

ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SCWCC No. 0901585

RECEIVED
AUG 17 2012
SC COURT OF APPEALS

Carolyn M. Nicholson, Employee,

Respondent,

v.

SC Dept. of Social Services, Employer, and
State Accident Fund, Carrier,

Appellants.

RECORD ON APPEAL

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DECISION AND ORDER
of the
APPELLATE PANEL
of the
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

File No.: **0901585**

Carolyn M. Nicholson, Claimant, ... Appellant,

vs.

S.C. Dep't of Social Services,
Employer, and **State Accident Fund**,
Carrier, Defendants Respondents.

Hearing: Columbia, South Carolina on September 20, 2011, per notice
timely and properly served upon all parties of interest.

Appearances: Kathryn Williams, Esq. of Kathryn Williams, P.A. for
claimant-appellant

L. Brenn Watson, Esq. of Willson, Jones, Carter & Baxley,
P.A. for defendants-respondents

Purpose: Appellate Panel Review of issues set forth on the Form 30

Filed:

12/29/11

STATEMENT OF THE CASE

Claimant seeks benefits for injury by accident she alleges she sustained on or about February 26, 2009 while she was working for employer-defendant. She specifically contends that she sustained injuries to her neck, back, and left shoulder as a result of the accident, and she seeks payment of past and continuing medical treatment and also temporary total disability compensation benefits for the period from February 26, 2009 through April 13, 2009. Defendants admit claimant fell at work but deny that fall constitutes a compensable injury by accident.

By Order dated April 26, 2011, Commissioner Derrick L. Williams determined claimant fell when her shoe scuffed the carpet while she was walking to a meeting with a stack of files in her hands; however, citing Bagwell v. Ernest Burwell, Inc., 227 S.C. 444, 88 S.E.2d 611 (1955), he found that the claim was not compensable. The Commissioner's specific findings, in pertinent part, are as follows:

3. Claimant was a credible witness. This finding is based on the undersigned's observations of Claimant at the hearing.
4. Claimant's job with Defendant Employer required her to supervise employees and to regularly attend internal audit meetings. This finding is based on Claimant's testimony.
5. Claimant's accident occurred when she fell while walking to a scheduled audit meeting on February 26, 2009.
6. While walking to her scheduled audit meeting, Claimant's shoe scuffed the carpet causing her to fall and injure her back and neck. This finding is supported by Claimant's testimony.
7. The floor Claimant fell on was carpeted, level, and free from any defect. This finding is based on Claimant's testimony.
8. At the time of her fall, Claimant was carrying 10 files that weight approximately 15 pounds; however, the files that Claimant was

carrying did not cause or contribute to her fall on February 26, 2009. This finding is supported by Claimant's testimony.

9. The facts in the present case are analogous to the facts in Bagwell v. Ernest Burwell, Inc., 227 S.C. 444, 88 S.E.2d 611. In Bagwell, the claimant, while in the performance of his duties on the premises of his employer, suddenly fell backward on a concrete floor, lost consciousness, and later died as a result of a subdural hemorrhage. The Court in Bagwell denied compensability on the basis that the claimant's accident did not arise out of his employment with his employer. The Court held that there was no causal connection between the claimant's fall and the claimant's employment and that the claimant's employment was not a contributing cause. The Court further held that even though the claimant fell on a concrete floor, the claimant's employment did not contribute to the effect of the fall. The Court stated, "We are not prepared to accept the contention that, in the absence of special condition or circumstance, a level floor in a place of employment is a hazard." The Court further noted that cement floors or other hard floors are as common outside industry as within it and that the floor in the instant case did not create a hazard which would not be encountered on a sidewalk or street or in a home where a hard surface of the ground or a hard floor existed.
10. Claimant has failed to prove a causal connection between her fall on February 26, 2009 and her employment with Defendant Employer. While Claimant's fall on February 26, 2009 occurred in the course of her employment, Claimant's fall was wholly unrelated to her employment with Defendant Employer. Claimant's fall occurred while she was walking down a normal, level floored hallway. The floor Claimant was walking on at the time of her fall was carpeted, and the carpet was free from defect. While Claimant was carrying 10 files weighing approximately 15 pounds at the time of her fall, Claimant testified that the files she was carrying did not contribute to or cause her fall. Claimant admitted that her fall could have happened on any level, carpeted surface outside of Defendant Employer's building and that there was nothing peculiar about the floor at Defendant Employer's building that caused her to fall. Claimant specifically testified that the sole reason for her fall was that her shoe scuffed the carpet. Thus, Claimant's employment with Defendant Employment was not a contributing cause. This finding is supported by Claimant's testimony.
11. Claimant's employment did not contribute to the effect of her fall on February 26, 2009. While Claimant fell on a carpeted floor in

Defendant Employer's building, Claimant's fall would have carried the same consequences had she fallen on a carpeted floor outside of Defendant Employer's building. There was no special condition or special circumstance about the level, carpeted floor in Defendant Employer's building that contributed to Claimant's injuries. The carpeted floor in Defendant Employer's building did not create a hazard or risk which would not be encountered in any other building or home with a level, carpeted floor.

12. Claimant has failed to prove by a preponderance of the evidence that her injury arose out of her employment with Defendant Employer. This finding is based on the evidence in the record as a whole. Accordingly, Claimant's claim for benefits is denied.

Within the statutory period, claimant filed an Application for Review in the case, copies of which were furnished to all parties prior to briefing and oral argument before the Appellate Panel. By appeal, claimant contended the Commissioner erred as a matter of fact and law in failing to find the claim compensable.

All proffered testimony and documentary evidence was taken and delivered to the individual members of the Appellate Panel for their study and consideration, and following briefing, an appellate hearing was held on September 20, 2011.

EVIDENCE OF THE CASE

At the hearing in Greenville on March 16, 2011, claimant testified that she is 50 years old and has a B.S. in business management. She was employed by employer-defendant for about 20 years, though she was no longer working there at the time of the hearing for reasons unrelated to this claim. Claimant stated that she worked in the child protective services area and was a supervisor of investigations.

Claimant testified that on February 26, 2009 she was preparing for an in-house audit of her files. She stated that she left her office carrying a stack of files for the meeting and was walking down the hall when “the friction from my foot caught me and I fell, files and all, [onto] my left side.” (tr. p. 8, lines 7-13) She stated that her leg did not give way, that she is in good health, and had not any previous problems with her legs giving way. Claimant was asked specifically what she thought caused her to fall, and she answered as follows:

Q. So, what is it that you think caused you to fall?

A. Friction from the carpet.

Q. Did your foot get stuck?

A. Yes, from the friction. As I went to walk, the friction from the carpet just grabbed me and I fell.

(tr. p. 8, lines 20-24)

Claimant further testified that employer-defendant sent her to Exigent for medical treatment for pain in her left side, left shoulder, neck, and leg. She eventually underwent an MRI examination of her neck, was evaluated by neurosurgeon Dr. Philip Hodge, and received a cervical epidural steroid injection from Dr. John Haasis. Claimant stated that she was out of work from February 26, 2009 until April 13, 2009, when she returned to her regular work duties. She specifically asked the Commission for compensation for her time out of work and for payment of her medical treatment.

The medical records show that claimant reported to Exigent-Wade Hampton on February 26, 2009 complaining of pain in her left side, left shoulder, neck, and leg after “she tripped on the carpet, fell and landed on her left side.” She was diagnosed with contusions and strains, treated with medications, and restricted to light duty work. Claimant continued to attend appointments at

Exigent for treatment of problems with her left shoulder, left arm, and neck through March 24, 2009, though on March 16, 2009, the notes indicate that the workers' compensation insurance company had denied the claim and bills were being sent to claimant's health insurance provider.

A cervical spine MRI performed on March 24, 2009 was read to show multi-level disc degeneration and protrusions but no acute herniation.

Claimant reported to her primary care physician, Dr. Stanley Coleman, on March 25, 2009 for continued care, and Dr. Coleman noted on that date that she was complaining of left arm and shoulder pain after falling at work. After noting continued neck and arm pain on April 6, 2009 and reviewing the MRI scan, Dr. Coleman referred claimant for evaluation with neurosurgeon Dr. Philip Hodge.

Dr. Hodge saw claimant on May 18, 2009 and noted that she was complaining of continued neck and left arm pain after she "[t]ripped and fell on floor" while at work on February 26, 2009. After evaluation, Dr. Hodge diagnosed cervical radiculopathy and recommended an epidural steroid injection. He later opined that claimant's problems "were caused and/or aggravated by her fall at work on February 23, 2009."

Pain management physician Dr. John Haasis saw claimant on May 28, 2009 for evaluation on referral from Dr. Hodge. Dr. Haasis noted claimant complained of neck, left shoulder, and left upper extremity pain after "she fell at work." He recommended a trial of physical therapy before attempting an injection. On June 20, 2009, Dr. Haasis noted that claimant reported "minimal benefit" from the therapy, and he then provided the epidural steroid injection.

Medical records from Dr. Coleman's office dated prior to the incident at work show that claimant was treated for low back pain in 2001, syncope in 2002, chest pain in 2002, a pulled muscle in her arm in 2006, and bilateral knee pain in 2006.

Based upon its review of all the evidence on the record, the Panel hereby reverses the Order of the Hearing Commissioner by majority vote and enters the following findings and conclusions:

FINDINGS OF FACT

1. Employee, employer, and carrier are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Carolyn Nicholson as employee-claimant, S.C. Department of Social Services as employer-defendant, and State Accident Fund as carrier-defendant.

2. The parties stipulated to an average weekly wage of \$747.95, for a compensation rate of \$498.66.

3. Claimant alleged she sustained compensable injury to her neck, left shoulder, and back by accident arising out of and in the course of her employment on February 26, 2009; however, defendants specifically denied the accident arose out of her employment.

4. A hearing on the issues was held before Commissioner Derrick L. Williams on March 16, 2011.

5. Based on his observations of claimant at the hearing, Commissioner Williams found she was a credible witness and that finding was not appealed by either party.

6. Claimant's job with employer-defendant required her to supervise employees and regularly attend internal audit meetings. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

7. Claimant's accident occurred when her shoe fractioned the carpet causing her to trip and fall while walking to a scheduled audit meeting on February 26, 2009. This finding is

based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

8. While walking to her scheduled audit meeting, claimant's shoe scuffed the carpet causing her to trip, fall onto her left side, and injure her neck, back, left shoulder, and left arm. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

9. At the time of her fall, claimant was carrying ten files that together weighed approximately 15 pounds; however, these files did not cause or contribute to her fall. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

10. The floor on which claimant fell was carpeted, level, and free from any apparent defect. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

11. There was a specific, non-internal reason for claimant's fall in that she tripped when her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

12. There is no evidence claimant suffered any internal breakdown which caused her fall, as the medical records do not suggest any personal medical reason for the fall and claimant testified she is in good health and her leg did not give way or anything of that nature. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

13. Medical records submitted by defendants from Dr. Coleman's office dated prior to the incident at work show claimant was treated for low back pain in 2001, syncope in 2002, chest pain in 2002, a pulled muscle in her arm in 2006, and bilateral knee pain in 2006; however, there is no evidence that any of these prior conditions had anything to do with her fall at work on February 26, 2009. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Dr. Coleman.

14. Claimant's fall was not an "idiopathic fall" as there is no evidence that a non-occupational heart attack, epileptic fit, fainting spell, or any other personal medical problem caused the fall. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

15. Claimant's fall was not an "unexplained fall" as she identified a specific, non-internal reason for her fall, specifically that she tripped when her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

16. Claimant has proven that a causal connection exists between her fall on February 26, 2009 and her employment with employer-defendant. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

17. Claimant's fall on February 26, 2009 arose out of her employment in that it bore a special relation to her work and the conditions under which her work was performed, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or

catching in the carpet caused her to trip and fall. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

18. Claimant's fall on February 26, 2009 occurred in the course of her employment with employer-defendant in that she was then at her place of employment and engaged in the performance of her regular work duties. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

19. Claimant's employment with employer-defendant was a contributing cause to her fall and subsequent injuries. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

20. It is irrelevant that this circumstance could have occurred and this fall could have happened on any other level, carpeted surface outside of employer-defendant's building as the fall did not happen in any other place but happened in employer-defendant's building as a result of a risk associated with the conditions under which claimant was required to work, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

21. It is also irrelevant that claimant's fall would have carried the same consequences had she fallen on any other level, carpeted surface outside of employer-defendant's building, as the same can be said of a great many compensable workplace injuries such as a knee injury occurring when standing after bending to tighten a bolt on a machine or a back injury when bending over to pick up a filter rack.

22. Claimant has proven by a preponderance of the evidence that her injury arose out of her employment with employer-defendant. This finding is based on all the evidence on the record, including but not limited to claimant's testimony.

23. Claimant timely reported her accident to employer-defendant. This finding is based on defendants' admission and all the evidence on the record, including but not limited to claimant's testimony.

24. Claimant sustained injuries to her neck, back, and left shoulder as a result of the compensable injury by accident. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

25. Claimant has received medical treatment since and because of her compensable injury by accident which was designed to and has tended to effect a cure or give relief, including but not limited to medical treatment provided by Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis, and she is in need of additional such medical treatment because of her injury by accident. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

26. Claimant has not reached maximum medical improvement from her injuries. This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

27. Claimant was temporarily unable to work and totally disabled because of her compensable injury by accident from February 26, 2009 through and including April 13, 2009.

This finding is based on all the evidence on the record, including but not limited to claimant's testimony and the medical records of Exigent-Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis.

RULINGS OF LAW

1. Under S.C. Code Ann. § 42-17-50, the Commission's Appellate Panel is empowered to review the appealed award, weigh the evidence as presented at the initial hearing, and, if good grounds are shown therefore, make its own findings and conclusions consistent with or inconsistent with those of the Hearing Commissioner.

2. Under S.C. Code Ann. § 42-1-130, claimant was a covered employee at the time in question; and under § 42-1-140, employer-defendant was a covered employer.

3. Under S.C. Code Ann. § 42-1-40 and S.C. Code Reg. 67-1603, claimant's average weekly wage is \$747.95, for a compensation rate of \$498.66.

4. Under S.C. Code Ann. § 42-1-160, claimant sustained compensable injury by accident causing compensable injuries to her left lower extremity, left shoulder, and back.

5. Claimant has proven that her injuries arose out of and in the course of her employment with employer-defendant. See Owings v. Anderson Co. Sheriff's Dep't, 315 S.C. 297, 433 S.E.2d 869 (1993)("In order to be entitled to workers' compensation benefits, the employee must show he or she sustained an 'injury by accident arising out of and in the course of employment.'"); Clade v. Champion Lab., 330 S.C. 8, 496 S.E.2d 856 (1998)("arising out of" refers to the origin of the cause of the accident; "An injury arises out of employment when there is apparent to the rational mind, upon consideration of all the circumstances, a causal relationship

between the conditions under which the work is to be performed and the resulting injury.'"); Beam v. State Workers' Comp. Fund, 261 S.C. 327, 200 S.E.2d 83 (1973)("An accident 'arises out of employment' when the employment is a contributing proximate cause."; an injury "arises 'in the course of employment' . . . when it occurs within the period of employment at a place where the employee reasonably may be in the performance of his duties and while fulfilling those duties or engaged in something incidental thereto.")

6. The single Commissioner made his decision based on Bagwell v. Ernest Burwell, Inc., 227 S.C. 444, 88 S.E.2d 611 (1955), determining the injuries were not compensable because claimant fell on a level floor; however, the facts of the present case make clear that this is not an "idiopathic" injury – as there is no evidence claimant suffered any internal breakdown but there is rather a specific, non-personal and work-related reason for her fall – and, for that reason, the "level floor" jurisprudence is irrelevant to this case.

7. Furthermore, contrary to the facts in Bagwell, the facts in the present case show the cause of the fall was related to the work or the working conditions in that the evidence shows claimant was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall. See Bagwell, 88 S.E.2d at 613 ("It must be shown that the cause of the fall . . . bore some special relation to the work or to the conditions under which it was performed.").

8. The facts in the present case are more analogous to the facts in the Court of Appeals' decisions in Sigmon v. Dayco Corp., 316 S.C. 260, 449 S.E.2d 497 (Ct.App.1994) and Creech v. Ducane Co., 320 S.C. 559, 467 S.E.2d 114 (Ct.App.1995). In Sigmon, it was

determined that the injured worker sustained a compensable injury when his knee locked when he stood after bending to tighten a bolt on a machine, and in Creech, it was determined that the injured worker sustained a compensable injury by accident where he injured back when bending over to pick up one pound filter rack. Both of these injuries could have happened if the workers had performed similar activities at home or at some other place, but the injuries were compensable because they happened at work due to actions the employees undertook to perform their required work duties and because of the conditions under which they were required to work. Here, claimant's injuries happened at work, while she was performing her work duties in walking to a meeting carrying files in her hands, and the injury occurred because of the condition under which she was required to work, specifically she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall.

9. The Supreme Court's decision in Pierre v. Seaside Farms, Inc., 386 S.C. 534, 689 S.E.2d 615 (2010) forecloses defendants' argument that claimant's fall is not compensable because it could have happened on any carpeted floor at home or in some other place. In Pierre, the Commission determined that the injured worker's injuries were not compensable because, among other reasons, "the risk was not associated with [his] employment because the sidewalk [on which he fell] was no different in character from other sidewalks." However, the Court rejected that finding as not supported by substantial evidence since "the source of the injury was a risk associated with the conditions under which the employees were required to live." Pierre, 689 S.E.2d at 622-623. In doing so, the Court noted that Pierre slipped and fell on a wet sidewalk outside the employer's housing facility, the sidewalk was wet because another employee was using

the sink and water ran across the sidewalk, and the employer's placement of the sink and apparent lack of drainage created the conditions that caused him to fall. Here, claimant testified that she fell because her foot caught in the carpet due to the friction of the carpet against her shoe. Thus, as in Pierre, the source of the injury was a risk associated with a condition under which claimant was required to work, specifically she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall.

10. Claimant has not reached maximum medical improvement from her injuries. Dodge v. Bruccoli, Clark, Layman, Inc., 334 S.C. 574, 514 S.E.2d 593 (Ct.App.1999); O'Banner v. Westinghouse Elec. Corp., 319 S.C. 24, 459 S.E.2d 324 (Ct.App.1995).

11. Under S.C. Code Ann. §§ 42-1-120 and 42-9-10, claimant is entitled to and defendants are responsible for temporary total disability compensation benefits at the rate of \$498.66 per week for claimant's temporary total disability from February 26, 2009 through and including April 13, 2009.

12. Under S.C. Code Ann. § 42-15-60, claimant is entitled to and defendants are responsible for all causally related medical treatment and expenses from February 26, 2009 to the present and continuing.

ORDER

IT IS, THEREFORE, ORDERED that the Order of the Hearing Commissioner is hereby reversed by majority vote.

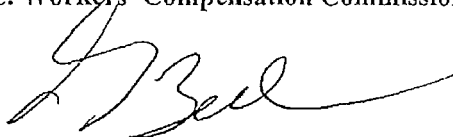
IT IS FURTHER ORDERED that the defendants shall make the following payments:

1. All causally related medical treatment and expenses from February 26, 2009 to the present and continuing.

2. Temporary total disability compensation in an amount equal to \$498.66 per week for claimant's temporary total disability from February 26, 2009 through and including April 13, 2009.

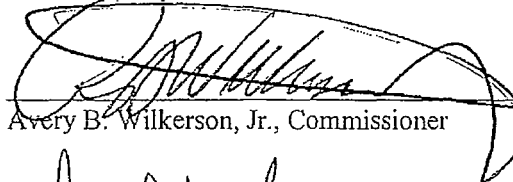
AND IT IS SO ORDERED.

