

Jun 10 2026

SC Court of Appeals

**State of South Carolina
Workers' Compensation Commission**

APPELLATE PANEL DECISION AND ORDER

COMMISSION PANEL: The Honorable John Gabriel Coggiola, The Honorable T. Scott Beck,
The Honorable Melody L. James

SCWCC File No.: 2317650

Michelle L. Robinson,

Claimant,

v.

Charleston County School District

Employer/Self-Insured,

Defendant.

AFFIRMED

Hearing held virtually via CourtCall,
on February 9, 2026

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

Appearances: Lawrence C. Kobrovsky, of Kobrovsky Law Office, LLC,
appeared on behalf of Claimant/Appellant.

Leslie M. Whitten, of Chartwell Law LLC, appeared on
behalf of Defendant/ Respondent.

Court Reporter: Shelley Boyogne, ABC Court Reporting
803-730-3015, Cwiz1959@gmail.com

Filed: May 21, 2026

I. STATEMENT OF THE CASE

The Claimant alleges that she was involved in a compensable accident on October 24, 2023, while breaking up a fight between students. Initially, the Claimant complained of an injury to her left hand only. She later complained of pain in her neck, right shoulder, back, and to her psyche. The Claimant requests that the Employer/Self-Insured be responsible for all causally related medical treatment and back owed temporary total disability benefits.

The Employer/Self-Insured denied that the Claimant had carried her burden of proving an aggravation of her pre-existing conditions to all of the alleged body parts and psyche. Further, the Claimant did not carry her burden of proving causation in this medically complex case created partly when the Claimant was involved in an intervening motor vehicle accident on February 13, 2024, and sustained an injury to her right shoulder.

On July 9, 2025, a hearing was held before the single commissioner, and on October 9, 2025, the single commissioner issued an order in which they found that the Claimant's claim for benefits for additional body parts or indemnity benefits in this case was denied.

On October 23, 2025, the Claimant filed an appeal, claiming that the single commissioner erred in finding that the Claimant had not met the legal requisite for meeting her burden of proof that she sustained injuries or aggravation to her alleged body parts, given the evidence presented. A hearing was held before the appellate panel on February 9, 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. All parties to this proceeding are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act.

2. That the Claimant sustained an admitted injury to her left hand arising out of and in the course and scope of her employment on 10/24/2023.

3. That the Claimant alleges causally related injuries to the neck, right shoulder, back, bilateral legs, and psyche arising from that incident.

4. That the Claimant was initially seen by Concentra for her alleged injuries where she was referred for physical therapy. (Claimant's APA p. 10). On January 15, 2024, the Claimant started treating with Dr. Bryan at Southeastern Spine. (Claimant's APA p. 177). The Claimant received a LESI performed by Dr. Bryan. (Claimant's APA p. 184). Additionally, the Claimant was evaluated by MUSC Orthopedics. (Claimant's APA p. 159). The Claimant received treatment from East Cooper Medical Center regarding her alleged injuries. (Claimant's APA p. 83). On July 15, 2024, the Defense provided an independent medical evaluation with Dr. Wildstein. (Def APA p. 97).

5. That on March 5, 2024, in a physician's statement for the Claimant, Dr. Tim Bryan of Southeastern Spine Institute opined: "Ms. Robinson has been under my care for an injury she sustained on October 24, 2023. She was working in the Charleston County School District. She intervened to break up a fight between two students on October 24, 2023. She had immediate onset of back and neck pain as well as arm and leg pain following this injury. She was treated by her primary care physician. To a reasonable degree of medical certainty, most probably, I believe this lady's neck and arm as well as back and leg pain were caused to worsen and become symptomatic consequence of her injuries sustained on October 24, 2023. She notes that she was doing well prior to this injury with no significant back or neck pain. Her MRIs do show degenerative changes at

L4-L5 with a broad-based disc bulge. This was a pre-existing condition that was exacerbated by her injury sustained October 24, 2023. This could explain her back and leg symptoms. Her cervical MRI does show strengthening of the normal cervical lordosis with multiple broad-based disc bulges throughout the sub axial cervical spine. This was a pre-existing condition that was exacerbated by her injury sustained on October 24, 2023. I am recommending a non-operative approach at this time. We are going to proceed with injection therapy. She could potentially be a candidate for surgical intervention if she fails conservative treatment. My above opinions are held to a reasonable degree of medical certainty, most probably. She continues to remain under my care with ongoing treatment.” (Claimant’s APA p. 82).

