

State of South Carolina
Workers' Compensation Commission

APPELLATE PANEL DECISION AND ORDER

COMMISSION PANEL: The Honorable John Gabriel Coggiola, The Honorable Aisha Taylor,
The Honorable R. Michael Campbell, II

SCWCC File No.: 2120101

Faith Boyd,

Claimant,

v.

NHC North Augusta,

Employer,

and

Premier Group Insurance Company,

Carrier,

Defendants.

RECEIVED

Aug 07 2026

SC Court of Appeals

AFFIRMED

Hearing held virtually via CourtCall
on March 16, 2026

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

Appearances: Steven G. Vicari, II, Esq., of Stewart Law Offices, LLC,
appeared on behalf of Claimant/Respondent.

Clarke McCants, IV, Esq., of McCants and McCants,
appeared on behalf of Defendants/ Appellants.

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

Filed:

July 9, 2026

I. STATEMENT OF THE CASE

Faith Boyd worked for NHC North Augusta as a dietary aide. On June 30, 2021, she was gathering things from a storeroom when she stepped back and tripped over a bread tin. She fell to the ground, injuring her right shoulder and right knee. The right shoulder injury was accepted, and the right knee injury was denied.

Claimant received treatment for the right shoulder, including surgery. Following surgery, she continued to have pain and limitations. The treating doctor released her.

Although they denied the knee, Defendants sent Claimant to a doctor to evaluate the knee. The doctor opined the knee was causally related and that a surgical consult was required. Defendants refused to provide the consult.

Claimant filed a Form 50 seeking an order (1) that the right shoulder and right knee are compensable, (2) that neither the right shoulder nor right knee is at MMI, and (3) that she is entitled to the surgical treatment Dr. Nahigian recommended.

Defendants asserted (1) Claimant is at MMI to the shoulder and permanency should be addressed, (2) because Claimant was noncompliant with authorized medical treatment, the issues she now experiences in her shoulder are not causally related to the work injury, and (3) the knee injury is unrelated to the work accident.

On February 14, 2025, a hearing was held before the single commissioner, and on October 31, 2025, the single commissioner issued an order in which they found that (1) Claimant had sufficiently complied with the recommended treatment, the right shoulder and right knee were both

compensable, Claimant was not at MMI and that Claimant was entitled to the causally related medical treatment recommended by Dr. Nahigian.

On November 14, 2025, Defendants filed an appeal, claiming that the single commissioner erred in finding the right knee compensable, finding that Claimant was not at MMI for either injury, and finding that Claimant was entitled to causally related medical treatment with Dr. Nahigian as the authorized treating physician. A hearing was held before the appellate panel on March 16, 2026. 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. Claimant testified that *prior to* June 30, 2021, she had never injured her right knee in any way. Hearing transcript, p. 20-1.
2. On June 30, 2021, Claimant tripped over a bread box at work and fell, injuring herself. Hearing transcript, p. 23; Defendants' APA, p. 360.
3. Claimant testified that after she fell, she felt pain down her right side, including her right shoulder, her lower back, her hip, and her right knee. Hearing transcript, p. 24.
4. When Claimant fell, other coworkers helped her stand up and took her to the nurse's station, where an incident report was created. The nurse told Claimant to go to urgent care. Hearing transcript, p. 25; Defendants' APA, p. 363-4.
5. At urgent care, Claimant reported pain in her right knee, hip, and right upper extremity. Claimant's APA, p. 1, 3.

6. Claimant was referred to Dr. Clark Moore, who diagnosed Claimant with tears in her right rotator cuff and biceps tendon and noted Claimant's pain in her right shoulder and right thigh. Claimant's APA, p. 30, 37.

7. At Dr. Moore's recommendation, Claimant underwent surgery on November 22, 2021, to fix the tears in her right shoulder. This was followed by subsequent treatment. Claimant's APA, p. 44-53.

8. On June 29, 2022, Katarzyna Mooney, DPT conducted a functional capacity evaluation (FCE) of Claimant. In her report, Dr. Mooney stated that Claimant demonstrated the ability to perform 58.9% of her physical demands as a cook at NHC, but it was also noted that Claimant was exhibiting self-limiting behavior and submaximal effort. Defendants' APA, p. 48.

9. On July 19, 2022, despite continued complaints of pain and discomfort in Claimant's shoulder, Dr. Moore placed Claimant at MMI with a 12% impairment rating to Claimant's right shoulder. Dr. Moore also opined that Claimant was capable of medium-duty work. Claimant's APA, p. 65.

