



3. Exhibit A Letter from Cayce Department of Safety

On behalf of Defendants

4. Palmetto Health Richland

5. Lexington Medical Center

6. Internal Medicine Center

7. Claimant's Personnel Records

8. ISO Claim Search

9. S.C. Department of Employment and Work Force

10. Deposition of Dr. Lind.

STIPULATIONS

Counsel for all parties stipulated at the Hearing to the following issues:

1. The Claimant seeks medical and weekly benefits from the Workers' Compensation insurance company after she sustained a mental injury pursuant to the South Carolina Workers' Compensation Act based upon an accidental injury arising out of and in the course of employment on January 11, 2014; therefore, the South Carolina Workers' Compensation Committee has jurisdiction of this case;
2. Notice of Hearing was timely and properly served on all parties of interest;
3. Venue in Richland County is proper;
4. The Claimant's Average Weekly Wage is \$348.62 and the Compensation rate is \$232.53.

### STATEMENT OF THE CASE

The Hearing in this matter was held in Richland County, South Carolina, on May 18, 2015, on Form 50 and 51. The Claimant was represented by D. Michael Kelly, Esquire. The Defendants were represented by Kathryn Fiehrer Walton, Esquire. The Claimant alleged she sustained a mental injury by accident arising out of and within the course and scope of Claimant's employment on January 11, 2014. The Defendants denied the Claimant sustained a compensable injury and denied her claim.

### PROCEDURAL HISTORY

This matter was first heard before the Single Commissioner, Honorable Mike Campbell, on September 11, 2014, in Richland County, South Carolina. Claimant testified that she sustained a mental injury as result of an accident arising out of and within the course and scope of her employment when a robbery occurred at the Community Loans of America, Inc. (Carolina Payday) on January 11, 2014. Claimant requested a medical examination and treatment for a mental condition in addition to total disability benefits from January 11, 2014 and ongoing. Defendants denied that Claimant sustained a compensable injury and denied her claims. By decision and order dated January 30, 2015, Commissioner Campbell found the Claimant suffered a compensable Workers' Compensation claim as a result of her mental distress injury sustained on January 11, 2014.

On February 12, 2015, Defendants requested a Full Commission review of the Single Commissioner's Decision and Order pursuant to Form 30. Defendants argued that the Single Commissioner erred in ten (10) ways. First, Defendants claimed the Hearing

Commissioner erred with respect to Finding of Fact No. Two (2) to the extent that the finding suggests or indicates that the Claimant sustained a compensable mental injury arising out of in the course of her employment on January 11, 2014; was not supported by the weight of the evidence or the applicable law. Second, the Hearing Commissioner erred with respect to Finding of Fact No. Four (4) to the extent that the finding suggests or indicates that Claimant's employment conditions on January 11, 2014 were extraordinary and unusual in comparison to the normal conditions of her particular employment. Third the Hearing Commissioner erred with respect to Finding of Fact No. Five (5) to the extent that the finding suggests or indicates that the Claimant sustained a compensable mental injury arising out of her employment on January 11, 2014. Fourth, the Hearing Commissioner erred with respect to Finding of Fact No. Six (6) to the extent that the finding suggests or indicates that the Claimant is entitled to medical benefits as a result of a mental injury arising out of her employment on January 11, 2014. Fifth, the Hearing Commissioner erred with respect to Finding of Fact No. Seven (7) to the extent that the finding suggests or indicates that the Claimant is entitled to temporary total disability benefits and has met her burden in proving a compensable mental injury arising out of her employment on January 11, 2014. Sixth, the Hearing Commissioner erred with respect to Finding of Fact No. Eight (8) to the extent that the finding suggests or indicates that the Claimant is entitled to medical benefits as a result of a compensable mental injury arising out of her employment on January 11, 2014. Seventh, the Hearing Commissioner erred with respect to Conclusion of Law No. Two (2) to the extent that the conclusion suggests or indicates that the Claimant sustained a compensable mental injury and aggravation of her preexisting condition as a result of her employment on January 11,

2014. Eighth, the Hearing Commissioner erred with respect to Conclusion of Law No. Three (3) to the extent that this conclusion suggests or indicates that the Claimant is entitled to psychological treatment, temporary total disability benefits and payment of past medical bills due to a compensable mental injury arising out of her employment on January 11, 2014. Ninth, the Hearing Commissioner erred with respect to not finding, ruling and ordering that the Claimant failed to meet her burden of proof pursuant to §41-1-160(B) and/or §41-1-160(D). Tenth, the Hearing Commissioner erred with respect to not finding, ruling or ordering that the Claimant failed to present any evidence or testimony showing the events of her employment on January 11, 2014 were extraordinary and unusual in comparison with normal conditions of this particular employment.

A hearing before a Full Commission was held on May 18, 2015, in Richland County, South Carolina. The Claimant was represented by D. Michael Kelly, Esquire. The Defendants were represented by Kathryn Fiehrer Walton, Esquire.

