

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission
Appellate Panel

Appellate Case No. 2014-002416

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JUN 12 2015

SC Court of Appeals

William Lee Turner, Employee, Appellant,

v.

SAIIA Construction, Employer, and Old Republic
General Insurance Corp., c/o Gallagher
Bassett Services, Inc., Carrier, Respondents.

SUPPLEMENTAL
RECORD ON APPEAL

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I. ORDERS

Page 2 of SCWCC Appellant Panel Decision and Order,
filed October 10, 2014432

II. TRANSCRIPTS

Pages 46 and 56 of the Transcript of Hearing before
the Single Commissioner,
dated February 4, 2014433

Page 5 of Transcript of Deposition of Paul Barnette,
dated August 20, 2012435

Certificate of Counsel436

STATEMENT OF THE CASE

The hearing was scheduled pursuant to a Form 50 filed by the Claimant's attorney, in the above-referenced case, on November 25, 2013. The Claimant maintained that he sustained a compensable injury to the head and thoracic spine while in the course and scope of the Claimant's employment with the Defendants on April 19, 2012. The Claimant maintained that he was entitled to additional medical treatment with Dr. Peterson as well as temporary total disability benefits from April 20, 2012 until January 1, 2013. In response, the Defendants maintained that the Claimant could not satisfy his burden of proof, pursuant to §42-1-160 of the Act, on the basis that the Claimant had no memory or recollection of the facts or circumstances surrounding his alleged April 19, 2012 work related accident. In addition, the Defendants maintained that the Claimant's fall on April 19, 2012 was idiopathic in nature and, therefore, not compensable pursuant to the South Carolina Workers' Compensation Act. Furthermore, the Defendants took the position that the Claimant had reached maximum medical improvement and was not in need of additional medical treatment. The Defendants also maintained that the Claimant was physically capable of working, during the period of time that he was requesting payment of temporary total disability benefits and, therefore, the Claimant was not entitled to temporary total disability benefits.

EVIDENCE OF THE CASE

Testimony

The Claimant was the only witness to testify on his behalf. The Claimant testified that he is currently 28 years of age and resides in Lugoff, South Carolina with his wife. With regards to the Claimant's alleged April 19, 2012 work related accident, the Claimant stated that he has no memory of the facts and circumstances surrounding his alleged work related accident. (Hr'g Tr.

1 A. YES. YES.

2 Q. ALL RIGHT. SO IT WAS VERY LIKELY YOU WERE STANDING
3 ON THE GROUND.

4 A. WELL, FROM WHERE I HAD HIT MY HEAD AND WHERE I HIT
5 MY BACK, IT'S IF I WOULD HAVE FELL FLAT-FOOTED, THEN
6 IT -- THERE'S NO WAY I WOULD HAVE HIT THE SAME
7 AREAS, WHERE I HIT MY HEAD ESPECIALLY.

8 Q. WELL, HOW DO YOU KNOW THAT 'CAUSE YOU DON'T REMEMBER
9 WHAT HAPPENED. SO HOW DO YOU KNOW?

10 A. I DON'T REMEMBER BEING ON THE TRUCK. I DON'T
11 REMEMBER STANDING ON THE GROUND, BUT FROM THE BLUNT
12 -- OR FROM THE TRAUMA TO MY HEAD, AND THEN MY T3 AND
13 MY T4, IT'S JUST -- I MEAN, TO ME AND WHAT THE
14 DOCTOR SAID, IT'S ABOUT IMPOSSIBLE TO BE STANDING
15 FLAT-FOOTED AND TO DO THAT.

16 Q. BUT YOU DON'T KNOW BECAUSE YOU DON'T REMEMBER?

17 A. I DON'T KNOW.

18 Q. AND YOU'RE ABOUT FIVE FEET...?

19 A. SIX AND A HALF.

20 Q. OKAY. YOU'RE ABOUT FIVE FEET, SIX AND HALF INCHES
21 TALL?

22 A. YES, SIR.

23 Q. OKAY, ALL RIGHT. LET'S TALK ABOUT THIS BACKPACK FOR
24 A MOMENT BECAUSE IT SEEMS TO BE IMPORTANT TO AT
25 LEAST THE QUESTIONS THAT YOU ASKED ON DIRECT

1 YOUR HONOR, I JUST CAN'T ---

2 BY COMMISSIONER BARDEN:

3 YOU GOT TO STAY AWAY FROM WHAT THE DOCTOR SAID,
4 BECAUSE SHE'S NOT HERE FOR ANYBODY TO QUESTION. ALL
5 RIGHT, GO AHEAD, MR. LOCKHART.