S.C. Workers' Compensation Commission



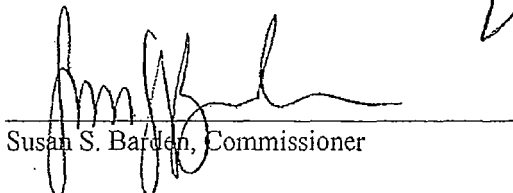
T. Scott Beck, Commissioner

Concur:



Avery B. Wilkerson, Jr., Commissioner

Dissent:



Susan S. Barden, Commissioner

Commissioner Barden voted to affirm.

Date: 12/29/11

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the attorney or attorneys for said parties.

This 29 day of December, 2011
By Valued Beck

Administrative Assistant to the Commissioner

Ellen Goodwin
L. Boren Watson

Kathryn Williams

DECISION AND ORDER OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 0901585

Carolyn Nicholson,	)
Employee,	)
Claimant,	)
	)
vs.	)
	)
SC Department of Social Services,	)
	)
Employer,	)
and	)
	)
State Accident Fund,	)
	)
Carrier,	)
Defendants.	)

HEARING:

Held in Greenville, South Carolina on March 16, 2011.

APPEARANCES:

Claimant represented by Kathryn Williams, Esquire of Greenville, South Carolina.

Defendants represented by L. Brenn Watson, Esquire of Willson Jones Carter & Baxley, P.A., Greenville, South Carolina.

PURPOSE OF HEARING:

To determine the issues as set forth on the Forms 50 and 51.

DECISION AND ORDER:

By Derrick L. Williams, Commissioner

FILED:

April 26, 2011.

I. APA SUBMISSIONS

Under the Administrative Procedures Act, the following records were submitted into evidence at the time of the hearing:

BY CLAIMANT:

- APA #1: First Report of Injury, dated 2/26/09, consisting of page 1.
- APA #2: Records of Exigent, dated 2/26/09 – 3/24/09, consisting of pages 2-19.
- APA #3: Records of Innervision, dated 3/24/09, consisting of pages 20-21.
- APA #4: Records of Traveler's Rest Family Practice, dated 3/25/09 – 4/6/09, consisting of pages 22-23.
- APA #5: Records of Dr. Hodge of Southeastern Neurosurgical & Spine, dated 5/18/09 – 2/7/11, consisting of pages 24-29.
- APA #6: Records of Dr. Haasis of Carolinas Center for Advanced Mgmt of Pain, dated 5/28/09 – 6/20/09, consisting of pages 30-36.
- APA #7: Records of Hands On Physical Therapy, dated 6/8/09 – 8/29/09, consisting of pages 37-47.

BY DEFENDANTS:

- APA #8: Records of Exigent, dated 2/26/09 – 3/16/09, consisting of pages 48-59.
- APA #9: Records of Traveler's Rest Family Practice, dated 8/17/01 – 4/6/09, consisting of pages 60-68.
- APA #10: Records of Innervision, dated 3/24/09, consisting of pages 69-70.

II. STIPULATIONS

Counsel for the respective parties stipulated at the time of the hearing to the following issues:

1. The purpose of the hearing is to determine the issues as set forth in the Forms 50 and 51 and any other issues which may timely come before the Commission;
2. That Claimant's alleged accident occurred on February 26, 2009;
3. The Claimant's average weekly wage was \$747.95 with a corresponding compensation rate of \$498.66;
4. Notices were timely and properly served upon all parties of interest;

5. Venue, set in Greenville County, is proper as agreed by all parties;
6. That the South Carolina Workers' Compensation Commission has jurisdiction over the parties and issues involved.

Without objection, the Commission's file was made a part of the record in this matter with the exception of any self-serving declaration or unstipulated medical reports.

III. STATEMENT OF THE CASE

On January 3, 2011, Claimant filed a Form 50 Request for Hearing alleging that she sustained an injury to her neck, left shoulder, and back by accident arising out of and in the course of her employment on February 26, 2009. Defendants filed a Form 51 on January 31, 2011 denying that Claimant sustained a compensable injury by accident arising out of and in the course of her employment with Defendant Employer. A hearing was scheduled for March 16, 2011 in Greenville, South Carolina.

At the hearing, Claimant maintained that she sustained a compensable injury by accident arising out of and in the course of her employment on February 26, 2009 when she fell while walking down a hallway in the course of her employment. Claimant sought payment of past causally related medical treatment as well as additional medical treatment to her neck, left shoulder, and back. Claimant also sought temporary total disability benefits for her time out of work. Defendants continued to deny that Claimant sustained a compensable injury by accident arising out of and in the course of her employment.

IV. EVIDENCE OF THE CASE

CLAIMANT'S TESTIMONY

Claimant worked as Defendant Employer's Human Services Coordinator and her job required her to supervise other employees. Claimant is also required to attend internal audits.

Regarding her alleged February 26, 2009 work accident, Claimant testified that she was scheduled for a regular Thursday audit meeting, which was held on the lower floor of Defendant

Employer's building. Claimant's fall occurred on the way to her audit meeting. Claimant testified that she grabbed her files, left her office, signed out on the sign out board, and began walking down the hallway to the audit meeting. She testified that while she was walking down the hall, her shoe frictioned the carpet, which caused her to fall. As a result of her fall, Claimant testified that she sustained injuries to her back and neck.

On cross-examination, Claimant testified that she was walking down a normal hallway and that the floor on which she was walking was level. She further testified that the floor was carpeted and that the floor was free from defect. Claimant specifically testified that the sole reason for her fall was that her shoe frictioned the carpet. When examined by the undersigned, she specifically admitted that the fact that she was carrying files had nothing to do with her fall. Claimant also testified that her fall could have happened on any level, carpeted surface outside of Defendant Employer's building and that there was nothing peculiar about the floor at Defendant Employer's building that caused her to fall.

MEDICAL RECORDS

The file includes some records dated prior to Claimant's alleged February 26, 2009 work accident. On August 17, 2001, Claimant presented to Travelers Rest Family Practice with complaints of low back pain for "probably more than a year." Claimant denied any recent trauma and indicated that her pain "radiates down both buttocks almost to the knee." Claimant was diagnosed with a lumbosacral strain. (Defendants' APA #9).

On July 22, 2002, Claimant presented to Travelers Rest Family Practice with complaints that she felt weak and nauseous the previous weekend and "she passed out with LOC." Claimant was diagnosed with a "probably vasovagal syncope secondary to infection and heat." On July 26, 2002, Claimant presented back to Travelers Rest Family Practice for labs; however, "after the vena puncture, she has a presyncopal spell" that was similar to the one she had the previous week. Claimant was diagnosed with dizziness and it was noted that "she does have orthostatic

hypotension.” *Id.*

Claimant returned to Travelers Rest Family Practice on October 16, 2002 with complaints of chest pain, headaches, and “neck pain in the back of her head for 3 weeks.” On June 13, 2003, Claimant presented to Travelers Rest Family Practice with complaints of chest wall pain. It was noted that “she states she turns her head to the rt. to the side that it hurts, it sends muscle spasm and pain down the paracervical area and the rhomboid area and the medial scapula distribution.” Claimant was diagnosed with musculoskeletal chest wall pain. *Id.*

On February 26, 2009, the date of her alleged work accident, Claimant presented to Exigent with complaints of left shoulder and neck pain after “she tripped on the carpet, fell and landed on her left side.” It was also noted that Claimant had some soreness in her legs and that she bumped her head but denied any loss of consciousness. X-rays of Claimant’s cervical spine and humerus were negative. Claimant was diagnosed with a “left side contusion with some strain” and placed on light duty from February 27, 2009 thru March 2, 2009. She was also given some antinflammatories, muscle relaxants, and pain medication. (Claimant’s APA #2; Defendants’ APA #8).

Claimant returned to Exigent on March 3, 2009 with continued complaints of stiffness and soreness in her left trapezius muscle area and left lower back. Claimant denied radicular pain, numbness, and weakness. Claimant was written out of work until March 10, 2009, when she was to return for a follow-up appointment. On March 10, 2009, Claimant returned to Exigent with complaints of “a dull aching sensation down the left arm.” Claimant denied any other problems. It was noted that Claimant’s problems seemed to be related to her cervical disk as opposed to her shoulder joint. Claimant underwent a Kenalog injection and was instructed to remain out of work until March 16, 2009. Claimant returned to Exigent for a follow-up appointment on March 16, 2009. She continued to complain of pain in her left shoulder blade area. It was recommended that Claimant undergo an MRI of her cervical spine. *Id.*

An MRI of Claimant's cervical spine dated March 24, 2009 revealed disc degeneration and disc protrusions or bulges from C4-C5 through C6-C7. It was noted that Claimant had "no acute extrusion type disc herniation." (Claimant's APA #3; Defendants' APA #10).

On March 25, 2009, Claimant presented to Travelers Rest Family Practice with complaints of left arm and shoulder pain. Claimant further indicated that she had some discomfort in her left hip. Claimant was diagnosed with left arm pain, hip pain, and cervical degenerative disc disease. Claimant returned to Travelers Rest Family Practice on April 6, 2009 with continued complaints of cervical pain with radiation into her left shoulder area. Claimant was diagnosed with cervical degenerative disc disease and referred to Dr. Phillip J. Hodge. (Claimant's APA #4; Defendants' APA #8).

Claimant presented to Dr. Hodge of Southeastern Neurosurgical and Spine for an evaluation of her cervical pain on May 18, 2009. Dr. Hodge noted that Claimant's pain began on February 26, 2009, when she "tripped and fell on floor." Dr. Hodge diagnosed Claimant with cervical pain and left limb pain and scheduled Claimant for an epidural steroid injection. (Claimant's APA #5).

On May 28, 2009, Claimant presented to Dr. John C. Haasis of Carolinas Center for Advanced Mgmt of Pain for an evaluation and treatment of chronic neck, left shoulder, and left upper extremity pain. Dr. Haasis referred Claimant to physical therapy. (Claimant's APA #6).

Claimant attended four physical therapy sessions for her cervical spine and left shoulder between June 8, 2009 and June 18, 2009. (Claimant's APA #7).

On June 20, 2009, Claimant returned to Dr. Haasis with continued complaints of neck and upper extremity pain. Dr. Haasis noted that Claimant received minimal benefit from physical therapy. Dr. Haasis recommended and performed an epidural steroid injection. (Claimant's APA #6).

On February 6, 2011, Dr. Hodge completed a questionnaire from Claimant's attorney

opining that Claimant's neck, left shoulder and back problems were caused and/or aggravated by her fall at work on February 23, 2009.

A record such as was necessary for a decision was made of the proceeding and after careful consideration and study of all the evidence, the following findings of fact are accordingly made.

V. FINDINGS OF FACT

IT IS FOUND AS A FACT:

1. That Employee, Employer, and Carrier are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Carolyn Nicholson as Employee-Claimant and SC Department of Social Services as Employer and State Accident Fund as Carrier, Defendants.

2. Claimant alleged that she sustained a compensable injury to her neck, left shoulder, and back by accident arising out of and in the course of her employment on February 26, 2009. This is a denied claim. Defendants specifically denied that Claimant's accident arose out of her employment.

3. Claimant was a credible witness. This finding is based on the undersigned's observations of Claimant at the hearing.

4. Claimant's job with Defendant Employer required her to supervise employees and to regularly attend internal audit meetings. This finding is based on Claimant's testimony.

5. Claimant's accident occurred when she fell while walking to a scheduled audit meeting on February 26, 2009.

6. While walking to her scheduled audit meeting, Claimant's shoe scuffed the carpet causing her to fall and injure her back and neck. This finding is supported by Claimant's testimony.

7. The floor Claimant fell on was carpeted, level, and free from any defect. This finding is based on Claimant's testimony.

8. At the time of her fall, Claimant was carrying 10 files that weight approximately 15 pounds; however, the files that Claimant was carrying did not cause or contribute to her fall on February 26, 2009. This finding is supported by Claimant's testimony.

9. The facts in the present case are analogous to the facts in *Bagwell v. Ernest Burwell, Inc.*, 227 S.C. 444, 88 S.E.2d 611. In *Bagwell*, the claimant, while in the performance of his duties on the premises of his employer, suddenly fell backward on a concrete floor, lost consciousness, and later died as a result of a subdural hemorrhage. The Court in *Bagwell* denied compensability on the basis that the claimant's accident did not arise out of his employment with his employer. The Court held that there was no causal connection between the claimant's fall and the claimant's employment and that the claimant's employment was not a contributing cause. The Court further held that even though the claimant fell on a concrete floor, the claimant's employment did not contribute to the effect of the fall. The Court stated, "We are not prepared to accept the contention that, in the absence of special condition or circumstance, a level floor in a place of employment is a hazard." The Court further noted that cement floors or other hard floors are as common outside industry as within it and that the floor in the instant case did not create a hazard which would not be encountered on a sidewalk or street or in a home where a hard surface of the ground or a hard floor existed.

10. Claimant has failed to prove a causal connection between her fall on February 26, 2009 and her employment with Defendant Employer. While Claimant's fall on February 26, 2009 occurred in the course of her employment, Claimant's fall was wholly unrelated to her employment with Defendant Employer. Claimant's fall occurred while she was walking down a normal, level floored hallway. The floor Claimant was walking on at the time of her fall was carpeted, and the carpet was free from defect. While Claimant was carrying 10 files weighing approximately 15 pounds at the time of her fall, Claimant testified that the files she was carrying did not contribute to or cause her fall. Claimant admitted that her fall could have happened on any level, carpeted

surface outside of Defendant Employer's building and that there was nothing peculiar about the floor at Defendant Employer's building that caused her to fall. Claimant specifically testified that the sole reason for her fall was that her shoe scuffed the carpet. Thus, Claimant's employment with Defendant Employment was not a contributing cause. This finding is supported by Claimant's testimony.

11. Claimant's employment did not contribute to the effect of her fall on February 26, 2009. While Claimant fell on a carpeted floor in Defendant Employer's building, Claimant's fall would have carried the same consequences had she fallen on a carpeted floor outside of Defendant Employer's building. There was no special condition or special circumstance about the level, carpeted floor in Defendant Employer's building that contributed to Claimant's injuries. The carpeted floor in Defendant Employer's building did not create a hazard or risk which would not be encountered in any other building or home with a level, carpeted floor.

12. Claimant has failed to prove by a preponderance of the evidence that her injury arose out of her employment with Defendant Employer. This finding is based on the evidence in the record as a whole. Accordingly, Claimant's claim for benefits is denied.

VI. CONCLUSIONS OF LAW

Accordingly, as provided in § 42-17-40, SC Code Ann. (1976), as amended, it is the determination of this Commission that:

1. Pursuant to § 42-1-130, Claimant was a covered employee at the time in question; and pursuant to § 42-1-140, Defendant/Employer was a covered employer under the Act.

2. Pursuant to § 42-1-160 and pursuant to *Bagwell v. Ernest Burwell, Inc.*, 227 S.C. 444, 88 S.E.2d 611, Claimant did not sustain an injury by accident arising out of her employment with Defendant Employer on February 26, 2009.

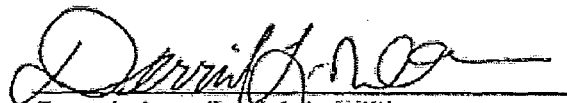
VII. ORDER/AWARD

IT IS HEREBY ORDERED that Claimant's request for benefits be, and is hereby, DENIED.

No hearing costs are assessed in this instance.

IT IS SO ORDERED.

SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION



Commissioner Derrick L. Williams

CERTIFICATE OF SERVICE

This is to certify the undersigned has this date served this order in the above entitled action upon all parties to this cause by sending an electronic copy hereof by electronic mail addressed to the attorney or attorneys for said parties or by depositing a copy hereof, postage paid, in the United States certified mail addressed to any unrepresented party.

April 28, 2011

By: Renee Smith, Administrative Assistant to Commissioner Williams



Claimant's Name: Carolyn Nicholson SSN: _____ Employer's Name: Greenville Cty Dept of Social Services
Address: _____ Address: 301 University Ridge, Ste. 6700
City: _____ State SC Zip: _____ City: Greenville State: SC Zip: 29601
Home Phone: _____ Work Phone: _____ Insurance Carrier: State Accident Fund
Preparer's Name: Kathryn Williams Law Firm: Kathryn Williams, PA Preparer's Phone #: (864) 235-6254

Complete each information blank. To request a hearing, check Box 13b, indicate the kinds of benefits claimed by checking the box(es) at Lines 6, 7, 8, and 9, and file this form in duplicate.

A claim for workers' compensation benefits is made based on the following grounds: Date of Injury or Illness: on or about 02/23/2009 2-26-09

☒ Injury ☐ Illness ☒ Repetitive Trauma

1a. The claimant sustained an injury to neck, left shoulder and back on or about 02/23/2009 in Greenville county, state of South Carolina

1b. Body part(s) affected are: neck, left shoulder and back.

Briefly describe how the accident occurred. Claimant was carrying a stack of paperwork, stopped to speak with a co-worker, her foot stuck on carpet and claimant fell.

2. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.

3. The relationship of employer and employee existed at the time of injury.

4. At the time of the injury the claimant was performing services arising out of and in the course of employment.

5. Notice of the accidental injury was given to the Employer on or about 02/23/2009 in the following manner: reported to supervisor

☒ 6. Due to injury, the claimant is in need of (check one):

☒ (a) medical examination and treatment for: neck, left shoulder and back

☒ (b) additional medical examination and treatment for: neck, left shoulder and back

☒ 7. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of: To be Determined

☒ 8. Due to the injury, the Claimant has permanent disability of the following nature and extent (check one): to be determined

☐ (1) General Disability:

☐ Total

☐ (2) Specific Disability:

☐ Total

☐ (3) Wage Loss

☐ Partial

☐ Partial

☐ 9. Due to the injury, the Claimant has a serious bodily disfigurement consisting of:

10a. At the time of the injury, the Claimant was paid weekly wages of \$ to be determined, and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident: to be supplied

11a. Further grounds or unusual aspects of claim: See #12. Claimant makes claim to any and all rights she is entitled to under the Workers' Compensation laws of South Carolina. Claimant requests payment of any award in lump sum with lifetime allocation. Claimant reserves the right to amend the Form 50.

11b. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident: See attached list

11c. To the best of your knowledge, did you have any prior permanent disability? To be determined
If yes, describe:

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.

13a. I am filing a claim. I am not requesting a hearing at this time.

13b. I am requesting a hearing. A \$25 fee is required.

14. Estimated time needed for hearing: 30 minutes

verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature
Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Questions about the use of this form may be directed to the Commission's Claims Department.