10. On September 8, 2022, Defendants sent Claimant to Dr. Alex Collins, an orthopedist, for knee treatment. Dr. Collins stated that Claimant's continued pain in her right knee was a direct result of Claimant's work-injury from June 30, 2021. Claimant's APA, p. 68.

a. Dr. Collins gave Claimant restrictions which prohibited standing for more than 4 hours per day, twisting, climbing ladders, or squatting. Claimant's APA, p. 68.

b. Dr. Collins also noted that Claimant's knee was now periodically catching, giving way, and swelling. Claimant's APA, p. 68.

11. An MRI from February 2, 2023, reviewed by Dr. James Robertson, showed that the intrinsic ligaments and menisci in Claimant's right knee appeared grossly intact, but Claimant had

a Baker's cyst of indeterminate age. Also, no discrete meniscal tear was initially identified. Claimant's APA, p. 70; Defendants' APA, p. 57.

12. In a later follow-up with urgent care on January 26, 2023, Claimant reported that her right knee was still painful, weak, and was periodically giving out on her. Claimant's APA, p. 24-6.

13. An x-ray of Claimant's right knee on January 26, 2023, showed no acute fracture of dislocation, but the x-ray did show mild osteoarthritic changes. Claimant's APA, p. 28.

14. On March 6, 2023, Claimant saw Dr. Matthew Pollack for her knee pain. Claimant's APA, p. 71.

- a. Claimant reported constant pain in her right knee with continued clicking and popping.
- b. Dr. Pollack stated that he did not fully have an explanation for the extent of Claimant's knee pain. He also stated that even though it was not stated on Claimant's MRI report, Claimant's MRI showed arthritic change and medial meniscal tearing. Defendants' APA, p. 67, 242-3; Claimant's APA, p. 73, 77.
- c. Dr. Pollack stated that claimant was clear to work with no bending, no climbing, and no squatting. Claimant's APA, p. 75.
- d. On July 12, 2023, Dr. Pollack stated that Claimant was not at MMI yet. Claimant's APA, p. 77.
- e. Dr. Pollack recommended arthroscopic surgery for Claimant's meniscal tear, but he stated they would have to wait until they got clearance from Defendants. Defendants' APA, p. 68.
- f. According to Dr. Pollack, a meniscus tear like Claimant's can cause weakness in the knee. Defendants' APA, p. 267.

g. Dr. Pollack causally links Claimant's knee injury to her 2021 work accident. Defendants' APA, p. 262.

15. On April 27, 2023, Claimant reported to Robyn Budenstein, a physical therapist, that she had fallen four (4) times due to her right knee buckling. Claimant also reported having to alter her gait and being woken from her sleep by intense pain in her right knee. Defendants' APA, p. 58.

16. Budenstein also noted that Claimant had chronic and positive MRI findings, including a torn right knee meniscus. Defendants' APA, p. 59.

17. On October 13, 2023, Dr. Pollack sat for a deposition. Defendants' APA, p. 230.

a. Dr. Pollack stated that Baker's cysts, like the one Claimant had, could have a variety of possible causes, including arthritis, a meniscal tear, or ligament injuries. Defendants' APA, p. 245.

b. Dr. Pollack stated that he had no reason to disbelieve Claimant when she told him that her knee pain originated from her 2021 work-accident. Defendants' APA, p. 249.

c. Dr. Pollack reiterated his opinion that Claimant's ongoing symptoms are causally-related to her work-injury. Defendants' APA, p. 263.

d. Dr. Pollack stated that Claimant needed a surgical evaluation for her meniscal tear. Defendants' APA, p. 266-7.

18. On February 19, 2024, Claimant saw Dr. Kevin Nahigian, an orthopedic surgeon. Claimant's APA, p. 79.

a. Specifically regarding Claimant's right shoulder, Dr. Nahigian stated confidently that Claimant's right shoulder complaints are directly causally related to her work accident in 2021. Claimant's APA, p. 81.

- b. Regarding Claimant's right shoulder, Dr. Nahigian also stated Claimant's, "current function is terrible and she is essentially unable to do most activities of daily living." Therefore, he does not believe Claimant is at MMI for her right shoulder. Claimant's APA, p. 81.
- c. Dr. Nahigian felt surgery was Claimant's only option to recover function in her right shoulder. Claimant's APA, p. 81.
- d. Regarding Claimant's right knee, Dr. Nahigian stated that it was unclear to him why there has been controversy regarding this injury. He stated that Claimant has had persistent and consistent mechanical problems and a sense of instability resulting in multiple falls, and Claimant likely has a distal femoral chondral defect, most of which are associated with twisting injuries, persistent joint line discomfort, and mechanical symptoms that can result in falls. Claimant's APA, p. 81.
- e. Dr. Nahigian stated that Claimant's symptoms and complaints have been consistent since the day of Claimant's 2021 injury, and it is more likely than not that her right knee injury is directly causally related to her fall at work in June 2021. He opined that Claimant was not at MMI and could benefit greatly from a simple knee arthroscopy, tentative treatment of any chondral or meniscal pathology that is present, and follow-up physical therapy. He also opined that the 3-year delay in treatment for Claimant's knee has no doubt resulted in progression of Claimant's pathology, resulting in additional instability and continued pain. Claimant's APA, p. 81.
- f. Dr. Nahigian reiterated that, to a reasonable degree of medical certainty, Claimant's injuries to her right shoulder and right knee are, "without question causally related

to her fall at work in June 2021.” Claimant’s APA, p. 81; Defendants’ APA, p. 330-5.

