

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1105654

CARLOS KINLAW,

Employee,

Claimant,

vs.

LOWE'S HOME CENTERS, INC. #1533 -
BLUFFTON,

Employer,

AND

SEDGWICK CLAIMS MANAGEMENT
SERVICES, INC.,

Carrier,

Defendants.

DECISION AND ORDER

DATE OF HEARING:

Hearing held in Walterboro, S.C. on January 10, 2012.

APPEARANCES:

Claimant, Carlos Kinlaw, appeared *Pro se*.

Defendants represented by Brian G. O'Keefe, Esquire of
McAngus Goudelock & Courie, L.L.C. of Charleston,
South Carolina.

PURPOSE OF THE HEARING:

To determine all issues as set forth in Forms 50 and 51.

COMMISSIONER:

Commissioner G. Bryan Lyndon

FILED:

APA SUBMISSIONS

Pursuant to the South Carolina Administrative Procedures Act and Regulations of the South Carolina Workers' Compensation Commission, the following records and documents were submitted into evidence:

Defendants' Submissions: The Defendants submitted the following medical evidence:

APA No. 1: Medical records of Jeffrey M. Reuben, M.D., Reuben Spine Specialists dated May 28, 2010 through October 13, 2011, pages 1-16.

APA No. 2: Medical records of David E. Dorsner, M.D., Cross Island Medical Center dated March 14, 2011 through May 13, 2011, pages 17-32.

APA No. 3: Medical records of Joseph P. Tobin, M.D., Tobin Bone and Joint Surgery, Inc. dated May 10, 2011, pages 33-34.

Defendants' Submissions: The Defendants submitted the following exhibits:

Exhibit A: Deposition transcript of David E. Dorsner, M.D. dated December 6, 2011.

Exhibit B: Settlement Agreement and Release for WCC File No. 0917941 dated March 21, 2011.

Exhibit C: Form 19 filed under WCC File No. 0917941 dated March 8, 2011.

Exhibit D: Resignation and Release signed by the Claimant and dated March 16, 2011.

Exhibit E: Settlement check in the amount of \$24,500.00 representing \$24,000.00 for the Settlement Agreement and Release and \$100.00 for the Resignation and Release

Exhibit F: Deposition transcript of Jeffrey M. Reuben, M.D. dated December 28, 2011.

FINDINGS OF FACT

The following factual findings are based upon the records contained in the workers' compensation files, stipulations of the parties, the APA submissions, and any other evidentiary submissions:

1. I find that the Claimant has an appointment scheduled with Dr. Tobin on January 12, 2012 that has been set up and authorized by the Defendants.
2. I find that the Defendants have admitted an injury to the left calf with the nature and extent of the injury in dispute and all other body parts have been denied.
3. I find that the hearing will be postponed to a later date and will be rescheduled upon request of either party to determine all issues timely presented to the Commission.
4. I find that the evaluation and opinion of Dr. Tobin on January 12, 2012 is necessary to determine if in fact the Claimant has a direct injury to the left calf and/or left knee and to provide a causation opinion for said injury.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the hearing set for January 10, 2012 is postponed and will be reset upon request of either party as required under the Act. The claim will be returned to general files at this time.

AND IT IS SO ORDERED.

Commissioner G. Bryan Lyndon