Attorney for the Claimant
Title

kwilliamslaw@bellsouth.net
Email

1/3/11
Date

Exigent Wade Hampton
2310 Wade Hampton Blvd.
Greenville, SC 29615

Carolinas Center for Advanced Management of Pain
220 Roper Mtn. Rd. Ext.
Greenville, SC 29615

Southeastern Nuerosurgical & Spine
111 Doctors Dr.
Greenville, sC 29605

Traveler's Rest Family Practice
PO Box 246
Travelers Rest, SC 29690

Open MRI of Simpsonville
413 SE Main St.
Simpsonville, SC 29681

Hands On Physical Therapy
220 Roper Mountain Rd. Ext.
Greenville, SC 29615

South Carolina Workers' Compensation Commission

1612 Marion Street • Post Office Box 1715

Columbia, South Carolina 29202-1715

(803) 737-5739

www.wcc.sc.gov

WCC File #: **0901585**Carrier File #: **2009-733**Carrier Code #: **500 SF**Employer FEIN #: **576036895**

Claimant's Name: Carolyn Nicholson SSN: _____ Employer's Name: SC Depart. of Social Services
 Address: _____ Address: 1535 Confederate Avenue
 City: _____ State: SC Zip: _____ City: Columbia State: SC Zip: 29201
 Home Phone: _____ Work Phone: _____ Insurance Carrier: State Accident Fund
 Date of Injury: 02/26/2009
 Preparer's Name: Ellen Goodwin, Esquire Law Firm: State Accident Fund Preparer's Phone #: (803) 896-5891

Date of Injury or Illness: **02/26/2009**

Complete each information blank. Specify clearly when contentions are admitted in part and denied in part. The employer/carrier in answer to the claim, respectfully shows:

1. It is **Denied** the employee sustained an injury or illness on or about the date set forth in the Form 50. The reasons for denial are:
No injury by accident arising out of and within the course and scope of employment.
2. It is **Denied** both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are:
See #1
3. It is **Denied** the relationship of employer and employee existed at the time in question. The reasons for denial are:
See #1
4. It is **Denied** at the time in question the employee was performing services arising out of and in the course of employment. The reasons for denial are:
See #1
5. It is **Denied** notice of injury was given the employer. The reasons for denial are:

6. It is **Denied** the employee **Is Entitled to Additional** medical care as a result of injury or illness. The reasons for denial are:
See #1
7. It is **Denied** the employee is entitled to temporary total disability for the period(s) of :
See #1
8. It is **Denied** the employee is permanently disabled. The reasons for denial are:
Disability, if any, to be determined by the SCWCC.
9. It is **Denied** the employee has serious disfigurement.
10. It is contended that an average weekly wage of **\$747.95** applies, according to attached Form 20 as provided by law.
11. Further contentions, grounds of defense, or unusual aspects are:

12. Estimated time needed for hearing: 30 minutes

I certify I have served this document pursuant to R.67-212 by delivering a copy to:

Name: SC Workers' Compensation Commission, Judicial Department, P.O. Box 1715, Columbia, SC 29202-1715 and

Kathryn Williams, Esquire, P.O. Box 10693, Greenville, SC 29606

on the 31 day of January, 2011 by ☒ first class mail ☐ personal service ☐ certified mail.

I verify the contents of this form are accurate and true to the best of my knowledge.

Ellen Goodwin Assistant Chief Counsel egoodwin@saf.sc.gov
 Preparer's Signature Title Email Date

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Questions about the use of this form may be directed to the Commission's Judicial Department. Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

P. O. Box 1715 - 1333 Main Street, Suite 500
Columbia, South Carolina 29202-1715

WCC File No. **0901585**

Carrier File #

Carrier Code #

Employer FEIN

Carolyn Nicholson

Claimant's Name

SSN

Address City State Zip

(864) ()

Home Phone

Work Phone

S.C. Dep't of Social Services

Employer's Name

Address City State Zip

State Accident Fund

Insurance Carrier

Kathryn Williams, P.A.

Preparer's Name

(864) 235-6254

Phone #

Request for Commission Review by **CLAIMANT. ORAL ARGUMENT IS REQUESTED.**

The undersigned makes application for review of the Hearing Commissioner's findings in the above matter. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

1. The Hearing Commissioner erred in failing to find claimant sustained compensable injury by accident on February 26, 2009; the error being that the evidence overwhelmingly demonstrates that claimant did sustain compensable injury by accident arising out of her employment on February 26, 2009.
2. The Hearing Commissioner erred in failing to find claimant sustained compensable injury by accident on February 26, 2009 when she tripped and fell while performing her job duties; the error being that the evidence overwhelmingly demonstrates that claimant did sustain compensable injury by accident arising out of her employment on February 26, 2009 when she tripped and fell while performing her job duties.
3. The Hearing Commissioner erred in failing to find claimant is entitled to medical and compensation benefits as a result of her injury by accident on February 26, 2009; the error being that the evidence overwhelmingly demonstrates that claimant did sustain compensable injury by accident arising out of her employment on February 26, 2009 and that she is entitled to medical and compensation benefits as a result of that injury by accident.
4. The Hearing Commissioner erred in finding that claimant's accident occurred when she fell while walking to a scheduled audit meeting on February 26, 2009; the error being that the evidence overwhelmingly demonstrates that claimant's accident occurred when she tripped and fell while performing her work duties and walking to a scheduled audit meeting on February 26, 2009.
5. The Hearing Commissioner erred in finding that claimant injured her back and neck as a result of her fall on February 26, 2009; the error being that the evidence overwhelmingly demonstrates that claimant sustained compensable injury by accident arising out of her employment on February 26, 2009 causing injuries to her neck, left shoulder, and back.

CONTINUED ON ATTACHED SHEET.

ORAL ARGUMENT IS REQUESTED.

I certify that I have served this document pursuant to R.67-212 by delivering a copy to the Commission at P.O. Box 1715, Columbia, SC 29202-1715 and to the attorney for defendants, L. Brenn Watson of Willson, Jones, Carter & Baxley, LLC at 872 S. Pleasantburg Dr., Greenville, SC 29607, on the 11th day of May, 2011 by first class U.S. mail.

Preparer's Signature

Attorney for Claimant
Title

Date

If claimant appeals and is not represented by an attorney, the Judicial Department will prepare additional copies of this form and serve it on the opposing party. Rule 67-701(B). Otherwise, file the original and eight copies of this form with the Judicial Department. The appeal must be postmarked no later than 14 days from the date of service of the Hearing Commissioner's decision. Rule 67-205(D). Attach the filing fee to this form. Attach a Form 32 if you are unable to pay the filing fee. Refer to Rules 67-701 through -711 for additional information.

6. The Hearing Commissioner erred in finding that while walking to her scheduled audit meeting, claimant's shoe scuffed the carpet causing her to fall and injury her back and neck; the error being that the evidence overwhelmingly demonstrates that while performing her work duties and walking to her scheduled audit meeting, claimant's shoe scuffed the carpet causing her to trip and fall and thereby injuring her neck, left shoulder, and back.
7. The Hearing Commissioner erred in finding that the facts in the present case are analogous to the facts in *Bagwell v. Ernest Burwell, Inc.*; the error being that the evidence overwhelmingly demonstrates that the facts in the present case are not analogous to the facts in *Bagwell v. Ernest Burwell, Inc.* and the holding of that case is inapplicable to the present case.
8. The Hearing Commissioner erred in finding that claimant failed to prove a causal connection between her fall on February 26, 2009 and her employment with defendant employer; the error being that the evidence overwhelmingly demonstrates that claimant did sustain compensable injury by accident arising out of her employment on February 26, 2009 and did prove a causal connection to her employment in that she tripped and fell while performing her job duties.
9. The Hearing Commissioner erred in finding that while claimant's fall on February 26, 2009 occurred in the course of her employment, claimant's fall was wholly unrelated to her employment with defendant employer; the error being that the evidence overwhelmingly demonstrates that claimant did sustain compensable injury by accident arising out of her employment on February 26, 2009 and did prove a causal connection to her employment in that she tripped and fell while performing her job duties.
10. The Hearing Commissioner erred in finding claimant's fall occurred when she was walking down a normal, level, floored hallway; the error being that the evidence overwhelmingly demonstrates that claimant's accident occurred when she tripped and fell while walking to a scheduled audit meeting on February 26, 2009.
11. The Hearing Commissioner erred in finding claimant admitted that her fall could have happened on any level, carpeted surface outside of defendant employer's building and that there was nothing peculiar about the floor at defendant employer's building that caused her to fall; the error being that it is irrelevant whether claimant's fall could have happened on any level, carpeted surface outside of defendant employer's building because the fall did not happen on a surface outside of defendant employer's building but claimant's accident occurred when she tripped and fell while performing her work duties and walking to a scheduled audit meeting in defendant employer's building on February 26, 2009.
12. The Hearing Commissioner erred in finding that claimant testified that the sole reason for her fall was that her shoe scuffed the carpet; the error being that the evidence overwhelmingly demonstrates that claimant testified that her accident occurred when her shoe scuffed the carpet while performing her work duties and walking to a scheduled audit meeting causing her to trip and fall and thereby injuring her neck, left shoulder, and back.
13. The Hearing Commissioner erred in finding that claimant's employment with defendant employ[er] was not a contributing cause; the error being that the evidence overwhelmingly demonstrates that claimant's employment with defendant employer was a contributing cause to her accident and related injuries in that the accident occurred when her shoe scuffed the carpet while performing her work duties and walking to a scheduled audit meeting causing her to trip and fall and thereby injuring her neck, left shoulder, and back.

14. The Hearing Commissioner in finding claimant's employment did not contribute to the effect of her fall on February 26, 2009; the error being that the evidence overwhelmingly demonstrates that claimant's employment did contribute to her fall on February 26, 2009 as the accident occurred when her shoe scuffed the carpet while performing her work duties and walking to a scheduled audit meeting causing her to trip and fall and thereby injuring her neck, left shoulder, and back .
15. The Hearing Commissioner erred in finding that while claimant fell on a carpeted floor in defendant employer's building, claimant's fall would have carried the same consequences as she fallen on a carpeted floor outside of defendant employer's building; the error being that it is irrelevant whether claimant's fall would have carried the same consequences as she fallen on a carpeted floor outside of defendant employer's building because the fall did not happen on a surface outside of defendant employer's building but claimant's accident occurred when she tripped and fell while performing her work duties and walking to a scheduled audit meeting in defendant employer's building on February 26, 2009 and furthermore the same could be said about almost any accident that occurs .
16. The Hearing Commissioner erred in finding that there was no special condition or special circumstance about the level carpeted floor in defendant employer's building that contributed to claimant's injuries; the error being that this is irrelevant and the evidence overwhelmingly demonstrates that claimant's employment did contribute to her fall on February 26, 2009 as the accident occurred when her shoe scuffed the carpet while performing her work duties and walking to a scheduled audit meeting causing her to trip and fall and thereby injuring her neck, left shoulder, and back .
17. The Hearing Commissioner erred in finding that the carpeted floor in defendant employer's building did not create a hazard or risk which would not be encountered in any other building or home with a level carpeted floor; the error being that it is irrelevant whether defendant employer's building created a hazard or risk which would not be encountered in any other building or home with a level carpeted floor because the fall did not happen on a surface outside of defendant employer's building but claimant's accident occurred when she tripped and fell while performing her work duties and walking to a scheduled audit meeting in defendant employer's building on February 26, 2009 and furthermore the same could be said about almost any accident that occurs .
18. The Hearing Commissioner erred in finding claimant has failed to prove by a preponderance of the evidence that her injury arose out of her employment with defendant employer; the error being that the evidence overwhelmingly demonstrates that claimant did sustain compensable injury by accident arising out of her employment on February 26, 2009 when she tripped and fell while performing her job duties .
19. The Hearing Commissioner erred in ruling that pursuant to § 42-1-160 and pursuant to *Bagwell v. Ernest Burwell, Inc.*, claimant did not sustain injury by accident arising out of her employment with defendant employer and on February 26, 2009; the error being that the evidence overwhelmingly demonstrates that the facts in the present case are not analogous to the facts in *Bagwell v. Ernest Burwell, Inc.*, the holding of that case is inapplicable to the present case, and the evidence overwhelmingly demonstrates that claimant did sustain compensable injury by accident arising out of her employment on February 26, 2009 when she tripped and fell while performing her job duties .
20. The Hearing Commissioner erred in denying claimant's request for benefits; the error being that the evidence overwhelmingly demonstrates that claimant sustained compensable injury by accident arising out of her employment on February 26, 2009 and that she is entitled to medical and compensation benefits as a result of that injury by accident .

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC Number: 0901585

Carolyn M. Nicholson,

Respondent,

v.

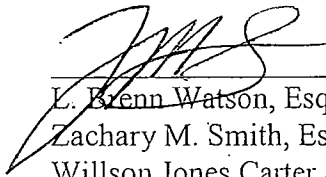
S.C. Dept. of Social Services and
State Accident Fund,

Appellants.

NOTICE OF APPEAL

Pursuant to S.C. Code Ann. § 42-17-60, S.C. Dept. of Social Services and State Accident Fund appeal the Order of the Appellate Panel of the S.C. Workers' Compensation Commission, filed January 13, 2012 on the attached grounds. Appellant received written notice of the entry of the original Order on December 29, 2011.

January 13, 2012


L. Brenn Watson, Esquire
Zachary M. Smith, Esquire
Willson Jones Carter & Baxley, P.A.
872 S. Pleasantburg Drive
Greenville, SC 29607
Attorneys for Appellants

Other Counsel of Record:

Kathryn Williams, Esquire
Kathryn Williams, P.A.
619 N. Main St.
Greenville, SC 29603

As S.C. Code Ann. § 42-17-60 provides that the “[n]otice of appeal must state the grounds of the appeal or the alleged errors of law,” the following is provided as an attachment to the Notice of Appeal:

1. The Commission erred in reversing the Order of the Single Commissioner dated April 26, 2011, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
2. The Commission erred in reversing the Single Commissioner’s finding that the facts in the present case are analogous to the facts in Bagwell v. Ernest Burwell, Inc., 227 S.C. 444, 88 S.E.2d 611 (1955), the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
3. The Commission erred in reversing the Single Commissioner’s finding that Claimant failed to prove a causal connection between her fall on February 26, 2009 and her employment with Defendant Employer, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
4. The Commission erred in reversing the Single Commissioner’s finding that Claimant’s fall was wholly unrelated to her employment with Defendant Employer, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
5. The Commission erred in reversing the Single Commissioner’s finding that Claimant’s employment with Defendant Employer was not a contributing cause, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
6. The Commission erred in reversing the Single Commissioner’s finding that Claimant’s employment did not contribute to the effect of her fall on February 26, 2009, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
7. The Commission erred in reversing the Single Commissioner’s finding that Claimant’s fall would have carried the same consequences had she fallen on a carpeted floor outside of Defendant Employer’s building, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
8. The Commission erred in reversing the Single Commissioner’s finding that there was no special condition or special circumstance about the level, carpeted floor in Defendant

Employer's building that contributed to Claimant's injuries, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.

9. The Commission erred in reversing the Single Commissioner's finding that the carpeted floor in Defendant Employer's building did not create a hazard or risk which would not be encountered in any other building or home with a level, carpeted floor, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
10. The Commission erred in reversing the Single Commissioner's finding that Claimant failed to prove by a preponderance of the evidence that her injury arose out of her employment with Defendant Employer, the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
11. The Commission erred in reversing the Single Commissioner's conclusion that pursuant to § 42-1-160 and pursuant to Bagwell v. Ernest Burwell, Inc., 227 S.C. 444, 88 S.E.2d 611, Claimant did not sustain an injury by accident arising out of her employment with Defendant Employer on February 26, 2009, [See Bagwell, *supra*; Owings v. Anderson County Sheriff's Dept., 315 S.C. 297, 433 S.E.2d 869 (1993); Douglas v. Spartan Mills, 245 S.C. 265, 140 S.E.2d 173 (1965); Crosby v. Wal-Mart, 330 S.C. 489, 499 S.E.2d 253 (Ct. App. 1998); Clade v. Champion Laboratories, 330 S.C. 8, 496 S.E.2d 856 (1998); Lorick v. South Carolina Elec. & Gas, 245 S.C. 513, 141 S.E.2d 662 (1965); Jennings v. Chambers Development Co., 335 S.C. 249, 516 S.E.2d 453 (Ct. App. 1999)], the error being that such reversal is not supported by the substantial evidence in the record and that such reversal is not an accurate application of the law.
12. The Commission erred in Finding of Fact #7 by finding that "Claimant's accident occurred when her shoe fractioned the carpet causing her to trip and fall while walking to a scheduled audit meeting on February 26, 2009," the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
13. The Commission erred in Finding of Fact #8 by finding that "While walking to her scheduled audit meeting, claimant's shoe scuffed the carpet causing her to trip, fall onto her left side, and injure her neck, back, left shoulder, and left arm," the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
14. The Commission erred in Finding of Fact #8 by finding that "While walking to her scheduled audit meeting, claimant's shoe scuffed the carpet causing her to trip, fall onto her left side, and injure her neck, back, left shoulder, and **left arm**" (Emphasis added), the error being that such finding is not supported by the substantial evidence in the record and that such finding is an error of law because Claimant never pled or alleged an injury to her left arm. [See Pratt v. Morris Roofing, Inc., 353 S.C. 339, 577 S.E.2d 475 (Ct. App. 2003)].

15. The Commission erred in Finding of Fact #16 by finding that "Claimant has proven that a causal connection exists between her fall on February 26, 2009 and her employment with employer-defendant," the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
16. The Commission erred in Finding of Fact #16 by finding that "Claimant has proven that a causal connection exists between her fall on February 26, 2009 and her employment with employer-defendant," the error being that Claimant's alleged injury by accident was not causally related to her employment with the S.C. Dept. of Social Services.
17. The Commission erred in Finding of Fact #16 by finding that "Claimant has proven that a causal connection exists between her fall on February 26, 2009 and her employment with employer-defendant," the error being that Claimant's alleged injury by accident is not causally related to her employment because it occurred as the result of a hazard to which Claimant would have been equally exposed apart from her employment with the S.C. Dept. of Social Services.
18. The Commission erred in Finding of Fact #16 by finding that "Claimant has proven that a causal connection exists between her fall on February 26, 2009 and her employment with employer-defendant," the error being that Claimant's employment with the S.C. Dept. of Social Services was not a contributing proximate cause to her alleged injury.
19. The Commission erred in Finding of Fact #17 by finding that "Claimant's fall on February 26, 2009 arose out of her employment in that it bore a special relation to her work and the conditions under which her work was performed, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall," the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
20. The Commission erred in Finding of Fact #17 by finding that "Claimant's fall on February 26, 2009 arose out of her employment in that it bore a special relation to her work and the conditions under which her work was performed, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall," the error being that Claimant's alleged injury by accident did not "arise out of" her employment with S.C. Dept. of Social Services as required by S.C. Code Ann. § 42-1-160.
21. The Commission erred in Finding of Fact #17 by finding that "Claimant's fall on February 26, 2009 arose out of her employment in that it bore a special relation to her work and the conditions under which her work was performed, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall," the error being that Claimant's alleged injury by

accident was not causally related to her employment with the S.C. Dept. of Social Services.

22. The Commission erred in Finding of Fact #17 by finding that “Claimant’s fall on February 26, 2009 arose out of her employment in that it bore a special relation to her work and the conditions under which her work was performed, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall,” the error being that Claimant’s alleged injury by accident is not causally related to her employment because it occurred as the result of a hazard to which Claimant would have been equally exposed apart from her employment with the S.C. Dept. of Social Services.
23. The Commission erred in Finding of Fact #17 by finding that “Claimant’s fall on February 26, 2009 arose out of her employment in that it bore a special relation to her work and the conditions under which her work was performed, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall,” the error being that Claimant’s employment with the S.C. Dept. of Social Services was not a contributing proximate cause to her alleged injury.
24. The Commission erred in Finding of Fact #19 by finding that “Claimant’s employment with employer-defendant was a contributing cause to her fall and subsequent injuries,” the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
25. The Commission erred in Finding of Fact #19 by finding that “Claimant’s employment with employer-defendant was a contributing cause to her fall and subsequent injuries,” the error being that Claimant’s alleged injury by accident did not “arise out of” her employment with S.C. Dept. of Social Services as required by S.C. Code Ann. § 42-1-160.
26. The Commission erred in Finding of Fact #19 by finding that “Claimant’s employment with employer-defendant was a contributing cause to her fall and subsequent injuries,” the error being that Claimant’s alleged injury was not causally related to her employment with the S.C. Dept. of Social Services.
27. The Commission erred in Finding of Fact #19 by finding that “Claimant’s employment with employer-defendant was a contributing cause to her fall and subsequent injuries,” the error being that Claimant’s alleged injury by accident is not causally related to her employment because it occurred as the result of a hazard to which Claimant would have been equally exposed apart from her employment with the S.C. Dept. of Social Services.
28. The Commission erred in Finding of Fact #19 by finding that “Claimant’s employment with employer-defendant was a contributing cause to her fall and subsequent injuries,” the

error being that Claimant's employment with the S.C. Dept. of Social Services was not a contributing proximate cause to her alleged injury.

