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S.C. SUPREME COURT

Javon Gilliard,
Claimant, Appellant

313 David Court

Ladson SC 29456

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803-378-3359

v.

Dorchester School District Two;
South Carolina School Boards Insurance Trust,
Carrier, Respondents

Attorney for Respondents:

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Honorable Justices of the Supreme Court,

I respectfully submit this letter as a formal appeal of the Workers' Compensation decision in the above-referenced case, in which I was found to have reached Maximum Medical Improvement (MMI). I believe this determination was made in error and was based on incomplete and inaccurate medical evaluations.

First, the finding of MMI was based on the conclusion that I had been evaluated by three orthopedic physicians. However, I was evaluated by only two orthopedists: Dr. Brian Cash and Dr. George Pappas. The record incorrectly reflects an additional orthopedic evaluation that did not occur as represented.

Second, during the orthopedic evaluation conducted after my visit with Dr. Brian Cash, the examining physician, Dr. George Friedman, evaluated the incorrect body part. My compensable injury involves my right shoulder and right arm; however, Dr. Friedman examined my left shoulder and left arm. This error is documented in the medical records and is referenced on page one of the evidence submitted. An examination of the incorrect body part cannot serve as a valid basis for determining MMI.

Due to these errors, the medical evidence relied upon to support the MMI finding is materially flawed: As a result, the decision issued by Commissioner Wilkinson to dismiss Dr. George Friedman's evaluation was based on inaccurate information and did not fully or fairly consider my actual medical condition or work-related injury. Additionally, a legal consent order was completed stating that I would be evaluated by Dr. George Pappas for a second opinion, further supporting the need for proper medical review.

I respectfully request that this Honorable Court review the record, recognize the inconsistencies and examination errors, and reverse or remand the decision for further proceedings, including a proper orthopedic evaluation of the correct injured body part.

Thank you for your time, consideration, and commitment to justice. I respectfully request any relief this Court deems just and proper.

Respectfully submitted,

Javon Gilliard
Petitioner