6. That on April 23, 2024, after reviewing medical records detailing the Claimant’s pre-existing injuries, Dr. Bryan testified as follows: “It appears that she has just chronic ongoing complaints that she’s had for some time.” (Deposition Transcript of Dr. Bryan p. 37). Additionally, Dr. Bryan testified that Claimant is not at maximum medical improvement. (Deposition Transcript of Dr. Bryan p. 37-38). Dr. Bryan recommended additional treatment with a strong emphasis on cognitive behavioral therapy and psychiatry. (Deposition Transcript of Dr. Bryan p. 38). Dr. Bryan did not believe that the Claimant was a surgical candidate but did believe she needed ongoing treatment for her chronic pain, specifically in the form of pain management. (Id.)

7. That Defendant provided an independent medical evaluation on July 15, 2024, with Dr. Michael Wildstein of Wildstein Spine Center. During the independent medical evaluation, Dr. Wildstein reviewed the footage from the alleged incident and opined that the Claimant’s complaints of entire right-sided body pain and his medical evaluation of her did not comport with the mechanism of injury that Claimant described to him. (Def APA p. 99). Dr. Wildstein reviewed medical records indicating that the Claimant suffered from severe pre-existing low back pain. (Id.)

although on October 17, 2023, the Claimant indicated that her visit to pain management was abdominal in nature, that statement is not corroborated in her medical records. (Id.) Dr. Wildstein stated that the majority of Claimant's lumbar spine complaints predated the October 24, 2023 incident. (Id.) However, Dr. Wildstein opined that the increase in Claimant's knee pain "could be" related to her work accident. (Id.) He also noted that the Claimant's rotator cuff tear "could be" due to the Claimant restraining the student. (Id.) Finally, Dr. Wildstein stated that the Claimant's cervical spine did not appear to be bothering her and that there are no findings of injury. (Id.)

8. That while there certainly is no dispute that the Claimant sustained a minor injury to her left hand intervening in a fight at work, based on a preponderance of the medical evidence, particularly the vacillating deposition opinions of treating physician Dr. Bryan and the less than definitive opinions of Dr. Wildstein in his IME report regarding causation, as well as other sworn testimony and video footage in the record, I do not find that the Claimant has met the legal requisite for meeting her burden of proof that she sustained injuries or aggravations to her alleged body parts.

9. That Claimant admitted during her deposition testimony that everything on the videos was what caused her injuries. (Claimant's Deposition Transcript p. 27). The videos only show the Claimant walking beside a student. (Def. Exh. A). However, the Claimant's testimony at the hearing was that she was injured while restraining the student, who was bucking trying to get away to punch another student. (Hearing Transcript p. 30). Due to the inconsistencies, I was not persuaded by the Claimant's testimony at the hearing.

Single Commissioner Conclusions of Law

1. S.C. Code Ann. § 42-1-160 defines injury by accident;
2. S.C. Code Ann. § 42-9-35 defines when benefits are owed based on an aggravation of pre-existing injury;
3. S.C. Code Ann. § 42-1-160(D) defines when benefits are owed due to a psychological condition;
4. S.C. Code Ann. § 42-1-160(E) defines when benefits are due in a medically complex case;

III. ISSUES ON APPEAL

1. Did the single commissioner err in finding that the Claimant had not met her legal requisite for meeting her burden of proof that she sustained injuries or aggravation to her alleged body parts, given the evidence presented?

IV. DECISION OF THE APPELLATE PANEL

Appellate Panel's Findings of Fact

1. All parties to this proceeding are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act.
2. That the Claimant sustained an admitted injury to her left hand arising out of and in the course and scope of her employment on 10/24/2023.
3. That the Claimant alleges causally related injuries to the neck, right shoulder, back, bilateral legs, and psyche arising from that incident.
4. That the Claimant was initially seen by Concentra for her alleged injuries where she was referred for physical therapy. (Claimant's APA p. 10). On January 15, 2024, the Claimant started

treating with Dr. Bryan at Southeastern Spine. (Claimant's APA p. 177). The Claimant received a LESI performed by Dr. Bryan. (Claimant's APA p. 184). Additionally, the Claimant was evaluated by MUSC Orthopedics. (Claimant's APA p. 159). The Claimant received treatment from East Cooper Medical Center regarding her alleged injuries. (Claimant's APA p. 83). On July 15, 2024, the Defense provided an independent medical evaluation with Dr. Wildstein. (Def APA p. 97).