29. The Commission erred in Finding of Fact #20 by finding that "It is irrelevant that this circumstance could have occurred and this fall could have happened on any other level, carpeted surface outside of employer-defendant's building as the fall did not happen in any other place but happened in employer-defendant's building as a result of a risk associated with the conditions under which claimant was required to work, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall," the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
30. The Commission erred in Finding of Fact #20 by finding that "It is irrelevant that this circumstance could have occurred and this fall could have happened on any other level, carpeted surface outside of employer-defendant's building as the fall did not happen in any other place but happened in employer-defendant's building as a result of a risk associated with the conditions under which claimant was required to work, specifically that she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall," the error being that substantial evidence in the record does not support a finding that Claimant's fall occurred as the result of a risk associated with the conditions under which she was required to work.
31. The Commission erred in Finding of Fact #21 by finding that "It is also irrelevant that claimant's fall would have carried the same consequences had she fallen on any other level, carpeted surface outside of employer-defendant's building, as the same can be said of a great many compensable workplace injuries such as a knee injury occurring when standing after bending to tighten a bolt on a machine or a back injury when bending over to pick up a filter rack," the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
32. The Commission erred in Finding of Fact #21 by finding that "It is also irrelevant that claimant's fall would have carried the same consequences had she fallen on any other level, carpeted surface outside of employer-defendant's building, as the same can be said of a great many compensable workplace injuries such as a knee injury occurring when standing after bending to tighten a bolt on a machine or a back injury when bending over to pick up a filter rack," the error being that substantial evidence in the record does not support a finding that Claimant's fall was causally related to her employment with the S.C. Dept. of Social Services.
33. The Commission erred in Finding of Fact #21 by finding that "It is also irrelevant that claimant's fall would have carried the same consequences had she fallen on any other level, carpeted surface outside of employer-defendant's building, as the same can be said of a great many compensable workplace injuries such as a knee injury occurring when standing

after bending to tighten a bolt on a machine or a back injury when bending over to pick up a filter rack,” the error being that substantial evidence in the record establishes that Claimant’s employment with the S.C. Dept. of Social Services was not a contributing proximate cause to her alleged injury.

34. The Commission erred in Finding of Fact #22 by finding that “Claimant has proven by a preponderance of the evidence that her injury arose out of her employment with employer-defendant,” the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
35. The Commission erred in Finding of Fact #22 by finding that “Claimant has proven by a preponderance of the evidence that her injury arose out of her employment with employer-defendant,” the error being that Claimant’s alleged injury by accident did not “arise out of” her employment with S.C. Dept. of Social Services as required by S.C. Code Ann. § 42-1-160.
36. The Commission erred in Finding of Fact #22 by finding that “Claimant has proven by a preponderance of the evidence that her injury arose out of her employment with employer-defendant,” the error being that Claimant’s alleged injury by accident was not causally related to her employment with the S.C. Dept. of Social Services.
37. The Commission erred in Finding of Fact #22 by finding that “Claimant has proven by a preponderance of the evidence that her injury arose out of her employment with employer-defendant,” the error being that Claimant’s alleged injury by accident is not causally related to her employment because it occurred as the result of a hazard to which Claimant would have been equally exposed apart from her employment with the S.C. Dept. of Social Services.
38. The Commission erred in Finding of Fact #22 by finding that “Claimant has proven by a preponderance of the evidence that her injury arose out of her employment with employer-defendant,” the error being that Claimant’s employment with the S.C. Dept. of Social Services was not a contributing proximate cause to her alleged injury.
39. The Commission erred in Finding of Fact #22 by finding that “Claimant has proven by a preponderance of the evidence that her injury arose out of her employment with employer-defendant,” the error being that such finding is based on surmise, conjecture and speculation.
40. The Commission erred in Finding of Fact #24 by finding that “Claimant sustained injuries to her neck, back, and left shoulder as a result of the compensable injury by accident,” the error being that such finding is not supported by the substantial evidence in the record and that such finding is not an accurate application of the law.
41. The Commission erred in Finding of Fact #24 by finding that “Claimant sustained injuries to her neck, back, and left shoulder as a result of the compensable injury by accident,” the error being that Claimant’s alleged injury by accident did not “arise out of” her

- employment with S.C. Dept. of Social Services as required by S.C. Code Ann. § 42-1-160.
42. The Commission erred in Finding of Fact #24 by finding that “Claimant sustained injuries to her neck, back, and left shoulder as a result of the compensable injury by accident,” the error being that Claimant’s alleged injury by accident was not causally related to her employment with the S.C. Dept. of Social Services.
 43. The Commission erred in Finding of Fact #24 by finding that “Claimant sustained injuries to her neck, back, and left shoulder as a result of the compensable injury by accident,” the error being that Claimant’s alleged injury by accident is not causally related to her employment because it occurred as the result of a hazard to which Claimant would have been equally exposed apart from her employment with the S.C. Dept. of Social Services.
 44. The Commission erred in Finding of Fact #24 by finding that “Claimant sustained injuries to her neck, back, and left shoulder as a result of the compensable injury by accident,” the error being that Claimant’s employment with the S.C. Dept. of Social Services was not a contributing proximate cause to her alleged injury.
 45. The Commission erred in Finding of Fact #25 finding that “Claimant has received medical treatment since and because of her compensable injury by accident which was designed to and has tended to effect a cure or give relief, including but not limited to medical treatment provided by Exigent–Wade Hampton, Dr. Coleman, Dr. Hodge, and Dr. Haasis, and she is in need of additional such medical treatment because of her injury by accident,” the error being that the substantial evidence in the record establishes that Claimant did not sustain a compensable injury by accident arising out of and in the course of her employment with the S.C. Dept. of Social Services and that such finding is not an accurate application of the law.
 46. The Commission erred in Finding of Fact #26 by finding that “Claimant has not reached maximum medical improvement from her injuries,” the error being that the substantial evidence in the record establishes that Claimant did not sustain a compensable injury by accident arising out of and in the course of her employment with the S.C. Dept. of Social Services and that such finding is not an accurate application of the law; thus, the Commission erred in addressing the issue of maximum medical improvement.
 47. The Commission erred in Finding of Fact #27 by finding that “Claimant was temporarily unable to work and totally disabled because of her compensable injury by accident from February 26, 2009 through and including April 13, 2009,” the error being that the substantial evidence in the record establishes that Claimant did not sustain a compensable injury by accident arising out of and in the course of her employment with S.C. Dept. of Social Services and that such finding is not an accurate application of the law; thus, the Commission erred in determining that Claimant was out of work as a result of a compensable injury by accident.
 48. The Commission erred in Ruling of Law #4 by concluding that “Under S.C. Code Ann. §

42-1-160, claimant sustained compensable injury by accident causing compensable injuries to her left lower extremity, left shoulder, and back,” such ruling is not supported by substantial evidence in the record.

49. The Commission erred in Ruling of Law #4 by concluding that “Under S.C. Code Ann. § 42-1-160, claimant sustained compensable injury by accident causing compensable injuries to her left lower extremity, left shoulder, and back,” the error being that such ruling is not an accurate application of the law.
50. The Commission erred in Ruling of Law #5 by concluding that “Claimant has proven that her injuries arose out of and in the course of her employment with employer-defendant,” the error being that such ruling is not supported by substantial evidence in the record.
51. The Commission erred in Ruling of Law #5 by concluding that “Claimant has proven that her injuries arose out of and in the course of her employment with employer-defendant,” the error being that such ruling is not an accurate application of the law.
52. The Commission erred in Ruling of Law #6 by concluding that “The single Commissioner made his decision based on Bagwell v. Ernest Burwell, Inc., 227 S.C. 444, 88 S.E.2d 611 (1955), determining the injuries were not compensable because claimant fell on a level floor; however, the facts of the present case make clear that this is not an “idiopathic” injury – as there is no evidence claimant suffered any internal breakdown but there is rather a specific, non-personal and work-related reason for her fall – and, for that reason, the “level floor” jurisprudence is irrelevant to this case,” the error being that such ruling is not supported by substantial evidence in the record.
53. The Commission erred in Ruling of Law #6 by concluding that “The single Commissioner made his decision based on Bagwell v. Ernest Burwell, Inc., 227 S.C. 444, 88 S.E.2d 611 (1955), determining the injuries were not compensable because claimant fell on a level floor; however, the facts of the present case make clear that this is not an “idiopathic” injury – as there is no evidence claimant suffered any internal breakdown but there is rather a specific, non-personal and work-related reason for her fall – and, for that reason, the “level floor” jurisprudence is irrelevant to this case,” the error being that such ruling is not an accurate application of the law.
54. The Commission erred in Ruling of Law #7 by concluding that “contrary to the facts in Bagwell, the facts in the present case show the cause of the fall was related to the work or the working conditions in that the evidence shows claimant was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall. See Bagwell, 88 S.E.2d at 613 (“It must be shown that the cause of the fall...bore some special relation to the work or to the conditions under which it was performed,” the error being that such ruling is not supported by substantial evidence in the record.
55. The Commission erred in Ruling of Law #7 by concluding that “contrary to the facts in

Bagwell, the facts in the present case show the cause of the fall was related to the work or the working conditions in that the evidence shows claimant was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall. See Bagwell, 88 S.E.2d at 613 (“It must be shown that the cause of the fall...bore some special relation to the work or to the conditions under which it was performed,” the error being that such ruling is not an accurate application of the law.

56. The Commission erred in Ruling of Law #8 by concluding that “The facts in the present case are more analogous to the facts in the Court of Appeals’ decisions in Sigmon v. Dayco Corp., 316 S.C. 260, 449 S.E.2d 497 (Ct.App.1994) and Creech v. Ducane Co., 320 S.C. 559, 467 S.E.2d 114 (Ct.App.1995),” the error being that such ruling is not supported by substantial evidence in the record.
57. The Commission erred in Ruling of Law #8 by concluding that “The facts in the present case are more analogous to the facts in the Court of Appeals’ decisions in Sigmon v. Dayco Corp., 316 S.C. 260, 449 S.E.2d 497 (Ct.App.1994) and Creech v. Ducane Co., 320 S.C. 559, 467 S.E.2d 114 (Ct.App.1995),” the error being that such ruling is not an accurate application of the law.
58. The Commission erred in Ruling of Law #8 by concluding that “In Sigmon, it was determined that the injured worker sustained a compensable injury when his knee locked when he stood after bending to tighten a bolt on a machine, and in Creech, it was determined that the injured worker sustained a compensable injury by accident where he injured back when bending over to pick up one pound filter rack. Both of these injuries could have happened if the workers had performed similar activities at home or at some other place, but the injuries were compensable because they happened at work due to actions the employees undertook to perform their required work duties and because of the conditions under which they were required to work. Here, claimant’s injuries happened at work, while she was performing her work duties in walking to a meeting carrying files in her hands, and the injury occurred because of the condition under which she was required to work, specifically she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall,” the error being that such ruling is not supported by substantial evidence in the record.
59. The Commission erred in Ruling of Law #8 by concluding that “In Sigmon, it was determined that the injured worker sustained a compensable injury when his knee locked when he stood after bending to tighten a bolt on a machine, and in Creech, it was determined that the injured worker sustained a compensable injury by accident where he injured back when bending over to pick up one pound filter rack. Both of these injuries could have happened if the workers had performed similar activities at home or at some other place, but the injuries were compensable because they happened at work due to actions the employees undertook to perform their required work duties and because of the conditions under which they were required to work. Here, claimant’s injuries happened at work, while she was performing her work duties in walking to a meeting carrying files in

her hands, and the injury occurred because of the condition under which she was required to work, specifically she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall,” the error being that such ruling is not an accurate application of the law.

60. The Commission erred in Ruling of Law #9 by concluding that “The Supreme Court’s decision in Pierre v. Seaside Farms, Inc., 386 S.C. 534, 689 S.E.2d 615 (2010) forecloses defendants’ argument that claimant’s fall is not compensable because it could have happened on any carpeted floor at home or in some other place. Thus, as in Pierre, the source of the injury was a risk associated with a condition under which claimant was required to work, specifically she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall,” the error being that such ruling is not supported by substantial evidence in the record.
61. The Commission erred in Ruling of Law #9 by concluding that “The Supreme Court’s decision in Pierre v. Seaside Farms, Inc., 386 S.C. 534, 689 S.E.2d 615 (2010) forecloses defendants’ argument that claimant’s fall is not compensable because it could have happened on any carpeted floor at home or in some other place. Thus, as in Pierre, the source of the injury was a risk associated with a condition under which claimant was required to work, specifically she was required to work in a carpeted area, while walking across the carpet her foot scuffed or caught in the carpet due to the friction of the carpet against her shoe, and this scuffing or catching in the carpet caused her to trip and fall,” the error being that such ruling is not an accurate application of the law.
62. The Commission erred in Ruling of Law #10 by concluding that “Claimant has not reached maximum medical improvement from her injuries. Dodge v. Bruccoli, Clark, Layman, Inc., 334 S.C. 574, 514 S.E.2d 593 (Ct.App.1999); O’Banner v. Westinghouse Elec. Corp., 319 S.C. 24, 459 S.E.2d 324 (Ct.App.1995),” the error being that such ruling is not supported by substantial evidence in the record.
63. The Commission erred in Ruling of Law #10 by concluding that “Claimant has not reached maximum medical improvement from her injuries. Dodge v. Bruccoli, Clark, Layman, Inc., 334 S.C. 574, 514 S.E.2d 593 (Ct.App.1999); O’Banner v. Westinghouse Elec. Corp., 319 S.C. 24, 459 S.E.2d 324 (Ct.App.1995),” the error being that such ruling is not an accurate application of the law.
64. The Commission erred in Ruling of Law #11 by concluding that “Under S.C. Code Ann. §§ 42-1-120 and 42-9-10, claimant is entitled to and defendants are responsible for temporary total disability compensation benefits at the rate of \$498.66 per week for claimant’s temporary total disability from February 26, 2009 through and including April 13, 2009,” the error being that the substantial evidence in the record establishes that Claimant did not sustain a compensable injury by accident arising out of and in the course of her employment with the S.C. Dept. of Social Services; thus, Claimant is not entitled to temporary total disability compensation benefits.

65. The Commission erred in Ruling of Law #11 by concluding that “Under S.C. Code Ann. §§ 42-1-120 and 42-9-10, claimant is entitled to and defendants are responsible for temporary total disability compensation benefits at the rate of \$498.66 per week for claimant’s temporary total disability from February 26, 2009 through and including April 13, 2009,” the error being that such ruling is not an accurate application of the law.
66. The Commission erred in Ruling of Law #12 by concluding that “Under S.C. Code Ann. § 42-15-60, claimant is entitled to and defendants are responsible for all causally related medical treatment and expenses from February 26, 2009 to the present and continuing,” the error being that the substantial evidence in the record establishes that Claimant did not sustain a compensable injury by accident arising out of and in the course of her employment with the S.C. Dept. of Social Services; thus, Defendants are not responsible for Claimant’s causally-related medical treatment.
67. The Commission erred in Ruling of Law #12 by concluding that “Under S.C. Code Ann. § 42-15-60, claimant is entitled to and defendants are responsible for all causally related medical treatment and expenses from February 26, 2009 to the present and continuing,” the error being that such ruling is not an accurate application of the law.
68. The Commission erred in ordering that Defendants shall pay for all causally related medical treatment and expenses from February 26, 2009 to the present and continuing, the error being that the substantial evidence in the record establishes that Claimant did not sustain a compensable injury by accident arising out of and in the course of her employment with the S.C. Dept. of Social Services and that such order is not an accurate application of the law.
69. The Commission erred in ordering that Defendants shall pay temporary total disability compensation in an amount equal to \$498.66 per week for Claimant’s temporary total disability from February 26, 2009 through and including April 13, 2009, the error being that the substantial evidence in the record establishes that Claimant did not sustain a compensable injury by accident arising out of and in the course of her employment with the S.C. Dept. of Social Services and that such order is not an accurate application of the law.

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
CASE NUMBER - 0901585

CAROLYN M. NICHOLSON,	)	
	)	
CLAIMANT,	)	HEARING
	)	
VS.	)	BEFORE
	)	
DEPT OF SOCIAL SERVICES,	)	COMMISSIONER WILLIAMS
	)	
EMPLOYER,	)	
	)	
STATE ACCIDENT FUND,	)	
	)	
CARRIER,	)	
	)	
DEFENDANTS.	)	
	)	

COPY

WORKERS' COMPENSATION COMMISSION HEARING TAKEN
BEFORE NADINE A. GARRETT, A NOTARY PUBLIC IN AND FOR
THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF
12:34 PM ON MARCH 16, 2011, AT COUNTY SQUARE, 301
UNIVERSITY RIDE, GREENVILLE, SOUTH CAROLINA.

NADINE A. GARRETT
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NADINE A. GARRETT
COURT REPORTER
803-834-3410

1 THE COURT: Today's date is March 16, 2011. This
2 is the Workers' Compensation Case of Ms. Carolyn
3 Nicholson versus DSS. This is WCC File No. 0901585.
4 The date of accident alleged as February 26, 2009.
5 Present for the Claimant is Attorney Kathryn Williams.
6 Present for the Employer and Carrier is Attorney Brenn
7 Watson. Hearing is set on the Forms 50 and 51.
8 Average weekly wage \$747.95, corresponding comp rate
9 of \$498.66.

10 I have APA submissions from the parties. Any
11 objections to jurisdiction, venue or the APA
12 submissions? Ms. Williams?

13 MS. WILLIAMS: No, sir.

14 MR. WATSON: No, sir.

15 THE COURT: Then the Commission file is part of
16 the record with the exception of any self-serving
17 declarations or any unstipulated medical reports.

18 Denied claim.

19 The Claimant alleges an injury on February 26,
20 2009 to her neck, left shoulder and back in the course
21 and scope of her duties at work. She would seek
22 further medical treatment, temporary total from
23 February 23, 2009 through April 13, 2009. And she
24 will not be asking for permanency at this time, but
25 reimbursement for any causally-related medicals to

1 date.

2 The Employer/Carrier denies this claim in full.
3 They do not believe the Claimant can meet her burden
4 of proving a compensable injury by accident, mainly
5 that this type of accident not arises out of and in
6 the course and scope of her duties. They would cite
7 Crosby and Bagwell as they would argue this is an
8 idiopathic fall and all benefits should be denied.

9 That being stated, though, do the parties want to
10 state anything else for the record? Ms. Williams?

11 MS. WILLIAMS: Only that I think it's clear that
12 all these cases are very, very fact specific. And I
13 believe the facts of this one would show that she's
14 entitled to compensation. I would also just pass up -
15 I think you passed up, what?

16 THE COURT: I have Bagwell.

17 MS. WILLIAMS: And I will pass up Sigmund
18 (phonetic).

19 THE COURT: Mr. Watson, anything else for the
20 record?

21 MR. WATSON: No, sir. I believe you -

22 THE COURT: All right. Ms. Nicholson is in the
23 witness chair. Let's swear her in, please.

24 CAROLYN NICHOLSON,
25 having been first duly sworn, testified as follows:

NADINE A. GARRETT
COURT REPORTER
803-834-3410

1 THE COURT: Ms. Williams.

2 DIRECT EXAMINATION

3 BY MS. WILLIAMS:

4 Q Carolyn, how old are you?

5 A Fifty.

6 Q And how far did you go in school?

7 A I have a BS degree in management, business management.

8 Q And I believe that you were employed - I know that you
9 are no longer employed with DSS now, but you were
10 employed with DSS for about nine years; is that right?

