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SC Court of Appeals

State of South Carolina
Workers' Compensation Commission

APPELLATE PANEL DECISION AND ORDER

COMMISSION PANEL: The Honorable Melody L. James, The Honorable Gene McCaskill,
The Honorable Cynthia C. Dooley

SCWCC File No.: 2022966

Maria Alvarez,

Claimant,

v.

Highland Baking Co.,

Employer,

and

PA Manufacturers Association Insurance Co.,

Carrier,

Defendants.

AFFIRMED.

Hearing held in Richland County, South Carolina,
on August 25, 2025

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

Appearances: Alton L. Martin, Esquire, of Martin & Martin, P.A.,
appeared on behalf of Claimant/Appellant.

Benjamin M. Renfrow, Esquire, of Wilson Jones Carter &
Baxley, P.A., appeared on behalf of Defendants/
Respondents.

Court Reporter: Megan Brown, ABC Reporting Services
803-730-3015, Cwiz1959@gmail.com

Filed: January 23, 2026

I. STATEMENT OF THE CASE

This is an admitted claim. Maria Alvarez (Claimant) worked for Highland Baking Company (Employer) and alleged that on November 5, 2020, she was pulling a pallet with a jack from a wrapping machine and slipped and fell on her bottom, injuring her back, legs, and psyche. *Form 50*. Her Form 50 was filed on July 7, 2024.

In her Form 50, Claimant alleged permanent and total disability, subjecting the claim to mandatory mediation, which resulted in an impasse. *Form 50*. Claimant argued that for over 3½ years, Defendants have repeatedly stopped TTD benefits and failed to provide recommended care. No psyche treatment has been authorized. *Claimant's Form 58*. Claimant was seeking a second opinion for her "debilitating" back pain. As such, her attorney scheduled a second opinion surgical consultation with Dr. Lozanne for August 16, 2024. Claimant requested that this hearing be continued to give her the opportunity to attend that appointment. Claimant also sought to depose Defendants' physical therapist that performed the FCE on March 20, 2024. *Claimant's Motion to Postpone*. The single commissioner, Hon. Aisha Taylor, denied that motion to postpone the July 8, 2024, hearing by order dated July 3, 2024. Defendants had filed their Form 21 hearing request on April 17, 2024. As such, the requested hearing was already outside of the statutory time limit, and any further continuance would prejudice Defendants, as Claimant had continued to receive weekly TTD benefits. Moreover, Claimant had been treated by multiple authorized treating physicians and had been placed at maximum medical improvement (MMI). *Order Denying Motion*.

Defendants asserted in their Form 58 that the facts in controversy were: (1) see Form 21, (2) was Claimant entitled to any additional benefits, (3) credibility of Claimant, (4) Defendants denial that Claimant's current condition is causally related, (5) compliance with medical treatment,

(6) Singleton, (7) Wigfall, (8) Curiel, (9) Nawa, and (10) credit for overpayment. *Form 58*. Defendants noted that Claimant had been rated 0% to her spine by Dr. Chi Lim and placed at Maximum Medical Improvement (MMI) on April 15, 2021, and rated 7% to her lumbar spine by Dr. Willoughby. *Form 58*.

Defendants objected to a witness that was subpoenaed the Friday immediately before the hearing. Claimant asserted that they had attempted to depose the witness and that the only way to get his testimony was to have him appear in person. The single commissioner overruled the objection and allowed Eric Adams to testify at the hearing. *Tr. 4-5.*

Claimant objected to the Form 21 as being improperly filed because the Form 17 that was attached to it was not complete on the basis that it was not signed and did not document what the basis of the Form 17 was when Claimant was supposed to have been able to return to work under Regulation 67-505(e). *Tr. 6*. Defendants replied that the Form 17 was proper, and that any omission was cured by the contemporaneous filing of the Form 21, outlining the basis for the Form 17. *Tr. 6-7*. The single commissioner overruled Claimant's objection to the Form 21 and jurisdiction for the hearing and allowed the hearing to go forward. The single commissioner found that the Form 17 was proper, Defendants had not terminated TTD as of the date of the hearing, and as such, there was no requirement that the Form 17 be completed. *Tr. 7*.