5. That on March 5, 2024, in a physician's statement for the Claimant, Dr. Tim Bryan of Southeastern Spine Institute opined: "Ms. Robinson has been under my care for an injury she sustained on October 24, 2023. She was working in the Charleston County School District. She intervened to break up a fight between two students on October 24, 2023. She had immediate onset of back and neck pain as well as arm and leg pain following this injury. She was treated by her primary care physician. To a reasonable degree of medical certainty, most probably, I believe this lady's neck and arm as well as back and leg pain were caused to worsen and become symptomatic consequence of her injuries sustained on October 24, 2023. She notes that she was doing well prior to this injury with no significant back or neck pain. Her MRIs do show degenerative changes at L4-L5 with a broad-based disc bulge. This was a pre-existing condition that was exacerbated by her injury sustained October 24, 2023. This could explain her back and leg symptoms. Her cervical MRI does show strengthening of the normal cervical lordosis with multiple broad-based disc bulges throughout the sub axial cervical spine. This was a pre-existing condition that was exacerbated by her injury sustained on October 24, 2023. I am recommending a non-operative approach at this time. We are going to proceed with injection therapy. She could potentially be a candidate for surgical intervention if she fails conservative treatment. My above opinions are held to a reasonable degree of medical certainty, most probably. She continues to remain under my care with ongoing treatment." (Claimant's APA p. 82).

6. That on April 23, 2024, after reviewing medical records detailing the Claimant's pre-existing injuries, Dr. Bryan testified as follows: "It appears that she has just chronic ongoing complaints that she's had for some time." (Deposition Transcript of Dr. Bryan p. 37). Additionally, Dr. Bryan testified that Claimant is not at maximum medical improvement. (Deposition Transcript of Dr. Bryan p. 37-38). Dr. Bryan recommended additional treatment with a strong emphasis on cognitive behavioral therapy and psychiatry. (Deposition Transcript of Dr. Bryan p. 38). Dr. Bryan did not believe that the Claimant was a surgical candidate but did believe she needed ongoing treatment for her chronic pain, specifically in the form of pain management. (Id.)

7. That Defendant provided an independent medical evaluation on July 15, 2024, with Dr. Michael Wildstein of Wildstein Spine Center. During the independent medical evaluation, Dr. Wildstein reviewed the footage from the alleged incident and opined that the Claimant's complaints of entire right-sided body pain and his medical evaluation of her did not comport with the mechanism of injury that Claimant described to him. (Def APA p. 99). Dr. Wildstein reviewed medical records indicating that the Claimant suffered from severe pre-existing low back pain. (Id.) although on October 17, 2023 the Claimant indicated that her visit to pain management was abdominal in nature, that statement is not corroborated in her medical records. (Id.) Dr. Wildstein stated that the majority of Claimant's lumbar spine complaints predated the October 24, 2023 incident. (Id.) However, Dr. Wildstein opined that the increase in Claimant's knee pain "could be" related to her work accident. (Id.) He also noted that the Claimant's rotator cuff tear "could be" due to the Claimant restraining the student. (Id.) Finally, Dr. Wildstein stated that the Claimant's cervical spine did not appear to be bothering her and that there are no findings of injury. (Id.)

8. That while there certainly is no dispute that the Claimant sustained a minor injury to her left hand intervening in a fight at work, based on a preponderance of the medical evidence,

particularly the vacillating deposition opinions of treating physician Dr. Bryan and the less than definitive opinions of Dr. Wildstein in his IME report regarding causation, as well as other sworn testimony and video footage in the record, we do not find that the Claimant has met the legal requisite for meeting her burden of proof that she sustained injuries or aggravations to her alleged body parts.

9. That Claimant admitted during her deposition testimony that everything on the videos was what caused her injuries. (Claimant's Deposition Transcript p. 27). The videos only show the Claimant walking beside a student. (Def. Exh. A). However, the Claimant's testimony at the hearing was that she was injured while restraining the student, who was bucking trying to get away to punch another student. (Hearing Transcript p. 30). Due to the inconsistencies, we are not persuaded by the Claimant's testimony at the hearing.

Appellate Panel's Conclusions of Law

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

1. S.C. Code Ann. § 42-1-160 defines injury by accident;
2. S.C. Code Ann. § 42-9-35 defines when benefits are owed based on an aggravation of pre-existing injury;
3. S.C. Code Ann. § 42-1-160(D) defines when benefits are owed due to a psychological condition;
4. S.C. Code Ann. § 42-1-160(E) defines when benefits are due in a medically complex case;

ORDER

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

IT IS HEREBY ORDERED that the single commissioner's findings of fact and conclusions of law are affirmed in full;

IT IS FURTHER ORDERED that the Claimant's claim for benefits for additional body parts or indemnity benefits in this case are hereby denied.

No hearing costs or penalties are assessed in this matter.

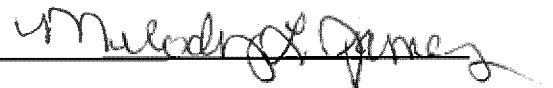
AND SO IT IS ORDERED.



John Gabriel Coggiola, Commissioner



T. Scott Beck, Commissioner



Melody L. James, Commissioner

Date

Columbia, SC

Order Served via email:

Leslie M. Whitten Chartwell Law lwhitten@chartwelllaw.com	Lawrence C. Kobrovsky Attorney at Law kobrovskyl@bellsouth.net
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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 May 21, 2026