11 A No.

12 Q Okay.

13 A Pretty close to 20 years.

14 Q Oh, 20 years. I'm sorry. I can't add. Math was
15 never my strong suit. So, you were with DSS for 20
16 years roughly?

17 A Roughly.

18 Q What were your job duties there?

19 A I was in several different areas, but my last course
20 of action was with child protective services.

21 Q What did you do with child protective services?

22 A I was a supervisor in the investigations area of the
23 Department of Social Services.

24 Q Okay. And I believe before you went to DSS, you were
25 employed at Bi-Lo; is that correct?

1 A Yes, ma'am.

2 Q And how long were you there?

3 A Approximately 12 years.

4 Q Now, in your job at DSS, did you have an accident on
5 February 23, 2009?

6 A I believe that date is incorrect.

7 Q What date do you think it was?

8 A If I'm not mistaken, it's February 26th.

9 Q Okay. Do you think you went to the doctor the same
10 day you fell?

11 A I did.

12 Q And the first doctor you went to was Exigent?

13 A Yes. That was the -

14 Q That's where they told you to go?

15 A Yes.

16 Q And they told you to go the same day?

17 A Yes.

18 MS. WILLIAMS: We would amend our date of
19 accident to February 26, 2009. That is the first day
20 of treatment.

21 MR. WATSON: No objection.

22 THE COURT: All right. I think had - did I not
23 say that? Maybe I was wrong. I had that as February
24 26, 2009.

25 MS. WILLIAMS: Okay. I was the only one that was

1 wrong then.

2 THE COURT: Somebody had already changed it.

3 BY MS. WILLIAMS:

4 Q So, what happened to - what were you doing on February
5 26th?

6 A That was the day that we had auditing. On Thursdays
7 we would have audits for case files to review and
8 update areas so that when we had our large audit time,
9 we could kind of be prepared.

10 Q Okay. And this is an audit with you and your
11 supervisors where you review cases?

12 A In-house.

13 Q In-house, okay. So, what happened that day?

14 A As I was leaving my office with my cases to go
15 downstairs because we were on this level and there is
16 a lower level -

17 Q You had cases in your hand?

18 A I had cases in my hand, correct.

19 Q And how many - these were files, I take it, that you
20 had?

21 A These were files, yes.

22 Q How many did you have?

23 A Roughly ten.

24 Q And about how thick were they?

25 A Maybe half an inch to an inch.

1 Q Okay.

2 A Depending on the material that was in each case.

3 Q Okay. And you had about ten of those?

4 A Yes.

5 Q In your arms?

6 A Yes.

7 Q Okay. And then what did you do?

8 A I stacked them from my desk and went around to go out

9 the door. I was speaking to a worker on my way there

10 that stopped me. And by the time I got midway from my

11 office to going down the hall, the friction from my

12 foot caught me and I fell, files and all, my left

13 side. That was the gist of the story.

14 Q Okay. Did your leg give way or anything like that?

15 Did anything happen?

16 A No. I'm in good health. No.

17 Q Okay. Have you ever had any problems with your legs

18 before with giving way or anything like that?

19 A No.

20 Q So, what is it that you think caused you to fall?

21 A Friction from the carpet.

22 Q Did your foot get stuck?

23 A Yes, from the friction. As I went to walk, the

24 friction from the carpet just grabbed me and I fell.

25 Q Okay. And I believe that DSS sent you to Exigent; is

1 that correct? That's where they told you to go?

2 A Yes.

3 Q And you treated with them until some time, it looks
4 like the middle of March. And you were complaining to
5 them of having pain in your left side, left shoulder
6 and neck, soreness down your leg; is that correct?

7 A Yes, ma'am.

8 Q And then you - I think you were sent to Innervision
9 for an MRI?

10 A Yes, ma'am.

11 Q And you treated with Dr. Hodge, who is a neurosurgeon?

12 A Yes, ma'am.

13 Q I think you also had a cervical epidural steroid
14 injection; is that right?

15 A I did.

16 Q Okay. And that was done by Dr. Haasis?

17 A Yes.

18 Q You were out of work -

19 MS. WILLIAMS: Is there any dispute about that,
20 Brenn, that she was out of work from -

21 MR. WATSON: I don't think so.

22 MS. WILLIAMS: - February 23rd until April 13th?

23 MR. WATSON: I think that's the date I have.

24 BY MS. WILLIAMS:

25 Q And after that, you returned to your regular duties;

1 is that correct?

2 A I did. Yes, ma'am.

3 Q I know that you're not working at DSS now, but that
4 has nothing to do with anything that has to do with
5 this claim; is that correct?

6 A That's correct.

7 Q Are you asking the Commissioner to award you temporary
8 total disability benefits for that time that you were
9 out of work?

10 A Yes, ma'am.

11 Q Asking him to require the Defendants to provide the
12 medical treatment - to pay for the medical treatment
13 that you have incurred?

14 A Yes, ma'am.

15 MS. WILLIAMS: That's all the questions I have.

16 THE COURT: Mr. Watson.

17 MR. WATSON: Thank you, Commissioner.

18 CROSS EXAMINATION

19 BY MR. WATSON:

20 Q Ms. Nicholson, first of all, it's good to see you
21 again.

22 A Yes, sir. Thank you.

23 Q Now, my understanding is that you - I think you just
24 said that you were a supervisor with DSS; is that
25 right?

1 A Yes, sir.

2 Q Part of those job duties required you to supervise
3 other employees. Is that fair?

4 A Yes, sir.

5 Q And you also had to attend these audits that you just
6 told Ms. Williams about?

7 A Yes, sir.

8 Q And those audits were every Thursday?

9 A Every Thursday from where they had set it up, unless
10 something - unless they changed the schedule. It was
11 kind of ongoing basis.

12 Q I see. They were pretty typical, though, to have
13 these audits?

14 A Yes, sir.

15 Q And on this Thursday, I think you told me at your
16 deposition, I just want to make sure I am right, right
17 as you step outside of your office, there is a sign-
18 out board. And that sign-out board just lets people
19 know where you are if you are not in the office.

20 A Correct.

21 Q So, on that day on February 26th, when you were leaving
22 your office to go to this audit, you actually did your
23 little sign out.

24 A Have to sign out. Yes, sir.

25 Q And then you started walking down the hallway?

1 A Yes, sir.

2 Q Now, you told me at your deposition, and I just want
3 to make sure this is right, this is a pretty normal
4 hallway, right?

5 A It is.

6 Q That you would see here or anywhere really, right?

7 A Same carpet that we have here.

8 Q Fair enough. And the floor was carpeted; is that
9 right?

10 A Correct.

11 Q And it was a level floor; is that right?

12 A Yes, sir.

13 Q And I think you told me at your deposition that the
14 carpeting was free of defect?

15 A As far as I know.

16 Q You don't recall seeing anything -

17 A No, sir.

18 Q - even after your accident that would have caused you
19 to think, "Hey, I might have tripped over that."?

20 A No, sir. No debris.

21 Q It was just simply level floor, carpeted level floor?

22 A Yes, sir.

23 Q And when I asked at your deposition what kind of shoes
24 you were wearing that day, I think you told me just
25 normal, regular shoes.

1 A Yes, sir.

2 Q In fact, I think you may have said that the heels on
3 your shoes on February 26, 2009 may have even been a
4 little lower than the heels that you were wearing at
5 your deposition that day.

6 A Yes, sir.

7 Q Now, when you fell, there's no dispute, I don't think,
8 and I just want to make sure you're right, that it was
9 simply a crazy event. You don't even know what
10 happened really, do you?

11 A No, sir. Just from the friction, it catching my foot,
12 then it just all like a domino effect. I went to the
13 ground. Couldn't even catch myself.

14 Q I understand. And you attribute the fall here today
15 solely to the friction on the carpet?

16 A Yes, sir.

17 Q And solely to your shoe touching the carpet, causing
18 the friction, and then causing the fall?

19 A Exactly.

20 Q Okay. No other cause other than that?

21 A No, sir.

22 Q And certainly I appreciated your honesty at the
23 deposition. I certainly appreciate it here today.
24 But I asked you several questions at your deposition
25 relating to why you fell. And at one point you said

1 this: I asked you, "Why did you fall?" And you
2 said, answer, "I don't know. That's the big mystery
3 there. It happened so fast." Are you able to say
4 with any degree of certainty that your foot just
5 happened to have fractioned on the carpet or do you
6 really not know, but you're just guessing that your
7 foot fractioned on the carpet?

8 A No. I know that my foot frictioned on the carpet.
9 But why it fractioned on the carpet, to clarify that,
10 is what I don't know why it fractioned on the carpet.
11 But I know that it did.

12 Q And you go on to say, "It happened so fast. I walked
13 out of my office and I hit the floor. It's like, I
14 don't know. I think - this is my theory: I walk out
15 of my office and I trip." And my question is, you say
16 it then like, "Well, this is just my theory," as
17 though, "This is my speculation" or "This is my
18 surmise."

19 MS. WILLIAMS: And I'm going to object that's
20 that's not a - because it's not complete. It's not -

21 MR. WATSON: I'm happy to read the rest of it.

22 THE COURT: Okay.

23 BY MR. WATSON:

24 Q It goes on to say, "My theory, I walk out of the
25 office and I trip. If you've walked - if you've been

1 walking before and you've walked down carpet before
2 and you will get a knick where the carpet will catch
3 your shoe, does that make sense what I am saying?"

4 What is your complete answer to that?

5 A Okay.

6 Q But I will stand by my characterization.

7 A Okay.

8 Q It sounded like to me then and now as I read it that
9 you really just were not completely sure, but that was
10 your theory.

11 A No. I can say and it can possibly be in wording
12 because my foot was still from the friction of the
13 carpet caught on the carpet.

14 Q Since you were on - since you were walking down a
15 normal hallway -

16 A Yes, sir.

17 Q - on a level floor with carpet free of defect wearing
18 normal shoes, would you agree with me, Ms. Nicholson,
19 that your foot fractioning on the carpet could have
20 happened either at work at DSS or it could have
21 happened at a department store or it could even happen
22 here while we are in this hearing room since the
23 carpet is exactly the same and we have a level floor;
24 would you agree with that?

25 A Repeat the question, please.

1 Q Sure. Would you agree with me that since you were
2 working down a normal hallway on a level floor on
3 carpet free of defect, that this event, your foot
4 fractioning against the carpet thus causing you to
5 fall, could have happened anywhere? It could happen
6 here in this room.

7 A That's possible.

8 Q All right. Just as possible that it happened at work
9 on February 26, 2009.

10 A Okay.

11 Q Is that fair?

12 A Unsure.

13 MS. WILLIAMS: He's asking her to speculate.

14 THE WITNESS: Unsure.

15 MR. WATSON: I'm really not asking her to
16 speculate. I mean, we're dealing with definite facts
17 here.

18 THE COURT: Okay. I think she said she was -
19 what was our answer?

20 THE WITNESS: I'm like unsure as to where he's -
21 you know, what he's asking me because I could walk out
22 the door now and fall and it not be - you could walk
23 out and fall and it not be my fault or your fault, but
24 basically -

25 THE COURT: I think that's what he's asking.

1 BY MR. WATSON:

2 Q Yeah. That's exactly what I'm asking. So it could
3 have happened anywhere?

4 A It could have happened anywhere.

5 Q All right. Fair enough. The only thing connecting
6 this fall to your employment was that you happened to
7 be at your job at the time; is that right?

8 A Yes.

9 Q Now, I think I'm almost through and we can let you go.
10 I saw something that was interesting. I just want to
11 ask you about this. In some prior medical records
12 that I got from your family doctor, Travelers Rest
13 Family Practice, and this is APA page 61, date July
14 22, 2002, there's a note in here. And it says,
15 "Patient was at Anderson Jockey Lot on Saturday when
16 she began feeling weak and nauseous. She had not had
17 breakfast that morning. And then, according to her
18 husband, she passed out with loss of consciousness."
19 And it looks like you were assessed with a possible, I
20 can't pronounce this word, Vasovagal syncope.

21 MS. WILLIAMS: Vasovagal syncope.

22 MR. WATSON: Yeah.

23 BY MR. WATSON:

24 Q Is that what happened here? Did you get light-headed
25 or faint?

1 A I had had some medication and it made me feel sick.
2 I don't know if it was - I think I had some ibuprofen.

3 MS. WILLIAMS: You are talking about in July of
4 '02?

5 THE WITNESS: When I fell at the Jockey Lot.

6 MS. WILLIAMS: Okay.

7 THE WITNESS: I remember that. But that's what
8 that was all about. And I hadn't eaten with it and it
9 made me nauseated and apparently being out in the
10 heat, it made me pass out.

11 BY MR. WATSON:

12 Q And then there's another note, page 62. It's July 26,
13 2002. And it says, "Patient was actually here today
14 just for lab. But after the venipuncture, she has a
15 presyncope spell. This is similar to the one that she
16 had at the Jockey Lot one week ago." It looks like
17 you were having left flank pain. Again, did those
18 syncope episodes resolve themselves of is that
19 something you've had problems with?

20 A That was a one-time, isolated thing.

21 Q Sure. And you don't recall that being an issue for
22 you -

23 A Ever.

24 Q - on February 26, 2009?

25 A No, sir.

1 MR. WATSON: Kathryn, forgive me for this. Are
2 you claiming - you are claiming TTD only from 4/13/09
3 - I'm sorry, from the date of the incident to 4/13/09?

4 MS. WILLIAMS: Correct.

5 MR. WATSON: Only?.

6 MS. WILLIAMS: Only.

7 MR. WATSON: Thank you for your time.

8 THE COURT: Any redirect?

9 REDIRECT EXAMINATION

10 BY MS. WILLIAMS:

11 Q You were asked about what connects this to your work.
12 You were actually -

13 MR. WATSON: Objection to leading, Commissioner.

14 BY MS. WILLIAMS:

15 Q Where were you going? What were you doing when your
16 foot caught on the carpet and you fell?

17 A On my way to an audit.

18 Q Is that why you were up and walking around?

19 A Yes. Work related.

20 Q Now, would you agree with me -

21 MR. WATSON: Objection to leading, Commissioner.

22 THE COURT: Can you rephrase?

23 MS. WILLIAMS: I haven't asked the question yet.

24 THE COURT: Yeah. She hasn't asked it yet.

25 ///

1 BY MS. WILLIAMS:

2 Q I want you to assume that - you said you had a stack
3 of files in your hands, a stack of files in your
4 hands.

5 A Yes, ma'am.

6 Q Estimate for me how much those weighed.

7 A No more than 15 pounds.

8 Q Do you lift that much at home?

9 A No.

10 Q Do you lift that much outside of the office?

11 A No. Not in a normal -

12 Q You are not going to lift any. Okay. Could it have
13 happened - well, I want you to assume for me that you
14 hurt your back lifting those files. Could you have
15 done that - could that have happened anywhere?

16 A Sure.

17 MS. WILLIAMS: That's all I have.

18 MR. WATSON: What was the question?

19 MS. WILLIAMS: Could that have happened anywhere?

20 MR. WATSON: Lifting - hurting your back while
21 you lifting the files?

22 MS. WILLIAMS: Uh-huh. I asked her just to
23 assume hypothetically that that had happened.

24 THE COURT: Do you have any other questions,
25 Mr. Watson?

1 MR. WATSON: I don't believe I do.

2 EXAMINATION

3 BY THE COURT:

4 Q Ms. Nicholson, let me ask this. Just a couple. Have
5 you ever had any other Workers' Compensation claims
6 before this one?

7 A An accident I had years ago in a car wreck of DSS that
8 was not my fault. Someone hit me head on. But other
9 than -

10 Q Any other accidents?

11 A No, sir.

12 Q In terms of - now, when you say your foot frictioned,
13 did the carpet kind of buckle up or did the carpet
14 move at all when you frictioned?

15 A Not that the carpet, it's just that the friction from
16 it caught my shoe. It's wasn't that it moved or
17 anything.

18 Q And the files you were carrying, the files didn't make
19 you fall? I think you testified to it and I just want
20 to be clear.

21 A No. The files did not make me fall.

22 THE COURT: Okay. Any other questions,
23 Ms. Williams?

24 MS. WILLIAMS: No, sir.

25 THE COURT: Mr. Watson?

1 MR. WATSON: No, sir.

2 THE COURT: Any other witnesses for the Claimant?

3 MS. WILLIAMS: That's our case.

4 MR. WATSON: We have no witnesses.

5 THE COURT: That'll conclude this hearing.

6 (THE HEARING CONCLUDED AT 12:53 PM.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

CERTIFICATE

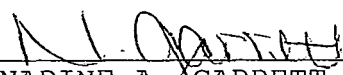
BE IT KNOWN THAT I TOOK THE FOREGOING
WORKERS' COMPENSATION HEARING;

THAT I WAS THEN AND THERE A NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA-AT-LARGE;

THE FOREGOING TRANSCRIPT REPRESENTS A TRUE,
ACCURATE AND COMPLETE TRANSCRIPTION OF THE TESTIMONY SO
GIVEN AT THE TIME AND PLACE AFORESAID TO THE BEST OF MY
SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF
ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF
ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO,
NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

WITNESS MY HAND AND SEAL THIS 2ND DAY OF JUNE,
2011.



NADINE A. GARRETT
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES AUGUST 11, 2016

NADINE A. GARRETT
COURT REPORTER
803-834-3410

STATE OF SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
CASE NUMBER - 0901585

CAROLYN M. NICHOLSON,	)	
	)	
CLAIMANT,	)	FULL COMMISSION HEARING
	)	
VS.	)	BEFORE
	)	
SCDSS,	)	PANEL A
	)	
EMPLOYER,	)	COMMISSIONER BECK
	)	
STATE ACCIDENT FUND,	)	COMMISSIONER BARDEN
	)	
CARRIER,	)	COMMISSIONER WILKERSON
	)	
DEFENDANTS.	)	
	)	

COPY

WORKERS' COMPENSATION FULL COMMISSION HEARING
TAKEN BEFORE SARA L. QUATTLEBAUM, A NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT THE
HOUR OF 11:04 AM ON TUESDAY, SEPTEMBER 20, 2011,
WORKERS' COMPENSATION COMMISSION, 1333 MAIN STREET,
COLUMBIA, SOUTH CAROLINA.

QUATTLEBAUM COURT REPORTING
148 LAKE HARBOR DRIVE
LEXINGTON, SC 29072
(803)447-0272

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SARA L. QUATTLEBAUM
INDEPENDENT COURT REPORTER
148 LAKE HARBOR DRIVE
LEXINGTON, SOUTH CAROLINA 29072
(803) 447-0272

1 COURT REPORTER: Today is September 20, 2011.

2 This is South Carolina Workers' Compensation Case
3 No. 0901585.

4 This is the case of Carolyn Nicholson, Claimant
5 versus SCDSS, Employer. And State Accident Fund is
6 the Carrier.

7 The Appellant is the Claimant represented by
8 Kathryn Williams. The Respondent is represented by
9 Brenn Watson.

10 Each side is allowed ten minutes for oral
11 argument and the Appellant three minutes in reply.
12 You are requested to argue the grounds of exception
13 and stay within the record.

14 COMMISSIONER WILKERSON: Ms. Williams.

15 MS. WILLIAMS: May it please the Commission.

16 We are here today purely on an issue of law; that
17 is, the Hearing Commissioner erred in treating this
18 case as an idiopathic fall case under the Bagwell and
19 Crosby line of cases.

20 And, you know, the problem is that we have a
21 number of seemingly inconsistent decisions out there.
22 And I really think that's because these cases have to
23 be sort of decided on a case-by-case basis. So the
24 results of sort of different.