g. Dr. Nahigian also reiterated in a questionnaire that as of February 19, 2024, Claimant was not at MMI for her right shoulder or right knee. Defendants’ APA, p. 330-5.

h. Dr. Nahigian also stated that he would defer to Claimant’s authorized treating physician for Claimant’s work restrictions. Defendants’ APA, p. 310-1

19. On February 24, 2024, Claimant was injured in a separate, subsequent accident while working at Garden City Foods. Claimant asserts that her knee gave out, and a coworker indicated on an incident form that Claimant seemed to have tripped over a milk crate. As a result of that separate, subsequent injury, Claimant asserts that she injured her right knee, right wrist, and right shoulder. Defendants’ APA, p. 208; Hearing transcript, p. 40, 54.

20. Claimant testified that the February 24, 2024 injury to the right knee and right shoulder resolved shortly after the accident and she returned to her pre-February 24, 2024, baseline. Hearing transcript, p. 41-3.

21. Claimant’s Participation in Physical Therapy:

- a. After Dr. Moore performed surgery on Claimant’s shoulder, he referred her to physical therapy. Defendants’ APA, p. 381-4.
- b. Claimant did not attend the physical therapy sessions scheduled for April 5, 12, and 21 in 2022, and when asked why she did not attend, she could not recall. Defendants’ APA, p. 385.
- c. Claimant testified that she was doing the at-home exercises that were recommended during this time. Hearing transcript, p. 51.

- d. Dr. Nahigian noted that there was some delay in physical therapy as a combined result of the delayed processing of the referral and Claimant's Covid diagnosis. Claimant's APA, p. 81.
- e. In his deposition, Dr. Nahigian stated that Claimant had never mentioned skipping physical therapy, but he recalled her telling him that she missed some physical therapy appointments due to a Covid diagnosis. Defendants' APA, p. 304-5.
- f. Claimant has completed her course of physical therapy. Defendants' APA, p. 317.
- g. Dr. Nahigian also stated that while frozen shoulder can be caused by a failure to do physical therapy, frozen shoulder can still happen even if a patient is compliant. Defendants' APA, p. 305-306, 316.
- h. I find by preponderance of the evidence that Claimant has sufficiently complied with the recommended treatment.

22. By a preponderance of the evidence, I find that Claimant has suffered an injury to her right knee as a result of her June 30, 2021 work accident.

23. By a preponderance of the evidence, I find that Claimant is not at MMI for her right shoulder.

24. By a preponderance of the evidence, I find that Claimant is not at MMI for her right knee.

25. By a preponderance of the evidence, I find the treatment Dr. Nahigian ordered will tend to lessen Ms. Boyd's period of disability.

26. By a preponderance of the evidence, I find Dr. Nahigian is the treating physician.

Single Commissioner Conclusions of Law

1. In accordance with S.C. Code Ann. § 42-15-60, Claimant has sufficiently complied with her recommended treatment.
2. On June 30, 2021, Claimant sustained compensable injuries to her right shoulder and right knee arising out of and in the course and scope of her employment with NHC.
3. In accordance with S.C. Code Ann. § 42-15-60, Claimant is entitled to additional treatment for her right shoulder and right knee, to include the treatment recommended by Dr. Nahigian.
4. In accordance with S.C. Code Ann. § 42-15-60, I assign Dr. Nahigian as the treating physician.

III. ISSUES ON APPEAL

1. Did the single commissioner err in finding Claimant's injury to her right knee to be a result of her June 30, 2021 work accident?
2. Did the single commissioner err in finding that Claimant was not at MMI for her right shoulder or right knee?
3. Did the single commissioner err in finding that Claimant was entitled to causally related medical treatment with Dr. Nahigian as the authorized treating physician?

IV. DECISION OF THE APPELLATE PANEL

Appellate Panel's Findings of Fact

1. Claimant testified that *prior to* June 30, 2021, she had never injured her right knee in any way. Hearing transcript, p. 20-1.

2. On June 30, 2021, Claimant tripped over a bread box at work and fell, injuring herself. Hearing transcript, p. 23; Defendants' APA, p. 360.

3. Claimant testified that after she fell, she felt pain down her right side, including her right shoulder, her lower back, her hip, and her right knee. Hearing transcript, p. 24.