Claimant also reiterated at the hearing her objection to the hearing not being postponed. *Tr. 7-8*. The single commissioner clarified that in the order denying that motion, she noted that Claimant had been placed at maximum medical improvement (MMI) by her treating physicians; it was not a factual finding of MMI by this Commission. Based on her being placed at MMI by the authorized treating physicians, the single commissioner found that the Form 21 hearing should go forward. *Tr. 8*.

Claimant also moved that Defendants' APA #7, pages 76 through 199, personnel file be stricken because it did not relate to Claimant, who is also known as Jasmine Medina Marquez. Rather, her attorney stated that those records have to do with another person who is using Claimant's identity to work. *Tr. 8.* Defendants asserted that those records from Diversified Coatings Systems are records from someone with the same name and social security number as Claimant is using while here illegally in the United States. They assert that even if the single commissioner were to find these are two separate people using the same illegal identification card, those records go to Claimant's credibility with regard to her willingness to break the law and do things illegally to allow her to put money in her pocket. *Tr. 8-9.* The single commissioner clarified that this was the same name and social security number with which Claimant sought employment with Defendant Employer. Defendants concurred and added it is also the identity she has used with all of her medical providers throughout this case and prior to this case. *Tr. 9.* The single commissioner allowed the records into evidence over Claimant's objection and with the caveat that Claimant could testify as to specific details regarding those documents. *Tr. 9.*

Defendants assert that Claimant suffered an originally admitted low back injury. *Tr. 10.* They provided appropriate medical treatment. She has reached MMI with regard to any and all physical injuries to her back based on two authorized treating physicians and at least two IME physicians that Claimant's attorney sent her to. Dr. Lim issued Claimant 0% permanent impairment rating from an orthopedic standpoint. Dr. Willoughby, her authorized treating pain management physician, issued Claimant 7% permanent impairment to the lumbar spine and placed her at MMI on February 8, 2024. Thus, Defendants filed a Form 21 on April 17, 2024, seeking an order from the Commission allowing them to stop payment of temporary total disability (TTD) compensation. They also requested credit for overpayment of TTD since Claimant reached MMI

or, in the alternative, since they filed their Form 21. *Tr. 10.* Defendants assert that Claimant should be limited to the scheduled member provisions of S.C. Code Ann. § 42-9-30 for her back injury. They also pointed to an intervening accident in May of 2022 when she was at home sweeping and doing household chores. They argued that should be taken into consideration with regard to whether she can prove permanency related to her workers' compensation claim. Finally, Defendants specifically denied that Claimant suffered injury to any other body part, including her psychological claim, as her medical records were inconsistent with her current claim for psychological injury and treatment. She did not mention any psychological problem at her deposition on June 24, 2021, six months after her alleged work injury. Further, the only medical opinion she had that her current psychological condition is related to this work injury was based on information and facts that are not truthful and are inconsistent. *Tr. 11.* Thus, to the extent that Claimant needs psychological treatment, she could not prove that the need for such was causally related to this work injury versus a number of other things that have impacted her psyche. Defendants argued that this claim was not credible based on inconsistencies throughout her deposition testimony and information provided to medical providers. *Tr. 12.*

In contrast, Claimant asserted that she is not at MMI but needs psychological treatment that is causally related to the work accident and recommended by a neuropsychologist who did an evaluation. This recommendation was adopted by two other physicians, Dr. DeVault and Dr. Hutcheson, who both indicated that the treatment is necessary and causally related, and she is not at MMI. Claimant argued that Defendants did not obtain an opinion to address whether it was related, so the only evidence before this Commission is Claimant's. *Tr. 12.* While acknowledging that, the single commissioner found this was not determinative on this issue. Claimant also asserted that she needs surgical evaluation, as recommended by three doctors. She had not seen an

orthopedist or any surgeon since the sacral MRI on April 19, 2023, two-and-a-half years after the referral was made. She also argued that any credit should go back only to the date the Form 21 was filed on April 17, 2024. She avers that any award for permanency should be under the wage loss statute or loss of earning capacity under S.C. Code Ann. § 42-9-10 based on the injury to her back, lumbar spine, and coccyx, which has affected her legs and psyche, as documented in multiple records. *Tr. 13.* Regarding the intervening injury on May 25, 2022, Dr. Behr noted that the December 3, 2020 X-ray showed angulation of the coccyx and referred her for a sacral MRI. She said she was sweeping at home for twenty minutes and related the problem she was having back to her original accident. *Tr. 14. APA 289.*

The single commissioner hearing was for the purpose of the extent of Claimant's permanent partial disability and entitlement to additional medical treatment.