25 But the facts in this case are not in dispute.

1 The Claimant was an HR person. She had these audit
2 meetings every Thursday that she was required to
3 attend. She was on her way to a meeting. And she
4 picked up the files off her desk to go to this
5 meeting. She went and signed a sign-out board that
6 tells them where they're located, subsequent
7 employees. And then as she turns to go down the hall
8 to go to the meeting her foot got stuck on the carpet
9 and she fell.

10 There is - we admit that there is nothing wrong
11 with the carpet. There wasn't a defect in it or
12 anything like that. But what caused her to fall was
13 the fact of her foot getting stuck on the carpet. It
14 was an accident, nobody intended it.

15 But I think the error here legally is with
16 applying the Crosby and Bagwell line of cases because
17 it is not an idiopathic fall. And it's not an
18 unexplained fall. We know why this lady fell.

19 Bagwell stands for the proposition that if you
20 are standing on a level floor and you fall without an
21 explanation and you don't hit anything on the way down
22 that it's not compensable. And there is a good reason
23 for that. And the Crosby case stands for the same
24 thing only Crosby is related with walking, and she
25 fell because her leg gave way.

1 The big reason behind those line of cases is that
2 there is some sort of suspicion or there arises that
3 something internally happened to cause the fall if you
4 can't explain it. And that's reasonable, because we
5 don't want to have the Defendants have to pay for if
6 somebody's blood sugar dropped or blood pressure
7 dropped or something like that that would cause them
8 to fall. They should not have to pay for that.

9 COMMISSIONER WILKERSON: Was there testimony that
10 she said her foot got stuck? I'm looking at the order
11 to see if it said that yesterday when I was looking
12 through there.

13 MS. WILLIAMS: She said that - let me find it -
14 that there was testimony, and that's not in dispute.
15 It's at Page 8 of the transcript where she describes
16 what happened to her. And I said, "What is it that
17 you think caused you to fall?" And she said,
18 "Friction from the carpet." "Did your foot get
19 stuck?" "Yes, from the friction. As I went to walk
20 the friction from the carpet just grabbed me, and I
21 fell."

22 COMMISSIONER WILKERSON: Okay.

23 MS. WILLIAMS: So this fall is not an unexplained
24 fall. She knows exactly how it happened; it happened
25 because of the circumstances of her employment which

1 required her to be there and to walk down this hall
2 and to walk on that carpet and to go to that meeting.

3 The fact that it could have - and he will argue
4 that it could have happened anywhere. Well, the fact
5 that it could have happened anywhere is really of no
6 consequence whatsoever. Most accidents that happen at
7 work could have happened somewhere else. People go up
8 and down stairs at home. The general public is
9 exposed to stairs. But if you fall on the stairs at
10 work, that is undisputably compensable... If you bend
11 over - you know, people bend over and pick things up
12 at home all the time. But if you do that at work and
13 you hurt your back when you're doing that, then it's
14 compensable. If you are on your way to a - we have
15 all had that experience. If you are on your way to a
16 Full Commission hearing and you're walking down the
17 hall and you have files and your foot gets stuck on
18 the carpet and that causes you to fall, I don't think
19 anybody would argue that that's not compensable. The
20 Act was written up - it sounds like I'm lecturing
21 here, and I don't mean to do that, but -

22 COMMISSIONER BARDEN: Was she carrying anything?

23 MS. WILLIAMS: She had a bunch - she had some
24 files in her hands. She also said that did not cause
25 her to fall, the fact that she was carrying files.

1 But she was carrying files, and her foot stuck on the
2 carpet. And she fell, files and everything.

3 But, you know, the Act is written, it's a no-
4 fault system because, you know, sometimes the Employer
5 causes the accident and sometimes they don't.

6 Sometimes the Employee causes it and sometimes nobody
7 does. Sometimes it is just an accident.

8 And the Act was written for Employers to be
9 responsible for workplace accidents as long as there
10 is a rational connection to the employment. As long
11 as somebody didn't faint because their blood sugar
12 dropped or they had a TIA or something like that. If
13 it's - and more than that, if there is a rational
14 connection to further the Employer's business and the
15 conditions of the employment, the carpet, or what
16 caused the fall; and we know undisputably what
17 happened in this case, then that should be
18 compensable.

19 They are going to - and this is more like the
20 Sigmund and the Creech cases, and I cited those in my
21 brief. In Sigmund he was bending over and picking up
22 an object, had a pain in his back. And I think it
23 ultimately wound up being a herniated disc, and they
24 found that was compensable. They are going to say,
25 well, those were different because all those cases

1 said was that no causative event is required, so there
2 would be an injury by accident. Well, that is a
3 distinction without a difference. Both of those cases
4 were arising out of employment cases. And causative
5 event, causal relationship arising out of the
6 employment; all of those are sort of different words
7 but the same thing.

8 And it's clear from those cases that a causative
9 event is not necessary for an accident to be
10 compensable. There just has to be a causal
11 connection, which we have here because she was on her
12 way to a meeting and her foot got stuck on the carpet.
13 And that grabbing of the carpet with her shoe is what
14 caused her to fall.

15 So I think the Hearing Commissioner's order
16 should be reversed and she should be awarded it
17 compensable since it is pursuant to the Act.

18 Thank you.

19 COMMISSIONER WILKERSON: Mr. Watson?

20 MR. WATSON: Thank you, Commissioner Wilkerson.
21 May the Defendants' argument please the Commission.

22 Let me say this first. The longer I do this, the
23 more and more I believe that the parties on both sides
24 of the aisle, believability and credibility make or
25 break a case.

1 In this case I believe we won because her client
2 was absolutely, 100 percent truthful and honest.

3 42-1-160 has four requirements; four
4 requirements, not one requirement that we all lump
5 together. It's four. An injury by accident, arising
6 out of and in the course of the employment in order
7 for a claim to be compensable.

8 The facts in this case are much like Ms. Williams
9 just said. They are very simple. She was walking
10 down a level floor, carpeted, free of defect, free of
11 debris hallway; a normal hallway wearing normal shoes.
12 She testified that her foot frictioned the carpet -
13 frictioned the carpet which caused her to fall.

14 Commissioner Williams actually asked a question
15 that I was afraid to ask because I didn't know the
16 answer to it. Kathryn didn't ask it during direct.
17 And that was this, and you highlighted it, I believe,
18 Commissioner Barden. Did the files cause her to fall?
19 She was honest, she was truthful; she said no, period.
20 The facts are she was walking down a level floor
21 hallway, carpeted, free of defects and that's it.

22 Now, the question becomes -

23 COMMISSIONER WILKERSON: Didn't she ask the
24 question friction and stuck?

25 MR. WATSON: I think friction was - I've got the

1 testimony inside my brief, Commissioner.

2 COMMISSIONER WILKERSON: No. Ms. Williams read
3 it. I didn't pull it out. And you may object to what
4 was in the testimony.

5 MR. WATSON: No, I don't. I don't object.

6 COMMISSIONER WILKERSON: This is what she says,
7 friction and stuck, okay.

8 MR. WATSON: And by the time I got midway from my
9 office to go on down the hall, the friction from my
10 foot caught me and I fell, files and all, left side.
11 That was the gist of the story.

12 Question: Did your foot get stuck?

13 Answer: Yes, from the friction.

14 That doesn't matter to me. Stuck, friction; she
15 fell because her foot stuck, friction, yet a carpet
16 that was free of defects, just like this. In fact, I
17 asked her during her testimony, is this the same
18 carpet that we would see anywhere? And she said,
19 actually, it's just like the carpet in this hearing
20 room. That answers this question: What risk did the
21 employment give to cause this lady's injury? And I
22 believe that the answer is no risk at all. And that
23 must be present. We can't blue pencil or scratch out
24 or erase the causation requirement in the statute.
25 There is no question of -

1 Yes, sir.

(2 COMMISSIONER WILKERSON: Tell me the difference
3 in friction and stuck and friction and twisted?

4 MR. WATSON: Friction would cause the sticking.
5 I don't think friction would necessarily cause a
6 twisting. I don't know.

7 COMMISSIONER WILKERSON: That's fine. That's
8 fine. Thank you.

9 MR. WATSON: I'm not sure. I will say that I
10 have, in the past, had a Full Commission, and it may
11 have even been you all three that was on the panel.
12 But she twisted her foot on a level floor and the
13 Commission found it not to be compensable at the time.

(14 The law in this case and the law in these lines
15 of cases are this: The mere fact that the injury
16 occurred in the course of the employment is not a
17 basis for an award. Arising out of and in the course
18 of employment, the requirements for compensability of
19 injury under the Workers' Compensation Act are
20 somewhat overlapping, but they are not synonymous.
21 Both must simultaneously exist.

22 Arising out of in the statute, requiring the
23 injury to arise out of and in the course of employment
24 refers to the injury's origin or cause. What caused
25 that to happen? Was it the employment or was it that

1 it just happened?

2 An injury arises out of employment when there is
3 a causal relationship between the conditions under
4 which the work is to be performed and the resulting
5 injury. An injury which cannot fairly be traced to
6 the employment as a contributing proximate cause and
7 which comes from a hazard to which the workman would
8 have been equally exposed apart from the employment,
9 hence the same carpet in the hearing room would not
10 arise out of the employment.

11 Finally, if I can find it. The Bagwell case
12 specifically says this: "We are not prepared to
13 accept the contention that in the absence of special
14 condition or circumstance, a level floor in a place of
15 employment is a hazard." That is the law. That is
16 the law. We know she was on a level floor. If she
17 would have testified there was a defect I would have
18 had that claim. If she were to testify there was
19 debris I would have had that claim. If the files
20 would have caused her to fall, Commissioner Barden, I
21 would have had that claim. There is no doubt about
22 any of those things.

23 But she was truthful and she was honest. She was
24 walking just like she could have been at Walmart or
25 here or at the hearing room or anywhere else, and her

1 foot frictioned the carpet and she fell.

2 There is nothing - in fact, she admitted this in
3 her testimony, there is no factor other than the fact
4 that she was on the Employer's time and dime that
5 caused that fall. She admitted to that. That was the
6 only link to her employment. And that is in her
7 testimony.

8 In order to find the case compensable, I would
9 argue and suggest that you have to overrule decades of
10 jurisprudence on this issue. I would argue that you
11 essentially delete the arising out of requirement.

12 And I would also say this: This is not a gray
13 case. This is not a, oh, which way is it? It's not.
14 The facts are what they are because she told the
15 truth. She was walking down a level floor carpet free
16 of defects hallway, normal hallway wearing normal
17 shoes and she fell. It's about as clean as I think it
18 could ever possibly get to apply over the decades of
19 jurisprudence on the issue and to apply the
20 arising-out-of requirement in the statute.

21 Overruling Commissioner Williams' decision
22 deletes that requirement. And there is no mistake
23 about that in Brenn Watson's mind. And I would hope
24 that there wouldn't be in yours. There would be no
25 rising-out-of requirement in this case if you find it

1 compensable.

2 Thank you.

3 COMMISSIONER WILKERSON: Ms. Williams?

4 MS. WILLIAMS: May it please the Commission.

5 He quotes the Bagwell line that we are not
6 prepared to accept that the level floor is a hazard
7 out of context. Bagwell was focusing on whether the
8 result of the fall was compensable. He hit his head
9 on - he was standing still and hit his head on the
10 concrete floor.

11 We are not here to say that hitting his head on
12 the concrete floor was a hazard, okay? That is not
13 what we have here. In truth, what you do would be to
14 affirm Commissioner Williams' decision that you
15 overrule decades of jurisprudence that says that in an
16 arising out of and in the course of employment case it
17 should be construed liberally in favor of coverage
18 because that is what the Act is supposed to do.

19 We have - and let me quote to you from Crosby.
20 Crosby's case rules for the Defense because it is
21 really most on point with this case because she was
22 walking across the floor and fell. But this is what
23 Crosby says: "When asked what happened Crosby said,
24 my leg just gave out. Crosby never stated she slipped
25 or fell on anything." The Court goes on to say:

1 "Neither was there any evidence regarding the
2 condition of the floor." The Commissioner held that
3 presuming Crosby slipped on something would require
4 speculation. Okay.

5 There is no speculation required here. We know
6 that nothing gave out. She testified her leg didn't
7 give out. We know there was nothing wrong with her.
8 There was nothing internal that caused this to happen.
9 We know, it's been accepted, she said that it happened
10 that way, that what caused her to fall was that her
11 foot got stuck on the carpet.

12 And you raised an interesting question. If her
13 foot had gotten stuck on the carpet and she turned and
14 pivoted and twisted her ankle, there is no doubt that
15 - we wouldn't be standing here today. There is no
16 difference here. Her foot got stuck on the carpet
17 that she was required to walk across as a result of
18 her employment when she was on her way to this
19 meeting. It was, simply put, an accident. And it
20 should be compensable.

21 Thank you.

22 COMMISSIONER WILKERSON: Good case. All right.
23 Thank you all. Good to see you all. That will
24 conclude the hearing.

25 (The hearing concluded at 11:21 AM)

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON) CERTIFICATE

BE IT KNOWN THAT I TOOK THE FOREGOING
WORKER'S COMPENSATION HEARING;

THAT I WAS THEN AND THEE A NOTARY PUBLIC IN
AND FOR THE STATE OF SOUTH CAROLINA-AT-LARGE;

THE FOREGOING TRANSCRIPT REPRESENTS A TRUE,
ACCURATE AND COMPLETE TRANSCRIPTION OF THE TESTIMONY SO
GIVEN AT THE TIME AND PLACE AFORESAID TO THE BEST OF MY
SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF
ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF
ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO,
NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

WITNESS MY HAND AND SEAL THIS 10TH DAY OF
NOVEMBER, 2011.



SARA L. QUATTLEBAUM
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES JULY 12, 2012

SC WORKERS COMPENSATION - FIRST REPORT OF INJURY OR ILLNESS

EMPLOYER (NAME & ADDRESS INCL ZIP)		CARRIER/ADMINISTRATION CLAIM NUMBER		REPORT PURPOSE CODE	
Department of Social Service SCDSS Greenville County Greenville County Square 301 University Ridge Suite 6700 Greenville SC		JURISDICTION		JURISDICTION CLAIM NUMBER	
SIC CODE		EMPLOYER FEIN		INSURED REPORT NUMBER	
EMPLOYER'S LOCATION ADDRESS (IF DIFFERENT)		LOCATION #		PHONE #	
CARRIER/CLAIMS ADMINISTRATOR					
CARRIER (NAME, ADDRESS, & PHONE NO)		POLICY PERIOD		CLAIMS ADMINISTRATOR (NAME, ADDRESS, & PHONE NO)	
State Accident Fund of South Carolina P.O. Box 102100 Columbia, SC 29221-5000 800-521-6576		TO			
CARRIER FEIN		POLICY/SELF INSURED NUMBER		ADMINISTRATOR FEIN	
AGENT NAME & CODE NUMBER					
EMPLOYEE/WAGE					
NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		SOCIAL SECURITY NUMBER	
Nicholson, Carolyn M					
ADDRESS (INCL ZIP)		SEX		MARITAL STATUS	
		☐ MALE		☐ UNMARRIED (SGL/DIV)	
		☒ FEMALE		☒ MARRIED	
		☐ UNKNOWN		☐ SEPARATED	
PHONE		# OF DEPENDENTS		UNEMPLOYMENT STATUS	
		0		Regular Employment	
RATE		PER		FULL PAY FOR DAY OF INJURY?	
\$748.79		X WEEK		X YES	
		DAY MONTH		DID SALARY CONTINUE?	
		5		X YES	
OCCURRENCE/TREATMENT					
TIME EMPLOYEE BEGAN WORK		DATE OF INJURY/ILLNESS		LAST WORK DATE	
08:30		02/26/2009		02-26-2009	
X AM		X AM		DATE EMPLOYER NOTIFIED	
				02/26/2009	
PM		PM		DATE DISABILITY BEGAN	
CONTACT NAME/PHONE NUMBER		TYPE OF INJURY/ILLNESS		PART OF BODY AFFECTED	
Brenda Bennett, 864-467-7795		Contusion		L side, L arm, L hip, neck, Head	
DID INJURY/ILLNESS EXPOSURE OCCUR ON EMPLOYER'S PREMISES?		TYPE OF INJURY/ILLNESS CODE		PART OF BODY AFFECTED CODE	
☒ YES ☐ NO					
DEPARTMENT OR LOCATION WHERE ACCIDENT OR ILLNESS EXPOSURE OCCURRED		ALL EQUIPMENT, MATERIALS, OR CHEMICALS EMPLOYEE WAS USING WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED			
		N/A			
SPECIFIC ACTIVITY THE EMPLOYEE WAS ENGAGED IN WHEN THE ACCIDENT OR ILLNESS EXPOSURE OCCURRED		WORK PROCESS THE EMPLOYEE WAS ENGAGED IN WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED			
Coming out of her office. Signed out on board. Just before going down stairs to Audit Review		Coming out of her office. Signed out on board. Just before going down stairs to Audit Review			
HOW INJURY OR ILLNESS/ABNORMAL HEALTH CONDITION OCCURRED. DESCRIBE THE SEQUENCE OF EVENTS AND INCLUDE ANY OBJECTS OR SUBSTANCES THAT DIRECTLY INJURED THE EMPLOYEE OR MADE THE EMPLOYEE ILL.					
Took few steps & fell. Not sure what happened. Fell on L side, no break in fall. Hurt L side, L arm, L hip, & neck. Hit head, no loss of consciousness. Feels little light headed.					
DATE RETURN(ED) TO WORK		IF FATAL, GIVE DATE OF DEATH		CAUSE OF INJURY CODE	
PHYSICIAN/HEALTH CARE PROVIDER (NAME & ADDRESS)		HOSPITAL (NAME & ADDRESS)		INITIAL TREATMENT	
Exigent Clinic 2310 WADE HAMPTON Greenville, SC 29615				☐ NO MEDICAL TREATMENT	
				☐ MINOR BY EMPLOYER	
				☒ MINOR CLINIC/HOSP	
				☐ EMERGENCY CARE	
				☐ HOSPITALIZED > 24 HRS	
				☐ FUTURE MAJOR MEDICAL COST TIME ANTICIPATED	
WITNESSES (NAME & PHONE #)		PREPARER'S NAME & TITLE		PHONE NUMBER	
Gail Kokoszka & Tina Israel ; (864) 467-3372		Brenda Bennett		864-467-7795	
DATE ADMINISTRATOR NOTIFIED		DATE PREPARED		SEE BACK FOR IMPORTANT STATE INFORMATION SIGNATURE	
02-26-2009		03-03-2009			

EXIGENT – WADE HAMPTON

DATE OF SERVICE: 02/26/09

NAME: NICHOLSON, CAROLYN

CHART NUMBER: 60158

SSN: XXX-XX-

SUBJECTIVE: 40 year old comes in today stating she tripped on the carpet, fell and landed on her left side. Just banged up a little. Hurting mostly in the left shoulder and neck area. A little stiffness and soreness going all the way down the leg. Also bumped her head, but denies any LOC. No bruise or any other problems there. No current medications. No known allergies.

OBJECTIVE: White female in no acute distress. She is tender to palpation mostly over the left shoulder and upper arm area. There is no significant bruising and swelling. She has limited range of motion with complaint of pain. The rest of the exam is normal. Has some soreness on her legs, but ambulates without difficulty. There is no significant bruising and swelling there. We did an x-ray of the C-spine and the humerus, both of which were negative.

ASSESSMENT: Left side contusion with some strain.

PLAN: Patient given some anti-inflammatories, muscle relaxants, pain medicines. Note for light duty. Recheck on Monday.


