-1-160, the case is medically complex and is a sophisticated case requiring highly scientific procedures or techniques for diagnosis or treatment.
5. Under the doctrine of res judicata, any claim arising out of Claimant's previously settled October 6, 2017, work accident is precluded and not subject to review. Claimant's September 17, 2017, claim is duplicative of her prior claim and therefore barred.
6. Under the equitable doctrine of laches, Claimant had the opportunity to act prior to her filing, was negligent in asserting her claim, and materially prejudiced Defendants by neglecting to assert her rights. The equitable doctrine of laches bars the Claimant's claim for benefits.
7. Under the doctrine of equitable estoppel, Claimant made a false representation, intended for Defendants to act, and had knowledge of the real facts. Defendants lacked knowledge and the means of knowledge as to the truth of the facts in question, Defendants relied upon the conduct of Claimant, and Defendants made a prejudicial change in position in reliance on the conduct of Claimant and thus the claim is barred.

ORDER

Based on the preceding findings of fact and conclusions of law,

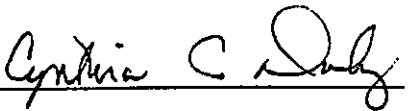
IT IS HEREBY ORDERED that Claimant resolved her October 6, 2017 claim on a full and final clincher and is therefore barred from receiving additional benefits under the Act for that date of injury.

IT IS FURTHER ORDERED that Claimant did not sustain her burden of proving a compensable work injury on September 17, 2017. Even if she did sustain a compensable work

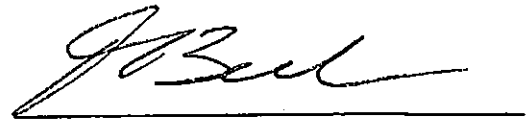
injury, such a claim is barred by the Statute of Limitations, the equitable doctrine of laches, and the equitable doctrine of estoppel.

IT IS FURTHER ORDERED that all claims for benefits are denied.

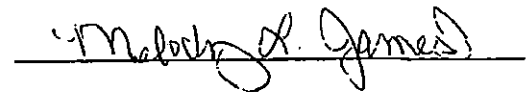
AND SO IT IS ORDERED.



Cynthia C. Dooley, Commissioner



T. Scott Beck, Commissioner



Melody L. James, Commissioner

Date

Columbia, SC

Order Served via email:

LaShanda Wiggins shandaw066@gmail.com	Lynnley D. Ross Wilson Jones Carter & Baxley ldross@wjcblaw.com
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Order Served via USPS:

Lashanda Wiggins 1219 Old Gaillard Road Ridgeville, SC 29472	Lynnley D. Ross Wilson Jones Carter & Baxley 325 Rocky Slope Rd, Ste. 201 Greenville, SC 29607
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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 December 12, 2025