On July 8, 2024, a hearing was held before the single commissioner, and on May 7, 2025, the single commissioner issued an order in which they found that Claimant was entitled to 20% permanent partial disability to her back, under the single member body part statute of the Act. As such, Claimant would be entitled to 60 weeks of benefits or \$21,847.20. However, Defendants were entitled to a credit for overpayment of TTD benefits from April 17, 2024—the date of the filing of the Form 21 through the date TTD stopped, which was January 24, 2025. Thus, Defendants were entitled to a credit of 40 weeks and 3 days or 40.4286 weeks or \$14,720.86. Offsetting the amount due by that credit, the amount found due to the Claimant was \$7,126.34. Claimant is entitled to the net proceeds of her disability award to be paid in a lump sum through counsel. No future medical treatment was ordered, and no hearing costs were assessed in this instance.

On May 20, 2025, Claimant/Appellant filed an appeal, claiming that the single commissioner erred in (1) ruling the claim was limited to a single member (back only); (2) ordering no future medical treatment; (3) not ordering a new hearing after Defendants' attorney disclosed confidential information regarding settlement negotiations in violation of the signed Mediation Agreement; (4) ruling the Form 21 was properly set for a hearing; (5) ruling the Claimant was at MMI in an Order Denying Claimant's Motion to Postpone dated July 3, 2024, rather than on the merits at the Form 21 hearing; (6) not evaluating the claim under S.C. Code Ann. § 42-9-10 after finding the case was controlled by Singleton; (7) not considering medical evaluations and impairment ratings of other physicians that had evaluated the Claimant; (8) not allowing the Claimant to undergo a scheduled evaluation with a neurosurgeon, Dr. Lozanne, despite the authorized treating doctor's recommendation; and (9) ruling that Claimant could return to work in areas for which she is qualified and has mastery of.

A hearing was held before the appellate panel on August 25, 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. Employee/Claimant, Employer, and Carrier are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Maria Alvarez as Claimant, Highland Baking Company as Defendant Employer, and PA Manufacturers Association Insurance Company as Defendant Carrier.

2. Claimant's average weekly wage at the time of the accident was \$546.15, and her compensation rate was \$364.12. This finding of fact is based on the stipulation of the parties.

3. The undersigned did not receive or review any privileged or otherwise protected information in rendering these Findings of Fact.

4. Claimant sustained a compensable injury to her back on November 5, 2020, within the course and scope of her employment.

5. Claimant received causally related medical treatment with Dr. Lim, Dr. Behr, and Dr. Willoughby and was ultimately placed at maximum medical improvement (MMI) on February 8, 2024, by Dr. Channing Willoughby.

6. Dr. Lim issued Claimant a 0% permanent impairment rating from an orthopedic standpoint. Dr. Willoughby issued Claimant 7% permanent impairment to the lumbar spine.

7. Claimant underwent multiple Functional Capacity Evaluations (FCEs) in this claim. Although at least one indicated that she did not give maximum effort, the greater weight of the FCE evidence indicated that Claimant gave consistent effort.

8. Claimant asserts that she has sustained injuries to her bilateral legs as a result of this injury. I find the medical evidence refers to Claimant's radicular pain in her legs as a symptom of her lower back injury and not a separate and distinct injury to her legs. As such, Claimant's claim for additional findings of compensability to her legs is denied.

9. Claimant also asserts a psychological injury related to her work injury. Although Defendants did not specifically introduce contradictory evidence to her psyche claim, I find the basis for the psychological opinion was based on unreliable and later contradicted assertions by Claimant. There were many factual inconsistencies in what Claimant reported regarding her prior psychological status and prior life events that were documented to have contributed to

Claimant's psychological status. Based on this, I find Dr. Baez-Lockard's opinion is unreliable, as she did not have Claimant's full psychological history before rendering her opinion.

Claimant's claim for a compensable psychological injury is denied.