#### EVIDENCE

On or about May 26<sup>th</sup> 2004, Yolanda Lee Lucas ("Ms. Lucas") was employed at Check Loans of South Carolina located on Broad River Road when she was robbed at gunpoint by two armed men. Following the incident, Ms. Lucas visited Dr. Francis A. Clarkson on December 19, 2001 who indicated that she suffered from post-traumatic stress disorder as a result of the robbery. It was indicated in the medical report that she was currently prescribed Xanax, Zoloft, and trazodone and was experiencing atypical chest pain. On February 12, 2005, Ms. Lucas again visited Lexington Medical Center where she was seen by Pamela D. Levi, N.P., where she complained of a sore throat, fever, headache, and lower back pain. She was prescribed Robintonson, Xanax, Zoloft, Tylenol, and Trazodone. At the time it was indicated that she continued to suffer from PTSD. She visited Dr. David T. Ford on September 26, 2005, to seek

treatment for continued pain in her chest and the visit indicated that she had a history of suffering from post-traumatic stress disorder.

Ms. Lucas visited the Internal Medicine Center on November 11, 2006, where she saw Dr. Davinder Lally, who referred her to psychiatry for PTSD symptoms stemming from the robbery. Ms. Keller again visited the Internal Medicine Center on January 15, 2008, where she was continued to be prescribed Trazodone and Zoloft for her anxiety and depression. On August 6, 2008, she again visited the Lexington Medical Center at which time she was continued to be diagnosed with PTSD. Ms. Lucas visited Dr. Allen Brett on October 8, 2008, where she was assessed as suffering from depression, sore throat, and elevated blood pressure. Ms. Lucas visited Lexington Medical Center on October 2, 2009, where it was indicated that she continued to suffer from severe anxiety and depression.

On May 30, 2012, Ms. Lucas was hired at Carolina PayDay Loans. During the hiring process, Ms. Lucas made a point of asking several questions about whether or not the particular Carolina PayDay Loans location had been robbed, and was assured that it had not been. Ms. Lucas testified that she received no special training on how to deal with a robbery but was merely given a pamphlet on how to do so. On January 11, 2014, as Ms. Lucas was closing the shop, two armed men entered the Carolina PayDay Loans. One of the armed men proceeded to place a gun in the middle of Ms. Lucas's chest and threatened her. Then men then took money from the store as well as Ms. Lucas. Afterwards, Ms. Lucas ceased working at Carolina Pay Day Loans and proceeded to seek psychiatric help.

After the event, Ms. Lucas visited Dr. Nicholas Lind, a psychologist, on January 31, 2014. Dr. Lind reported that Ms. Lucas was experiencing a resurgence of avoidance and arousal symptoms. He further reported that Ms. Lucas began experiencing nightmares, reliving the events of the robbery, irritability, hypervigilance, difficulty sleeping, guilt, and avoidance of family. After administering a depression questionnaire, it was determined that Ms. Lucas was suffering from severe levels of depression. Upon visiting Dr. Lind, he diagnosed Ms. Lucas principally

with post-traumatic stress disorder. Ms. Lucas again visited Dr. Lind on February 26, 2014, and reported that she was feeling more overwhelmed after hearing news that one of the gunmen involved in the robbery had been released from prison. She was introduced to diaphragmatic breathing in an attempt to help her calm down.

Ms. Lucas began visiting Dr. Roger Deal at Post Traumatic Resources on March 20, 2014. Dr. Deal reported that she would plan to avoid crowds, known triggers, and that she reported being frightened any place other than her home. Ms. Lucas visited Dr. Lind on March 20, 2014, where it was advised that she continue to practice her breathing exercises. On April 8, 2014, she visited Dr. Lind again and agreed to implement cardiovascular activity to augment her deep breathing and medications. Dr. Lind, however, continued to diagnose Ms. Lucas with post-traumatic stress disorder. Ms. Lucas also visited with Dr. Deal on that day, stating that she felt angry with herself for allowing herself to be in this position again. She reported that she felt angry, jumpy, and irritable.

Ms. Lucas visited Dr. Lind again on April 22, 2014, where he indicated that Ms. Lucas was pushing herself to try and get better through cardiovascular activities and breathing exercises. She expressed distress about the insurance company refusing to pay for her treatment, distress when playing with her grandchildren, and a desire to isolate herself from others. Ms. Lucas also visited with Dr. Deal on that day. Dr. Deal reported that she felt extended periods of anxiety. On May 7, 2014, Ms. Lucas visited Dr. Lind again. Dr. Lind reported that Ms. Lucas's state had been aggravated when her brother-in-law dropped a pistol in her presence. Her mood was anxious and distressed. On that day, she also visited Dr. Deal, who reported that she has increased stress.