6 CROSS EXAMINATION RESUMED BY MR. LOCKHART:

7 Q. YOU SAW DR. GIRAULT AGAIN IN OCTOBER?

8 A. YES, SIR.

9 Q. AND IT'S MY UNDERSTANDING, ACCORDING TO HER RECORDS,
10 RECOMMENDATIONS FOR TREATMENT WERE MADE?

11 A. YES, SIR.

12 Q. INCLUDING INJECTIONS?

13 A. I DIDN'T HAVE ANY INJECTIONS DONE.

14 Q. YOU DECLINED THE OFFER OF TREATMENT?

15 A. I DID DECLINE, AND THERE'S A REASON. 'CAUSE -- I
16 COULD TELL Y'ALL ALL KINDS OF STUFF, BUT. I
17 DECLINED THE INJECTIONS 'CAUSE I'VE HEARD FROM
18 SEVERAL OTHER PEOPLE THAT INJECTIONS, THEY CAUSE YOU
19 EVEN MORE ISSUES LIKE SKIN DETERIORATION AND BONE
20 DETERIORATION AND ALL THAT. AND I DON'T WANT TO
21 CAUSE ANYMORE PROBLEMS THAN I'VE ALREADY GOT.

22 Q. YOU WERE ALSO GIVEN A BACK BRACE AS WELL BY DR.
23 GIRAULT, BUT YOU'RE NOT WEARING A BACK BRACE AT THE
24 PRESENT TIME, CORRECT?

25 A. WE TRIED THE BACK BRACE ON, BUT IT -- I DIDN'T

1 half and two years.

2 Q Do you know if he had been there about three or four
3 years longer than you have then?

4 A I'd say two and a half or something. I would be
5 guessing, but a guess I think he had told me he had been
6 there between three and four years.

7 Q All right. Whenever you came onboard?

8 A It might have been two and a half when I came onboard.
9 I'm not dead sure of that. Don't quote me.

10 Q And do you often work side by side with him?

11 A Yes. Me and Lee was real close and we worked together
12 real good.

13 Q And did you often discuss personal matters between the
14 two of you?

15 A The two of us, somewhat, you know.

16 Q Would he freely discuss if he was having a problem?

17 A Yes, sir.

18 Q Would you do essentially the same thing?

19 A Yes, we would.

20 Q Did he ever tell you or had you heard him complain about
21 any type of dizziness or syncope, it may be called?

22 A Not dizziness, you know, he had discussed about just not
23 feeling good, you know, not being up to par what he was
24 used to feeling. Lee was a very energetic young man, but
25 he never discussed anything about any dizziness or

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Bassett Services, Inc., Carrier, Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental
Record on Appeal contains all material proposed to be
included by any of the parties and not any other materials.

Dated: June 11, 2015


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Attorney for Appellant

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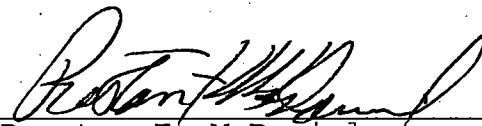
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c/o Gallagher Bassett Services, Inc.,
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PROOF OF SERVICE

I certify that I have served the **SUPPLEMENTAL RECORD ON APPEAL** by depositing a copy of it in the United States Mail, postage prepaid, on June 11, 2015, addressed to: Jason W. Lockhart, Esquire, P.O. Box 12519, Columbia, South Carolina 29211 and Helen F. Hiser, Attorney, McAngus Goudelock & Courie, Post Office Box 650007, Mt. Pleasant, SC 29465.

Dated: June 11, 2015


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For over 25 years.

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June 10, 2015

TO: Columbia Printing

RE: William Lee Turner v. SALLA Construction
Appellate Case No. 2014-002416

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SC Court of Appeals

-
- Our Supplemental Record on Appeal is due tomorrow, 6/11/15, to the Court of Appeals
 - We need 19 copies total printed and bound.
 - Please file the cover letter, unbound original and 15 copies of Record on Appeal, and Proof of Service with Court of Appeals.
 - Return to me at my office a total of 4 copies, all of which please have clocked in.

Thank you! Please call me at 771-7211 if you have any questions.

Kimberley T. Hinkle



734-1890

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Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

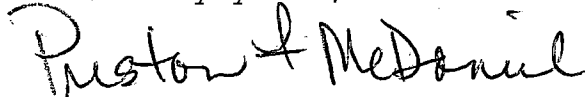
**RE: William Lee Turner, Employee, Appellant, v. SAIIA
Construction, Employer, and Old Republic General
Insurance Corporation c/o Gallagher Bassett Services,
Inc., Carrier, Respondents.
Appellate Case No.: 2014-002416**

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the unbound original and seven (17) copies of the Supplemental Record on Appeal, along with our original Proof of Service showing that pursuant to SCACR Rule 210(a), we have served a copy of the Supplemental Record on Appeal on all Counsel of Record. I would appreciate your returning the clocked-in copies to the courier.

Thank you for your time and attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,



Preston F. McDaniel

PFM/kth
Enclosures

cc: John K. Koon, Esquire
Helen F. Hiser, Attorney at Law
Jason W. Lockhart, Esquire