10. Although Claimant could not return to work at the bakery, the greater weight of the evidence supports a finding that Claimant could return to work in areas for which she is qualified and has a work history and mastery of the subject, including accounting work.

11. Claimant's request for a finding of permanent and total disability under S.C. Code Ann. § 42-9-10 is denied.

12. Defendants' contention that Claimant's increased pain after sweeping at home broke the chain of causation is denied. I do not find the act of sweeping sufficient to break the chain of causation in this instance.

13. Claimant is at maximum medical improvement (MMI) for her lower back injury as of February 8, 2024. This finding is based on the greater weight of the medical evidence, including the opinion of Dr. Channing Willoughby.

14. Claimant has sustained 20% permanent partial disability to her back as a result of her work injury. This finding is based on the greater weight of the medical and FCE evidence in the record.

Single Commissioner Conclusions of Law

1. Under S.C. Code Ann. § 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 S.C. Code Ann. § 42-1-160 (A), Claimant suffered an injury by accident arising out of and in the course of employment. Defendants accepted the claim.

3. Under S.C. Code Ann. § 42-9-30 (21), Claimant is entitled to and limited to permanent partial disability for loss of use of her back under the single body part scheduled member statute equal to a percentage of 300 weeks. *See Singleton v. Young Lumber Co.*, 236 S.C. 454, 114 S.E.2d 837 (1960).

4. Under S.C. Code Ann. § 42-9-210, Defendants are entitled to a credit for overpayment of TTD benefits from April 17, 2024—the date of the filing of Defendants' Form 21.

5. Under Regulation 67-1605, Claimant is entitled to the net proceeds of her disability award to be paid in a lump sum through counsel.

6. No future medical treatment is ordered.

7. No hearing costs are assessed.

III. ISSUES ON APPEAL

1. Did the hearing Commissioner err in ruling the claim was limited to a single member (back only)?

2. Did the hearing Commissioner err in ordering no future medical treatment?

3. Did the hearing Commissioner err in not ordering a new hearing after Defendants' attorney disclosed confidential information regarding settlement negotiations in violation of the signed Mediation Agreement?

4. Did the hearing Commissioner err in ruling the Form 21 was properly set for a hearing?

5. Did the hearing Commissioner err in ruling the Claimant was at MMI in an Order Denying Claimant's Motion to Postpone dated July 3, 2024, rather than on the merits at the Form 21 hearing?

6. Did the hearing Commissioner err in not evaluating the claim under S.C. Code Ann. § 42-9-10 after finding the case was controlled by Singleton?

7. Did the hearing Commissioner err in not considering medical evaluations and impairment ratings of other physicians that had evaluated the Claimant?

8. Did the hearing Commissioner err in not allowing the Claimant to undergo a scheduled evaluation with a neurosurgeon, Dr. Lozanne, despite the authorized treating doctor's recommendation?

9. Did the hearing Commissioner err in ruling that Claimant could return to work in areas for which she is qualified and has mastery of?

IV. DECISION OF THE APPELLATE PANEL

Appellate Panel's Findings of Fact

1. Employee/Claimant, Employer, and Carrier are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Maria Alvarez as Claimant, Highland Baking Company as Defendant Employer, and PA Manufacturers Association Insurance Company as Defendant Carrier.

2. Claimant's average weekly wage at the time of the accident was \$546.15, and her compensation rate was \$364.12. This finding of fact is based on the stipulation of the parties.

3. The undersigned did not receive or review any privileged or otherwise protected information in rendering these Findings of Fact.

4. Claimant sustained a compensable injury to her back on November 5, 2020, within the course and scope of her employment.

5. Claimant received causally related medical treatment with Dr. Lim, Dr. Behr, and Dr. Willoughby and was ultimately placed at maximum medical improvement (MMI) on February 8, 2024, by Dr. Channing Willoughby.

6. Dr. Lim issued Claimant a 0% permanent impairment rating from an orthopedic standpoint. Dr. Willoughby issued Claimant 7% permanent impairment to the lumbar spine.

7. Claimant underwent multiple Functional Capacity Evaluations (FCEs) in this claim. Although at least one indicated that she did not give maximum effort, the greater weight of the FCE evidence indicated that Claimant gave consistent effort.