Ms. Lucas visited Dr. Lind again on May 29, 2014. At that time, she had pushed herself to engage in cardiovascular activity. Her anxiety was reported to have increased due to her daughter's family staying with them. The increase in anxiety was also partially due to her feeling dismissed by her employer and insurance company, and a denial of her claim. Dr. Lind indicated

that he would be offended by claims that robbery was an assumed risk of her position. Her mood was reported as anxious.

On June 18, 2014, Ms. Lucas visited Dr. Lind and reported feeling more anxious than on her previous visit. Her home life had been stressful and caused her to lose ground on her progress with sleeping. She reported her anxious mood and Dr. Lind continued to diagnose her post-traumatic stress disorder. On that day, she also visited Dr. Deal who reported that she was having difficulty setting limits with her family.

Ms. Lucas again visited Dr. Lind on July 10, 2014. At that time she reported that she had been hospitalized for five days after she had trouble breathing. She committed herself to make progress on her recovery. Ms. Lucas also visited with Dr. Deal on that day, who reported that being on oxygen had made her feel better and more comfortable.

On September 5, 2014, she visited Dr. Lind and reported feeling isolated from her family and anxious. A letter from Dr. Lind dated August 19, 2014, stated that it was his opinion that the cause of Ms. Lucas's aggravation was the January 11, 2014 robbery. He further stated that being robbed at gunpoint was an event he deemed to be extremely life-or-death. Dr. Lind recommended combined psychological and psychiatric treatment.

The Cayce Police Department, on August 22, 2014, reported that the only armed robbery that has occurred at the Carolina PayDay Loans was the January 11, 2014 robbery that Ms. Lucas was one of the victims of.

Ms. Lucas testified that she desires to seek further care for her aggravated mental condition. She has testified that she is afraid to leave her home and is incapable of employment at this time. Ms. Lucas's mental injury has rendered her anxious around her own family and social situations. At the moment she is incapable of feeling comfortable outside of her own home.

## FINDINGS OF FACTS

Based upon the testimony and evidence received and produced at the hearing, the undersigned Appellate Panel finds the following facts based on a preponderance of the evidence:

1. Jurisdiction and venue are proper in this matter.
2. The Claimant suffered a compensable Workers' Compensation claim on January 11, 2014, resulting in a mental distress injury.
3. The Claimant's compensation rate is \$232.53, per stipulation of the parties.
4. The Claimant has shown through sworn testimony and by a preponderance of the evidence that the Claimant's employment conditions were extraordinary and unusual in comparison to the normal conditions of the particular employment.
5. Based upon the sworn testimony and a preponderance of the medical evidence submitted in the APA's, pursuant to S.C. Code §§ 42-1-160(1) and 42-1-160(2), Claimant has met their burden of proof. Stokes v. First National Bank, 306 S.C. 46, 410 S.E.2d 248 (1991).
6. Based upon Claimant's sworn testimony and a preponderance of the medical evidence provided, Claimant is not at maximum medical improvement (MMI);
7. Based upon Claimant's sworn testimony and a preponderance of the medical evidence provided in the APA's, Claimant has a temporary total disability (TTD) and is entitled to compensation from January 11<sup>th</sup>, 2014,

until MMI is reached. Bentley v. Spartanburg Cnty., 398 S.C. 418, 422, 730 S.E.2d 296, 298 (2012), reh'g denied (Aug. 10, 2012);

8. Claimant is entitled to reimbursement for out of pocket medical expenses incurred for causally related treatment since January 11, 2014 and future treatments as recommended by Dr. Nicholas A. Lind, Dr. Roger Deal, and/or Post Traumatic Resources, Inc.

#### CONCLUSIONS OF LAW

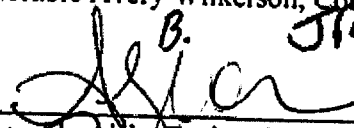
Accordingly, as provided by §42-17-40, S.C. Code Annotated, it is the determination and findings of this Appellate Panel.

1. The Claimant's compensation rate is \$232.53, per stipulation of the parties.
2. The Claimant has sustained a mental injury that prevents her from returning to work as well as an aggravation of a preexisting condition.
3. The Claimant is therefore entitled to continued psychological medical treatment, TTD from the date of the accident until she reached maximum medical improvement, and payment of medical bills from Post Trauma Resources from the date of the accident until she reaches maximum medical improvement.
4. The Single Commissioner's decision is hereby affirmed.

IT IS THEREFORE ORDERED that the Findings of Fact and Conclusions of Law are incorporated herein as set forth verbatim.

SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION.

  
The Honorable Avery Wilkerson, Commissioner

*B. SR*  
  
The Honorable Aisha Taylor, Commissioner

  
The Honorable T. Scott Beck, Commissioner

**RECEIVED**

OCT 19 2015

SC Court of Appeals

Columbia, South Carolina  
July 1, 2015

**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 August 7, 2015***