

State of South Carolina
Workers' Compensation Commission

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SC Court of Appeals

APPELLATE PANEL DECISION AND ORDER

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

SCWCC File No.: 2024620

Bernard Bluefort, dec,

Claimant,

v.

Jimmie's Tree Service, Inc.,

Employer,

and

American Interstate Insurance Company,

Carrier,

Defendants.

AFFIRMED

Hearing held in Richland County, South Carolina,
on April 30, 2025

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

Appearances: Belinda Beaufort, Claimant/Appellant, appeared *pro se*.

Anne Veatch Noonan, Esquire, of Willson Jones Carter &
Baxley, P.A., appeared on behalf of Defendants/
Respondents.

Court Reporter: Skylet Kean
(803) 609-0134, fitpam@aol.com

Filed: January 7, 2026

I. STATEMENT OF THE CASE

This is a denied death claim. Claimant suffered cardiac arrest on September 29, 2020, and unfortunately passed away the following day. Defendants denied that Claimant's cardiac event and unfortunate subsequent death are causally related to his employment as there were no unusual or extraordinary circumstances, and further denied that Belinda Bluefort, Claimant's widow, complied with the Statute of Limitations which is a bar to this claim. Defendants also requested a finding of a good faith dependency investigation. Claimant's widow asserted that her husband suffered a physical work injury from a motor vehicle accident related to his employment, and that she is entitled to benefits as the Claimant's surviving spouse. Claimant's widow, Mrs. Belinda Bluefort, admits that she did not file the claim for over to years prior to the expiration of the Statute of Limitations. She filed a Form 52 Request for Hearing on November 29, 2023, over three years after the death of the Claimant.

On April 30, 2025, a hearing was held before the single commissioner to determine whether the claim is barred by the Statute of Limitations and if not, whether the claim is compensable. On July 31, 2025, the single commissioner issued an order in which they found the Defendants had conducted a Good Faith Dependency Investigation, that the claim is barred by the Statute of Limitations, and that insufficient evidence existed to find the claim compensable.

On August 13, 2025, Claimant filed an appeal, claiming the commissioner erred in (1) finding the claim was barred by the Statute of Limitations, and (2) finding that insufficient evidence existed to find the claim compensable. A hearing was held before the appellate panel on November 18, 2025. 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. I find the Defendants conducted a good faith dependency investigation.
2. I find the claim is barred by the Statute of Limitations.
3. I find that, even if the claim were not barred by the Statute of Limitations, insufficient evidence exists to find this claim compensable.

Single Commissioner Conclusions of Law

1. Pursuant to S.C. Code Ann. § 42-15-40, the right to compensation is barred unless a claim is filed with the Commission within two years after an accident, or if death resulted from the accident, within two years of the date of death. Claimant died on September 30, 2020. Claimant's widow filed a Form 52 Request for Hearing on November 29, 2023, over three years after the death of the Claimant. (See Commission's File). Therefore, Claimant's widow or estate's right to compensation is barred, as the claim was not filed within two years of the date of death.
2. Pursuant to S.C. Code Ann. § 41-1-160(C), heart attacks arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer/employee relations. Claimant did not offer evidence to support that the Employee was subjected to unusual and extraordinary exertion in his work. Further, Claimant did not offer medical evidence to causally connect Employee's heart attack to unusual or extraordinary work conditions. See *Black v. Barnwell County*, 243 S.C. 531 (1964). Therefore, Claimant did not meet the burden of proof

required under the Act to connect Employee's heart attack and subsequent death to a work-related accident.

3. Pursuant to S.C. Code Ann. § 42-9-290, Regulation 67-902, and other applicable law, Defendants have carried out a good faith and thorough effort to discover Claimant's beneficiaries and dependents. Defendants have satisfied their obligations and shall not hereafter be responsible for any payment of any other workers' compensation benefits to any person resulting from Claimant's death and/or the claim referenced herein.

III. ISSUES ON APPEAL

1. Did the single commissioner err in finding the claim was barred under the Statute of Limitations?
2. Did the single commissioner err in ruling that there was insufficient evidence to find the claim compensable?

IV. DECISION OF THE APPELLATE PANEL

Appellate Panel's Findings of Fact

1. We find the Defendants conducted a good faith dependency investigation.
2. We find the claim is barred by the Statute of Limitations.
3. We find that, even if the claim were not barred by the Statute of Limitations, insufficient evidence exists to find this claim compensable.

Appellate Panel's Conclusions of Law

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

1. Pursuant to S.C. Code Ann. § 42-15-40, the right to compensation is barred unless a claim is filed with the Commission within two years after an accident, or if death resulted from the accident, within two years of the date of death. Claimant died on September 30, 2020. Claimant's widow filed a Form 52 Request for Hearing on November 29, 2023, over three years after the death of the Claimant. (See Commission's File). Therefore, Claimant's widow or estate's right to compensation is barred, as the claim was not filed within two years of the date of death.

2. Pursuant to S.C. Code Ann. § 41-1-160(C), heart attacks arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer/employee relations. Claimant did not offer evidence to support that the Employee was subjected to unusual and extraordinary exertion in his work. Further, Claimant did not offer medical evidence to causally connect Employee's heart attack to unusual or extraordinary work conditions. See *Black v. Barnwell County*, 243 S.C. 531 (1964). Therefore, Claimant did not meet the burden of proof required under the Act to connect Employee's heart attack and subsequent death to a work-related accident.

3. Pursuant to S.C. Code Ann. § 42-9-290, Regulation 67-902, and other applicable law, Defendants have carried out a good faith and thorough effort to discover Claimant's beneficiaries and dependents. Defendants have satisfied their obligations and shall not hereafter be responsible for any payment of any other workers' compensation benefits to any person resulting from Claimant's death and/or the claim referenced herein.

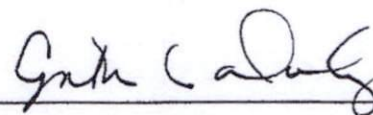
ORDER

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

IT IS HEREBY ORDERED that Defendants conducted a Good Faith Dependency Investigation.

IT IS FURTHER ORDERED that the claim is barred by the Statute of Limitations, and that insufficient evidence exists to find this claim compensable.

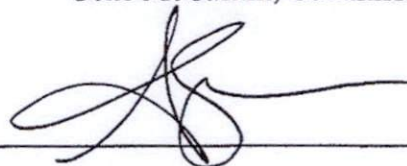
AND SO IT IS ORDERED.



Cynthia C. Dooley, Commissioner



Gene McCaskill, Commissioner



Aisha Taylor, Commissioner

Date

Columbia, SC

Order Served via USPS:

Bernard (Belinda) Bluefort 3105 Nemith Road Nesmith, SC 29580	Anne V. Noonan Wilson Jones Carter & Baxley, PA 4922 O'Hear Avenue, Ste. 301 North Charleston, SC 29405

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 January 7, 2026