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- g. Dr. Nahigian also reiterated in a questionnaire that as of February 19, 2024, Claimant was not at MMI for her right shoulder or right knee. Defendants' APA, p. 330-5.
- h. Dr. Nahigian also stated that he would defer to Claimant's authorized treating physician for Claimant's work restrictions. Defendants' APA, p. 310-1

19. On February 24, 2024, Claimant was injured in a separate, subsequent accident while working at Garden City Foods. Claimant asserts that her knee gave out, and a coworker indicated on an incident form that Claimant seemed to have tripped over a milk crate. As a result of that separate, subsequent injury, Claimant asserts that she injured her right knee, right wrist, and right shoulder. Defendants' APA, p. 208; Hearing transcript, p. 40, 54.

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21. Claimant's Participation in Physical Therapy:

- a. After Dr. Moore performed surgery on Claimant's shoulder, he referred her to physical therapy. Defendants' APA, p. 381-4.
- b. Claimant did not attend the physical therapy sessions scheduled for April 5, 12, and 21 in 2022, and when asked why she did not attend, she could not recall. Defendants' APA, p. 385.
- c. Claimant testified that she was doing the at-home exercises that were recommended during this time. Hearing transcript, p. 51.
- d. Dr. Nahigian noted that there was some delay in physical therapy as a combined result of the delayed processing of the referral and Claimant's Covid diagnosis. Claimant's APA, p. 81.
- e. In his deposition, Dr. Nahigian stated that Claimant had never mentioned skipping physical therapy, but he recalled her telling him that she missed some physical therapy appointments due to a Covid diagnosis. Defendants' APA, p. 304-5.
- f. Claimant has completed her course of physical therapy. Defendants' APA, p. 317.
- g. Dr. Nahigian also stated that while frozen shoulder can be caused by a failure to do physical therapy, frozen shoulder can still happen even if a patient is compliant. Defendants' APA, p. 305-306, 316.
- h. We find by preponderance of the evidence that Claimant has sufficiently complied with the recommended treatment.

22. By a preponderance of the evidence, we find that Claimant has suffered an injury to her right knee as a result of her June 30, 2021 work accident.

23. By a preponderance of the evidence, we find that Claimant is not at MMI for her right shoulder.

24. By a preponderance of the evidence, we find that Claimant is not at MMI for her right knee.

25. By a preponderance of the evidence, we find the treatment Dr. Nahigian ordered will tend to lessen Ms. Boyd's period of disability.

26. By a preponderance of the evidence, we find Dr. Nahigian is the treating physician.

Appellate Panel's Conclusions of Law

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

1. In accordance with S.C. Code Ann. § 42-15-60, Claimant has sufficiently complied with her recommended treatment.

2. On June 30, 2021, Claimant sustained compensable injuries to her right shoulder and right knee arising out of and in the course and scope of her employment with NHC.

3. In accordance with S.C. Code Ann. § 42-15-60, Claimant is entitled to additional treatment for her right shoulder and right knee, to include the treatment recommended by Dr. Nahigian.

4. In accordance with S.C. Code Ann. § 42-15-60, we assign Dr. Nahigian as the treating physician.

ORDER

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

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

IT IS FURTHER ORDERED that in accordance with S.C. Code Ann. § 42-15-60, Claimant has sufficiently complied with her recommended treatment.

IT IS FURTHER ORDERED that on June 30, 2021, Claimant sustained compensable injuries to her right shoulder and right knee arising out of and in the course and scope of her employment with NHC.

IT IS FURTHER ORDERED that Claimant is not at MMI for her right shoulder or right knee.

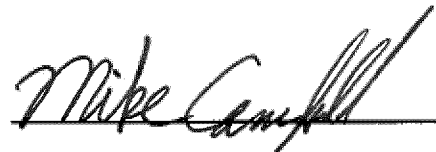
IT IS FURTHER ORDERED that Claimant is entitled to the causally related medical treatment recommended by Dr. Nahigian.

IT IS FURTHER ORDERED that Dr. Nahigian is the treating physician.

AND SO IT IS ORDERED.

A handwritten signature in black ink, appearing to read "J. Coggiola", is written over a horizontal line.

John Gabriel Coggiola, Commissioner

A handwritten signature in black ink, appearing to read "Mike Campbell", is written over a horizontal line.

R. Michael Campbell, II, Commissioner

Aisha Taylor, Commissioner, not participating.

Order Served via email:

Stephen G. Vicari, II Stewart law Offices, LLC stephen@stewartlawoffices.net	Clarke W. McCants, III Clarke W. McCants, IV Clarke W. McCants III PC Mccants3rd@aol.com Clarkemccants4@gmail.com
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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 July 9, 2026