8. Claimant asserts that she has sustained injuries to her bilateral legs as a result of this injury. We find the medical evidence refers to Claimant's radicular pain in her legs as a symptom of her lower back injury and not a separate and distinct injury to her legs. As such, Claimant's claim for additional findings of compensability to her legs is denied.

9. Claimant also asserts a psychological injury related to her work injury. Although Defendants did not specifically introduce contradictory evidence to her psyche claim, we find the basis for the psychological opinion was based on unreliable and later contradicted assertions by Claimant. There were many factual inconsistencies in what Claimant reported regarding her prior psychological status and prior life events that were documented to have contributed to Claimant's psychological status. Based on this, we find Dr. Baez-Lockard's opinion is unreliable, as she did not have Claimant's full psychological history before rendering her opinion. Claimant's claim for a compensable psychological injury is denied.

10. Although Claimant could not return to work at the bakery, the greater weight of the evidence supports a finding that Claimant could return to work in areas for which she is qualified and has a work history and mastery of the subject, including accounting work.

11. Claimant's request for a finding of permanent and total disability under S.C. Code Ann. § 42-9-10 is denied.

12. Defendants' contention that Claimant's increased pain after sweeping at home broke the chain of causation is denied. We do not find the act of sweeping sufficient to break the chain of causation in this instance.

13. Claimant is at maximum medical improvement (MMI) for her lower back injury as of February 8, 2024. This finding is based on the greater weight of the medical evidence, including the opinion of Dr. Channing Willoughby.

14. Claimant has sustained 20% permanent partial disability to her back as a result of her work injury. This finding is based on the greater weight of the medical and FCE evidence in the record.

Appellate Panel's Conclusions of Law

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

1. Under S.C. Code Ann. § 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 S.C. Code Ann. § 42-1-160 (A), Claimant suffered an injury by accident arising out of and in the course of employment. Defendants accepted the claim.

3. Under S.C. Code Ann. § 42-9-30 (21), Claimant is entitled to and limited to permanent partial disability for loss of use of her back under the single body part scheduled

member statute equal to a percentage of 300 weeks. *See Singleton v. Young Lumber Co.*, 236 S.C. 454, 114 S.E.2d 837 (1960).

4. Under S.C. Code Ann. § 42-9-210, Defendants are entitled to a credit for overpayment of TTD benefits from April 17, 2024—the date of the filing of Defendants’ Form 21.

5. Under Regulation 67-1605, Claimant is entitled to the net proceeds of her disability award to be paid in a lump sum through counsel.

6. No future medical treatment is ordered.

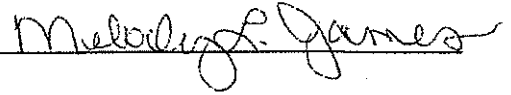
7. No hearing costs are assessed.

ORDER

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

IT IS HEREBY ORDERED that Claimant is entitled to 20% permanent partial disability to her back, under the single member body part statute of the Act. As such, Claimant would be entitled to 60 weeks of benefits or \$21,847.20. However, Defendants are entitled to a credit for overpayment of TTD benefits from April 17, 2024—the date of the filing of the Form 21 through the date TTD stopped, which is January 24, 2025. Thus, Defendants are entitled to a credit of 40 weeks and 3 days or 40.4286 weeks or \$14,720.86. Offsetting the amount due by that credit, the amount due to Claimant is \$7,126.34. Claimant is entitled to the net proceeds of her disability award to be paid in a lump sum through counsel. No future medical treatment is ordered. No hearing costs are assessed in this instance.

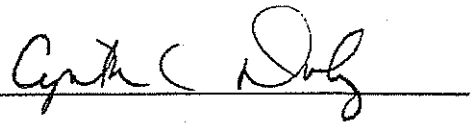
AND SO IT IS ORDERED.



Melody L. James, Commissioner



Gene McCaskill, Commissioner



Cynthia C. Dooley, Commissioner

Date

Columbia, SC

Order Served via email:

<p>Alton L. Martin, Jr. Martin & Martin al@martinslawfirm.com</p>	<p>Benjamin M. Renfrow Wilson Jones Carter & Baxley, PA bmrenfrow@wicblaw.com</p>
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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 January 23, 2026