LYNN STORCH OWENS, M.D. / tj1

T: 02/27/09

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, South Carolina 29615

FILE # E0152

EXAM ROOM #

PATIENT NAME LAST Nicholson, Carolyn M		FIRST Carolyn	MIDDLE	INSURANCE PAYMENT METHOD ☒ W/C ☐ CB ☐ SP ☐	
PATIENT ADDRESS		CITY	STATE	ZIP	SOCIAL SECURITY #
PATIENT EMPLOYER Department Of Social Services		EMPLOYER MAILING ADDRESS 301 University Ridge Travelers Rest			EMPLOYER PHONE 864-467-7966
GUARANTOR NAME Nicholson, Carolyn		GUARANTOR EMPLOYER Department Of Social Services			GUARANTOR PHONE 864-616-6972
LOCAL CONTACT BOBBY NICHOLSON		LOCAL ADDRESS			LOCAL PHONE
DATE 02/26/09	TIME 10:50	MS / G / A M F	DOB 48	HOME PHONE	WORK PHONE
				USER ID JC	

CC: fell at work

W/C VERIFIED:

VITAL SIGNS: TIME 11:56 T 98.2 P 84 R 12 BP 128/80 WT 80
BY: [Signature]
V/S REPEAT: TIME T P R BP HT
BY:

DRUG ALLERGIES:

NURSING ASSESSMENT: 2/26/09 - Tripped on carpet fell landed on C-Side patient is sore all over.

CURRENT MEDICATIONS:

PHYSICIAN ASSESSMENT: DICTATED _____ PROTOCOL _____

PATIENT'S MD:

TREATMENT:

EKG: _____

LAB: _____

CBC _____ UA _____

C&S _____ WET PREP _____ GC/CL _____

MONO _____ HCG _____ STREP _____ BS _____

X-RAY: C-Spine @ humerus

DISCHARGE INSTRUCTIONS

CAST/SPLINT _____ HEAD _____ WOUND CARE _____

MEDICATION: Adv. pain DS #14

OTHER: Lev. 1263 JH

CHANGES IN PMH, ROS, FH, SH, SINCE _____ ☐ YES ☐ NO

DIAGNOSIS: (L) Shoulder / Arm Laceration / Fracture
(L) Leg pain 2nd Fall

RECHECK NOTE:

___ FULL DUTY
___ LIGHT DUTY UNTIL _____ FOLLOW-UP DATE: 3/2/09 EXIGENT
___ OFF WORK UNTIL _____ OTHER _____

1.D. SIGNATURE

___ P.T. ___ STUDIES/TESTS

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EXIGENT WADE HAMPTON

CALL BACK RECORD

PATIENT Cardlyn Nicholson CHART 60158

DATE TREATED 2/26/09 DOB 1/1/71

PHONE MESSAGE TAKEN BY (Initials) DR

Follow-up Call To / From: X PATIENT
 DOCTOR
 OTHER

DATE OF CALL 2/27/09 TIME OF CALL 9:10

DOCTOR (Authorizing Follow-Up)

DETAILS OF FOLLOW-UP OR QUESTIONS Cannot function

@ work on medication
to drowsy on Flexeril
left work & went home
pt. to come in 3/2 for
rev & we'll take care
of Fri. work note then DR

CALL MADE / TAKEN BY

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, South Carolina 29615

FILE # 60152

EXAM ROOM # 2

PATIENT NAME LAST FIRST MIDDLE Nicholson, Carolyn M		INSURANCE PAYMENT METHOD ☒ WC ☐ CB ☐ SP ☐	
PATIENT ADDRESS		CITY STATE ZIP	SOCIAL SECURITY #
PATIENT EMPLOYER Department Of Social Services		EMPLOYER MAILING ADDRESS 714 North Pleasantburg Dr Greenville	EMPLOYER PHONE 864-467-7966
GUARANTOR NAME Nicholson, Carolyn		GUARANTOR EMPLOYER Department Of Social Services	GUARANTOR PHONE 864-616-6972
LOCAL CONTACT BOBBY NICHOLSON		LOCAL ADDRESS	LOCAL PHONE
DATE 02/02/09	TIME 09:01	MS / G / A M F	DOB 48
HOME PHONE		WORK PHONE	USER ID gmb

CC:

Recheck hip pain, shoulder pain.

VITAL SIGNS: TIME T P R BP WT
BY: _____
V/S REPEAT: TIME T P R BP HT
BY: _____

NURSING ASSESSMENT: _____

PHYSICIAN ASSESSMENT: *FA* DICTATED *467-4891* PROTOCOL *Am*

TREATMENT: *Am*

CHANGES IN PMH, ROS, FH, SH, SINCE *Am* ☐ YES ☐ NO

DIAGNOSIS: *Am*

RECHECK NOTE: *Am*

☐ FULL DUTY
☐ LIGHT DUTY UNTIL _____ FOLLOW-UP DATE *3/10* EXIGENT
☐ OFF WORK UNTIL _____ OTHER _____

A.D. SIGNATURE _____

W/C VERIFIED: _____

DRUG ALLERGIES: _____

CURRENT MEDICATIONS: _____

TETANUS STATUS: _____

PATIENT'S MD: _____

EKG: _____

LAB: _____

CBC _____ UA _____

C&S _____ WET PREP _____ GC/CL _____

MONO _____ HCG _____ STREP _____ BS _____

X-RAY: _____

DISCHARGE INSTRUCTIONS: _____

CAST/SPLINT _____ HEAD INJ _____ WOUND CARE _____

MEDICATION: _____

OTHER: _____

SCHEDULE FOR REFERRAL TO: _____

☐ PT ☐ STUDIES/TESTS

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EXIGENT - WADE HAMPTON

DATE OF SERVICE: 03/03/09

NAME: NICHOLSON, CAROLYN

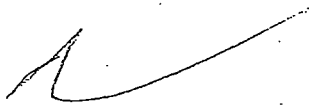
CHART NUMBER: 60158

SSN: XXX-XX-

States still kind of burning, stiff and sore in the left trapezius muscle area of the left lower back. No radicular pain, numbness or weakness. No other problems.

She is tender throughout the left trapezius muscle and the left lumbar angle. No spasm. Good motor/ sensory exam. Moving around pretty well.

Continue ice and heat. Off work for now. I will see him back next week.



THOMAS H. MASKELL, M. D. /tjl

T: 03/04/09

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, SC 29615
864-292-5915 Fax; 864-244-7734

J.M. Alexander, M.D.

Thomas H. Maskell, M.D.

Lynn M.S. Owens, M.D.

PATIENT

DATE EXAMINED

WORK STATUS/RETURN TO WORK

OFF WORK FROM

thru

LIGHT DUTY FROM

thru

(Note: If employer has no light duty available, then employer may send patient home)

AVOID:

____ LIFTING > ____ LBS. WITH L, R, BOTH ARM(S)

____ HEAVY PULLING/PUSHING WITH L, R, BOTH ARM(S)

____ REACHING OVERHEAD

____ CLIMBING/CRAWLING

____ BENDING

____ PROLONGED SITTING

____ STOOPING/CROUCHING

____ DRIVING A VEHICLE

____ NO USE OF LEFT ARM

____ NO USE OF RIGHT ARM

____ NO USE OF LEFT HAND

____ NO USE OF RIGHT HAND

____ LIMITED USE OF LEFT ARM

____ LIMITED USE OF RIGHT ARM

____ LIMITED USE OF LEFT HAND

____ LIMITED USE OF RIGHT HAND

____ MUST USE CRUTCHES

____ KEEP BANDAGE CLEAN & DRY

____ MUST WEAR SPLINT ON:

____ LEFT ARM

____ RIGHT ARM

____ LEFT HAND

____ RIGHT HAND

____ LEFT LEG

____ RIGHT LEG

____ MUST WEAR CAST SHOE ON:

____ LEFT FOOT

____ RIGHT FOOT

____ MUST WEAR SLING ON:

____ LEFT ARM

____ RIGHT ARM

____ OTHER WORK RESTRICTIONS/INSTRUCTIONS:

____ REFERRAL FOR ____ TO BE SCHEDULED (PT, TEST, SPECIALIST)

☒ RETURN FOR RE-EXAMINATION

DATE

☐ RETURN FOR FULL DUTY

DATE

M.D.

Please return this work note to your employer.

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, South Carolina 29615

FILE # 60158

EXAM ROOM #

MS-

PATIENT NAME LAST FIRST MIDDLE Nicholson, Carolyn M			INSURANCE PAYMENT METHOD ☒ WC ☐ CB ☐ SP ☐		
PATIENT ADDRESS			CITY	STATE	ZIP
PATIENT EMPLOYER Department Of Social Services			EMPLOYER MAILING ADDRESS 714 North Pleasantburg Dr. Greenville		EMPLOYER PHONE 864-467-7966
GUARANTOR NAME Nicholson, Carolyn			GUARANTOR EMPLOYER Department Of Social Services		GUARANTOR PHONE 864-616-6972
LOCAL CONTACT BOBBY NICHOLSON			LOCAL ADDRESS		LOCAL PHONE
DATE 03/10/09	TIME 08:25	MS / G / A M F	DOB 48	HOME PHONE	WORK PHONE
				USER ID GMB	

CC:

Recheck shoulder sprain

VITAL SIGNS: TIME T P R BP WT
BY: *[Signature]*
V/S/REPEAT: TIME T P R BP HT
BY:

NURSING ASSESSMENT:

DC I 2/26/09
C/O pain radiating L arm
"like toothache"

PHYSICIAN ASSESSMENT:

DICTATED

PROTOCOL

W/C VERIFIED:

DRUG ALLERGIES:

NKA

CURRENT MEDICATIONS:

anaprox out
fentanyl at
TETANUS STATUS:

PATIENT'S MD:

EKG:

LAB:

CBC

UA

MONO

WET PREP

HCG

STREP

BS

X-RAY:

DISCHARGE INSTRUCTIONS:

CAST/SPLINT HEAD INJ WOUND CARE

MEDICATION:

OTHER:

Code 7176

SCHEDULE FOR REFERRAL TO:

☐ P.T.

☐ STUDIES/TESTS

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V.D. SIGNATURE

REC CHECK NOTE:
FULL DUTY
LIGHT DUTY UNTIL FOLLOW-UP DATE EXIGENT
OFF WORK UNTIL OTHER

EXIGENT – WADE HAMPTON

DATE OF SERVICE: 03/10/09

NAME: NICHOLSON, CAROLYN

CHART NUMBER: 60158

SSN: XXX-XX-

States now she has just had this kind of a dull aching sensation down the left arm. No numbness or weakness. No other problems. Left shoulder is really nontender. Good range of motion. But upward gaze of the neck and right upward gaze especially increases the pain down the arm. A little uncomfortable. Good motor/ sensory exam. Really seems to be more of a cervical disk issue at this point than a shoulder joint issue.

Injection of some Kenalog. I will put her on a prednisone Dosepak. Give her something for pain at night. Doesn't feel like she can go back to work yet. I will see her back next week.



THOMAS H. MASKELL, M. D. /tjl

T: 03/11/09

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, SC 29615
864-292-5915 Fax; 864-244-7734

J.M. Alexander, M.D.

Thomas H. Maskell, M.D.

Lynn M.S. Owens, M.D.

PATIENT Wade Hampton, Wade DATE EXAMINED 3/16/04

WORK STATUS/RETURN TO WORK

OFF WORK FROM 3:10 thru 3:16

LIGHT DUTY FROM _____ thru _____

(Note: If employer has no light duty available, then employer may send patient home)

AVOID: _____ LIFTING > _____ LBS. WITH L, R, BOTH ARM(S)
_____ HEAVY PULLING/PUSHING WITH L, R, BOTH ARM(S)
_____ REACHING OVERHEAD _____ CLIMBING/CRAWLING
_____ BENDING _____ PROLONGED SITTING
_____ STOOPING/CROUCHING _____ DRIVING A VEHICLE

_____ NO USE OF LEFT ARM _____ NO USE OF RIGHT ARM
_____ NO USE OF LEFT HAND _____ NO USE OF RIGHT HAND
_____ LIMITED USE OF LEFT ARM _____ LIMITED USE OF RIGHT ARM
_____ LIMITED USE OF LEFT HAND _____ LIMITED USE OF RIGHT HAND
_____ MUST USE CRUTCHES _____ KEEP BANDAGE CLEAN & DRY

_____ MUST WEAR SPLINT ON: _____ LEFT ARM _____ RIGHT ARM
_____ LEFT HAND _____ RIGHT HAND
_____ LEFT LEG _____ RIGHT LEG

_____ MUST WEAR CAST SHOE ON: _____ LEFT FOOT _____ RIGHT FOOT

_____ MUST WEAR SLING ON: _____ LEFT ARM _____ RIGHT ARM

_____ OTHER WORK RESTRICTIONS/INSTRUCTIONS: _____

_____ REFERRAL FOR _____ TO BE SCHEDULED (PT, TEST, SPECIALIST)

_____ RETURN FOR RE-EXAMINATION

DATE 3/16/04

_____ RETURN FOR FULL DUTY

DATE 3/16/04

M.D. [Signature]

Please return this work note to your employer.

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, South Carolina 29615

FILE # ED150

EXAM ROOM # M52

PATIENT NAME LAST FIRST MIDDLE Nicholson, Carolyn M			INSURANCE PAYMENT METHOD ☒ WC ☐ CB ☐ SP ☐		
PATIENT ADDRESS			CITY	STATE	ZIP
PATIENT EMPLOYER Department Of Social Services			EMPLOYER MAILING ADDRESS 714 North Pleasantburg Dr Greenville		EMPLOYER PHONE 864-467-7966
GUARANTOR NAME Nicholson, Carolyn			GUARANTOR EMPLOYER Department Of Social Services		GUARANTOR PHONE 864-616-6972
LOCAL CONTACT			LOCAL ADDRESS		LOCAL PHONE
DATE 03/16/09	TIME 0830	MS / G / A M F	DOB 48	HOME PHONE	WORK PHONE
			USER ID DS		

CC:

Reck - w c i y - a r m

W/C VERIFIED:

DRUG ALLERGIES:

NKDA

CURRENT MEDICATIONS:

Carlab

TETANUS STATUS:

PATIENT'S MD:

VITAL SIGNS: TIME 8:52 T P R BP WT
BY: 1/26/09
V/S REPEAT: TIME T P R BP HT
BY:

NURSING ASSESSMENT:

Nothing better, meds did not help

PHYSICIAN ASSESSMENT:

DICTIONARY

PROTOCOL

TREATMENT:

M/R

CHANGES IN PMH, ROS, FH, SH, SINCE

☐ YES

☐ NO

DIAGNOSIS:

EKG:

LAB:

CBC

UA

C&S

WET PREP

GC/CL

MONO

HCG

STREP

BS

X-RAY:

DISCHARGE INSTRUCTIONS:

CAST/SPLINT

HEAD INJ

WOUND CARE

MEDICATION:

OTHER:

RECHECK NOTE:

FULL DUTY

LIGHT DUTY UNTIL

FOLLOW-UP DATE

EXIGENT

OFF WORK UNTIL

OTHER

M.D. SIGNATURE

SCHEDULE FOR REFERRAL TO:

☐ P.T.

☐ STUDIES/TESTS

994

EXIGENT – WADE HAMPTON

DATE OF SERVICE: 03/16/09

NAME: NICHOLSON, CAROLYN

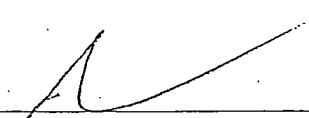
CHART NUMBER: 60158

SSN: XXX-XX-

States the prednisone didn't help much. Still has that gnawing pain in the left shoulder blade area. Now she really doesn't describe it as much as going down the arm. No numbness or weakness. No other problems.

She is tender about the T2 level left trapezius muscle. The glenohumeral joint is completely nontender. Good range of motion. No pain on range of motion. Upward gaze of the neck maybe minimally increases this today.

Continue ice and heat. After this oint we will get an MRI of her cervical spine.



THOMAS H. MASKELL, M. D. /tjl

T: 03/17/09

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, SC 29615
864-292-5915 Fax; 864-244-7734

J.M. Alexander, M.D.

Thomas H. Maskell, M.D.

Lynn M.S. Owens, M.D.

PATIENT _____ DATE EXAMINED 4/1/11

WORK STATUS/RETURN TO WORK

OFF WORK FROM 3/16 thru 4/1

LIGHT DUTY FROM _____ thru _____

(Note: If employer has no light duty available, then employer may send patient home)

AVOID: _____ LIFTING > _____ LBS. WITH L, R, BOTH ARM(S)
_____ HEAVY PULLING/PUSHING WITH L, R, BOTH ARM(S)
_____ REACHING OVERHEAD _____ CLIMBING/CRAWLING
_____ BENDING _____ PROLONGED SITTING
_____ STOOPING/CROUCHING _____ DRIVING A VEHICLE

_____ NO USE OF LEFT ARM _____ NO USE OF RIGHT ARM
_____ NO USE OF LEFT HAND _____ NO USE OF RIGHT HAND
_____ LIMITED USE OF LEFT ARM _____ LIMITED USE OF RIGHT ARM
_____ LIMITED USE OF LEFT HAND _____ LIMITED USE OF RIGHT HAND
_____ MUST USE CRUTCHES _____ KEEP BANDAGE CLEAN & DRY

_____ MUST WEAR SPLINT ON: _____ LEFT ARM _____ RIGHT ARM
_____ LEFT HAND _____ RIGHT HAND
_____ LEFT LEG _____ RIGHT LEG

_____ MUST WEAR CAST SHOE ON: _____ LEFT FOOT _____ RIGHT FOOT

_____ MUST WEAR SLING ON: _____ LEFT ARM _____ RIGHT ARM

_____ OTHER WORK RESTRICTIONS/INSTRUCTIONS: _____

10 REFERRAL FOR _____ TO BE SCHEDULED (PT, TEST, SPECIALIST)

_____ RETURN FOR RE-EXAMINATION 2 days After PT
DATE

_____ RETURN FOR FULL DUTY _____
DATE

R _____ M.D.

Please return this work note to your employer.

EXIGENT WADE HAMPTON

CALL BACK RECORD

PATIENT Caulonia Nielsen CHART 60569

DATE TREATED 3/16/09 DOB _____

PHONE _____ MESSAGE TAKEN BY (Initials) DS.

Follow-up Call To (From): PATIENT
 DOCTOR
 OTHER

DATE OF CALL 3/20/09. TIME OF CALL 5.

DOCTOR (Authorizing Follow-Up) _____

DETAILS OF FOLLOW-UP OR QUESTIONS

crit'd med's?

neck pain

u/c claim denied as of 3/11/0

We are now securing it under the

B x B S + proceed to MRT

Rx: CVS-Troubles Pant.

Oct 25 - 1944

W. J. ...

11/6 9/3 10/2

CALL MADE / TAKEN BY 2096

EXIGENT WADE HAMPTON

CALL BACK RECORD

PATIENT Carolyn Nicholson CHART 60158
DATE TREATED 3/16 DOB
PHONE MESSAGE TAKEN BY (Initials) RR

Follow-up Call To / From: X PATIENT
 DOCTOR
 OTHER

DATE OF CALL 3/20 TIME OF CALL 9:30

DOCTOR (Authorizing Follow-Up)

DETAILS OF FOLLOW-UP OR QUESTIONS Wants to know
about getting note from Dr. M
for work status

1020 - left VM trying to
return call

note being seen
for WC injury

CALL MADE / TAKEN BY

fax 803 898 7176
att. Frances Shealy

word:c:callback

J. M. ALEXANDER, MD, FACEP
President



EXIGENT WADE HAMPTON
2310 Wade Hampton Boulevard
Greenville, South Carolina 29615

Phone: (864) 292-5915
Fax: (864) 244-7734

THOMAS H. MASKELL, MD
Medical Director



3/20/09

Dear Ms. Shealy

We have seen Carolyn Nicholson
on 2/26/09, 3/3/09 + 3/10/09 for a
workman's comp injury (Elbow, Elbow
& L) shoulder. As of 3/11/09 her W/C
claim was denied and she has requested
that we continue to see her for
these injuries under her private
insurance, Blue Cross. If you have
questions you may contact me @
the above number.

Sincerely
Jan Buff

EXIGENT WADE HAMPTON

2310 Wade Hampton Blvd.
Greenville, South Carolina 29615

FILE # 00150

EXAM ROOM # 14

PATIENT NAME LAST FIRST MIDDLE Nicholson, Carolyn M			INSURANCE PAYMENT METHOD ☐ WC ☐ CB ☐ SP ☒ BOBS		
PATIENT ADDRESS			CITY	STATE	ZIP
PATIENT EMPLOYER Department Of Social Services			EMPLOYER MAILING ADDRESS 714 North Pleasantburg Dr Greenville		
GUARANTOR NAME Nicholson, Carolyn			GUARANTOR EMPLOYER Department Of Social Services		
LOCAL CONTACT BOBBY NICHOLSON			LOCAL PHONE		
DATE 03/24/09	TIME 11:12 AM	MS / G / A F	DOB 48	HOME PHONE	WORK PHONE
				USER ID gmb	

CC:

Right shoulder sprain

VITALS: TIME 11:15 T 98.4 P 70 R 12 BP 120/80 WT 180
BY: [Signature]
V/S REPEAT: TIME T P R BP HT
BY: [Signature]

NURSING ASSESSMENT:

X1 wk - c/o
Side Flank pain

PHYSICIAN ASSESSMENT

DICTATED

PROTOCOL

W/C VERIFIED:

DRUG ALLERGIES:

CURRENT MEDICATIONS:

TETANUS STATUS:

PATIENT'S MD:

EKG:

LAB:

CBC _____ UA _____

C&S _____ WET PREP _____ GC/CL _____

MONO _____ HCG _____ STREP _____ BS _____

X-RAY:

DISCHARGE INSTRUCTIONS:

CAST/SPLINT _____ HEAD INJ _____ WOUND CARE _____

MEDICATION:

OTHER:

CHANGES IN PMH, ROS, FH, SH, SINCE

☐ YES

☐ NO

DIAGNOSIS:

RECHECK NOTE:

FULL DUTY

LIGHT DUTY UNTIL

OFF WORK UNTIL

FOLLOW-UP DATE

EXIGENT

OTHER

M.D. SIGNATURE

SCHEDULE FOR REFERRAL TO:

☐ P.T.

☐ STUDIES/TESTS

TIME: 11:00

**EXIGENT Wade Hampton
PROCEDURE SCHEDULING**

Please schedule patient: _____

Name

For: _____

_____ C.T. of Abdomen

_____ C.T. of Head

_____ ~~M.R.I. of Head~~ *C-Scan*

_____ physical therapy X _____ visits

_____ U/S of Abdomen

_____ U/S of Abdomen and Pelvis

_____ U/S of Pelvis

other _____

Location: _____

_____ Eastside Medical Imaging

_____ Greenville Radiology, P.A. office

_____ G.M.H. Radiology Department

_____ VBS Physical Therapy

_____ ☒ No Preference *Inneevision*

W/C _____

Yes _____

No _____

When: _____

ASAP _____

Routine _____

STAT _____

Clinical History: _____

3/18/09 1500
Spoke to pt
She knows claim
denies, I pt
she needs to come
in & provide her
pt insur. info
so we can proceed
STAT - scheduling

Referred By: _____

_____, M.D.

Date: _____

Appointment confirmed for: _____

3/24/09

at _____

8:30

Time

Patient Notified: _____

3/20/09

at _____

Time

Date

Time

D. Schurz, RN

3/25/09
pt called &
requested records
to her
texted
Dr. Williams

OK + BS

3/16/09, Mon, 9:45

cl. denies?
pt. forget back

per Mr. Halley claim denied as of 3/11/09

Patient Name:
DOB:

Carolyn
Nicholson

Vital Signs: Weight 139 Height 5'10" Temp 99 BP 120/80 Pulse 60 Resp 11 Saturation 98

Allergies:

Chief Complaint: Arm & Shoulder Pain
 HPI: (location, quality, severity, duration, timing, context, modifying factors, associated s/s)

PAIN (1. to 10)

PMH/PSH:

Meds:

PH

SocHX:

~~Tobacco:~~

Alcohol:

~~Drugs:~~

Caffeine:

Sex:

Occupation:

Exercise:

Immunizations:

General - weight change fever/chills malaise fatigue diaphoresis hot flashes night sweats

Eyes – vision loss blurred vision diplopia scotoma amaurosis pain redness discharge dryness photophobia

Ears – hearing loss, tinnitus, otalgia, discharge, phonophobia

Nose – rhinorrhea congestion postnasal drip anosmia epistaxis facial pressure

Mouth/Throat – sore throat oral ulcers bleeding gums hoarseness snoring dentalgia

Neck - stiffness pain goiter mass

Respiratory - SOB cough wheezing hemotysis sleep apnea TB exposed hs PPD+

Cardiovascular-- chest pain palpitations orthopnea PND hx murmur syncope edema claudication

Gastrointestinal – abdominal pain nausea vomiting oral regurgitation heartburn dysphagia odynophagia hematemesis early satiety

diarrhea constipation melena hematochezia appetite

Genitourinary - dysuria frequency urgency incontinence (urge/stress) hematuria nocturia polyuria low force/flow ED

discharge dyspareunia dysmenorrhea menorrhagia metrorrhagia pruritus prolapse decreased libido

Musculoskeletal – arthralgias stiffness swelling myalgias weakness Raynaud's

Neurologic - headache seizures dizziness ataxia numbness paresthesias tremor dysarthria memory loss paresis

Psychiatric - anxiety depression anhedonia insomnia suicidal ideation delusions hallucinations (auditory/visual) decr. concentration

Endocrine – heat/cold intolerance polydipsia/polyuria/polyphagia:

Hema/Lymph - easy bruisability swollen nodes tender - neck axillary inguinal

Allergy/Immunology – frequent infections seasonal/perennial allergies

Skin – rash, lesions, pruritus, concerning nevus, hair loss/dryness, nail changes

Breast - lumps discharge pain bleeding

Physical Exam	Normal /	Abnormal	Comments
---------------	----------	----------	----------

System	Normal	Abnormal	Comments
General	✓		
Eyes			
ENMT			
Neck	✓		
Cardiovascular	✓		
Respiratory	✓		
Gastrointestinal			
Chest/Breasts			
Genitourinary			
Musculoskeletal	✓		✓ ROM (arm) / (L) hip to edge
Neurologic			
Skin/Hair			
Lymphatic			
Psychiatric			

Lab/Studies:

Total Time Spent _____
Time Counseling _____

A/P:

MAR 25 2009

03/11/2019

7

Travelers Rest Family Practice

Patient Name: Carolyn Nicholson
DOB: 7

Vital Signs: Weight 135 Height 99.4 BP 128/76 Pulse _____ Resp _____ Saturation _____ BMI _____

Allergies:

Chief Complaint: rev

HPI: (location, quality, severity, duration, timing, context, modifying factors, associated s/s)

PAIN (1 to 10)

PMH/PSH:

Meds:

FHx:

SocHx:

Tobacco:

Alcohol:

Drugs:

Caffeine:

Sex:

Occupation:

Exercise:

Immunizations:

ROS: (cross out if negative, circle if positive)

General - weight change fever/chills malaise fatigue diaphoresis hot flashes night sweats

Eyes - vision loss blurred vision diplopia scotoma amaurosis pain redness discharge dryness photophobia

Ears - hearing loss tinnitus otalgia discharge phonophobia

Nose - rhinorrhea congestion postnasal drip anosmia epistaxis facial pressure

Mouth/Throat - sore throat oral ulcers bleeding gums hoarseness snoring dentalgia

Neck - stiffness pain goiter mass

Respiratory - SOB cough wheezing hemotysis sleep apnea TB exposed hs PPD+

Cardiovascular - chest pain palpitations orthopnea PND hx murmur syncope edema claudication

Gastrointestinal - abdominal pain nausea vomiting oral regurgitation heartburn dysphagia odonophagia hematemesis early satiety

diarrhea constipation melena hematochezia appetite

Genitourinary - dysuria frequency urgency incontinence (urge/stress) hematuria nocturia polyuria low force/flow ED

discharge dyspareunia dysmenorrhea menorrhagia metrorrhagia pruritus premenstrual decreased libido

Musculoskeletal - arthralgias stiffness swelling myalgias weakness Raynaud's

Neurologic - headache seizures dizziness ataxia numbness paresthesias tremor dysarthria memory loss paresis

Psychiatric - anxiety depression anhedonia insomnia suicidal ideation delusions hallucinations (auditory/visual) decr. concentration

Endocrine - heat/cold intolerance polydipsia/polyuria/polyphagia

Heme/Lymph - easy bruisability swollen nodes tender - neck axillary inguinal

Allergy/Immunology - frequent infections seasonal/perennial allergies

Skin - rash lesions pruritus concerning nevi hair loss/dryness nail changes

Breast - lumps discharge pain bleeding

Physical Exam Normal Abnormal Comments

General	✓		
Eyes			4-8-09 Faxed info to SE Neuro.
ENMT			They will contact pt & cont
Neck	✓	✓	4-9-09 Dr. Hodge 4-23-09
Cardiovascular	✓	✓	10/10/09
Respiratory	✓		
Gastrointestinal			
Chest/Breasts			
Genitourinary			
Musculoskeletal			
Neurologic		✓	some of sensation down
Skin/Hair			10/10/09
Lymphatic			
Psychiatric			

Labs/Studies:

Total Time Spent:

Time Counseling:

A/P:

A) DDD C-spine 1 page
B) To Dr. Hodge eval 7/10/09
Med - 7.5 BW R food
Date: APR 06 2009
MD:

Office or Other Outpatient Consultations

CAROLYN NICHOLSON Patient ID: 247-25-3100

DOB: (48) Female

Visit Date: 18 May 2009

PRESENT ILLNESS INFORMATION

Chief Complaint: Patient seen in neurosurgical consultation at the Dr. Coleman for neck and left arm pain. REPORT ONLY. Patient states pain score today is a 6. Medications reviewed with patient, appropriate updates made.

Hx:

SN: Evaluation of cervical pain:

Location: trapezius area on the left.

Quality: aching.

Severity: The usual pain level is 8 (scale of 1-10). Functional impairment is very severe - when present the patient is unable to carry out any daily activities.

Timing: This has been a problem since 2/26/09.

Referred or radiating symptoms:

- pain of the same quality as the cervical pain in the entire left upper extremity.

Setting in which it first occurred: following. Tripped and fell on floor.

- Timing of injury: 2/26/09.

- Locale where the injury occurred: in the workplace. The injury was reported to Workers' Compensation.

Aggravating factors: lifting and too much movement.

Relieving factors: Darvocet, Pain medication.

Associated manifestations: none identified.

Previous tests/evaluations:

- Cervical spine MRI: Date - 3/24/09. Test location - Innervision.

Previous treatment related to the cervical pain: Prescription medication: PrednisONE (effectiveness: fair), Flexeril (effectiveness: fair), Lortab (effectiveness: fair).

REVIEW OF SYSTEMS

Musculoskeletal: *joint pain.*

The following systems are negative: Constitution, Cardiovascular, Ears, Nose, Mouth, Throat, Endocrine, Eyes, Gastrointestinal, Genital/Urinary, Hematological/Lymphatic, Immunologic, Integumentary, Nervous, Psychiatric, Respiratory.

PAST, FAMILY AND SOCIAL HISTORY

Current Meds: Lortab (uncertain of dosage), every 6 hours, prescribed by Dr. Coleman

Med Allergies: No known medication allergies

Non-Med Allergies: No non-medication allergies.

Past Health History: Childhood Communicable Diseases: negative.

Eyes: negative.

Ears: negative.

Cardiovascular: negative.

Respiratory: negative.

Gastrointestinal: negative.

Genitourinary: Patient states she is not pregnant.

- Gynecologic: Problems and conditions:

Neurologic: negative.

Endocrine: negative.

Hematologic and Lymphatic: negative.

Surgeries and Hosp: Problems with anesthesia: none.

Previous surgery: Musculoskeletal: 1999.

Previous non-surgical hospitalizations: none.

Serious Injuries: No serious injuries or accidents.

Family History: Problems with anesthesia: negative.

Cardiovascular: negative.

Respiratory: negative.

Musculoskeletal: negative.

Neurologic: negative.

Hematologic/Lymphatic: negative. Specifically, no bleeding, clotting, or bruising problems.

Social History: Most recent occupation: Greenville County Dept. of - Human Services.

Marital status: married.

Office or Other Outpatient Consultations

Current tobacco usage: none.
Current use of alcoholic beverages: none.
Second-hand smoke exposure: none.
Hand dominance: right.
Home living situation and relationships: Lives with spouse and children.
Other comments: DR. STANLEY COLEMAN- PCP AND REFERRING.
Provider has reviewed PFSH/ROS information

OBJECTIVE

CONSTITUTION: Blood pressure: Left arm - sitting 107/72 mm Hg. Radial Pulse: 65 bpm. Temperature: 98 F (oral). Weight: 133.8 pounds.

General appearance: Well developed, well nourished and groomed. No apparent acute or chronic distress.

Ability to communicate: normal.

RESPIRATORY: Respiratory Effort normal. Auscultation: normal breath sounds.

CARDIOVASCULAR:

Auscultation: normal S1, S2, no murmurs or abnormal sounds.

MUSCULOSKELETAL:

Cervical spine: Full AROM without pain.

Left: weakness.

NEUROLOGIC:

Level of consciousness: awake and alert.

Level of orientation: normal to time, place, person and situation.

Judgment and insight: normal.

Mood and affect: normal and appropriate to the situation.

Language: intact for receptive and expressive functions.

Motor examination:

- Muscle strength - Upper extremities, intact and symmetrical. Lower extremities intact and symmetrical.
- Muscle tone is normal and symmetrical in all 4 extremities.
- Muscle size - is normal and symmetrical in upper extremities; is normal and symmetrical in lower extremities; for age.

Sensory examination for light touch intact and symmetrical in the upper extremities; intact and symmetrical in the lower extremities.

Deep tendon reflexes: Biceps reflexes normal (2+) bilaterally. Brachioradialis reflex normal (2+) bilaterally. Triceps reflexes normal (2+) bilaterally. Knee reflexes normal (2+) bilaterally. Ankle reflexes normal (2+) bilaterally.

No pathological reflexes.

Nerve and spinal cord tension-compression signs: Spurlings Maneuver negative.

Gait: Normal.

Station: Normal.

TESTS AND PROCEDURES

PERFORMED IN THE PAST

72141 MRI, spinal canal and contents, cervical; without contrast material

Date: 24.Mar.2009; Location: innervision

- 18.May.2009 Not available for review.

ASSESSMENT

CURRENT PROBLEMS

723.1 Pain, Cervical

Status: unstable

729.5 Limb Pain

Status: unstable; Location: left

PLAN

Medical Advice: Contact the office if there are any problems. Patient's questions were answered.

Schedule Follow-up: in 2 weeks following cervical epidural steroid injection.

Comments: She will bring her cervical MRI for the next visit.

Impression: Mrs. Nicholson has cervical radiculopathy after a fall in 2/2009. She describes a C7 left radiculopathy

Office or Other Outpatient Consultations

although the report of cervical spine shows multilevel degenerative changes that are not that specific. We will get a cervical epidural steroids injection next. We will review her MRI at the next visit.

TESTS AND PROCEDURES

SCHEDULED

64479 ESI cervical

Scheduled: 28 May 2009; Location: Carolina Center for Advanced Management

- 18 May 2009 5/22/09 - Patient scheduled for a cervical ESI on 5/28/09 @ 4:45pm, and has a f/u appt on 6/15/09 @ 3:30pm. Left the patient a VM with the times and date of the appt on 5/22/09 @ 10:51am. SMT

COMMUNICATIONS

Dr. Gardner's letter

Stanley Coleman, Jr, M.D.

Philip J. Hodge, M.D.

AllMeds

ICD CODE SUMMARY

729.5 Limb Pain

723.1 Pain, Cervical

CPT CODE SUMMARY

99243 Office Consult: Level 3

NON-BILLABLE CPT CODES

72141 MRI, spinal canal and contents, cervical; without contrast material

64479 ESI cervical

Statement of Phillip Hodge, M. D.

Re: Carolyn Nicholson vs. Greenville Cty Dept of Social Services
SSN: _____
Date of Birth: _____
Date of Injury: 02/23/2009

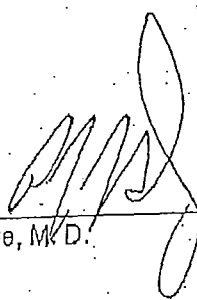
Based on my review of the medical records and notes related to this patient, it is my opinion to a reasonable degree of medical certainty that

☒

Carolyn Nicholson's neck, left shoulder and back problems were caused and/or aggravated by her fall at work on 02/23/2009.

☐

Carolyn Nicholson's neck, left shoulder and back problems were not caused and/or aggravated by her fall at work on 02/23/2009.



Phillip Hodge, M.D.

2/21/11
Date

Carolinas Center for Advanced Mgmt of Pain - Greenville Office
220 Roper Mountain Road Ext Greenville, SC 29615
8642956399 Fax: 8642952337

November 12, 2010
Page 1
Chart Document

MS CAROLYN M NICHOLSON

Female

30129

Home:

Ins: State Health SC

05/28/2009 - Office Visit: Initial Office Visit

Provider: John C Haasis MD

Location of Care: Carolinas Center for Advanced Mgmt of Pain - Greenville Office

New Patient Visit

Chief Complaint: The patient is a 48 year-old African-American female seen at the request of her referring physician for evaluation treatment regarding chronic neck, left shoulder, and left upper extremity pain. She denies any significant numbness or weakness. She reports an onset of symptoms in February at which time she fell at work. She was treated conservatively by her primary care physician and failed to respond. She was subsequently referred to Dr. Hodge of neurosurgery. She presents today for further evaluation and consideration for additional treatment options.

Age: 48 Years Old

Sex: Female

Race: African American

History of Present Illness

Cause of Pain: work related injury

Date Pain Began: February 2009

Location of Pain: neck, shoulder, and left upper extremity

Description of Pain: Sharp, Dull/Aching, Throbbing, Stabbing, Pressure, Burning

Current Pain Rating (Good Day): 7

Current Pain Rating (Bad Day): 10

Is The Pain Always The Same: No

Duration of Pain: Constant

Aggravating Factors: Activity

Comments: certain neck movements as well as utilizing the upper extremity

Alleviating Factors: Heat, Medication, Massage

Additional History

Previous Treatments: Narcotic Pain Medication

Previous Diagnostic Studies: X-Ray, MRI

Data Reviewed: Old Charts, X-ray, MRI

Past Treatment

Has patient been treated in another pain management center? No

Has patient ever had previous psychiatric or psychological treatment? No

Has patient ever required treatment for substance abuse or alcohol abuse? No

Sleep Disturbances

Does the patient ever have difficulty falling asleep? Yes

Does the patient have difficulty maintaining sleep? Yes

Is the patient ever awakened by pain? Yes

Does the patient have difficulty staying awake during the day? No

Demographic Details

Marital Status: M

Carolinas Center for Advanced Mgmt of Pain - Greenville Office
220 Roper Mountain Road Ext Greenville, SC 29615
8642956399 Fax: 8642952337

November 12, 2010

Page 2

Chart Document

MS CAROLYN M NICHOLSON

Female

30129

Home:

Ins: State Health SC

Number of Children: 2

High School Grad: y

College Courses: y

Current Occupation: DSS

Is pain result of a work-related injury? Yes

Is patient receiving compensation? No

Does the patient have an attorney? No

Past, Family, and Social History

Past History: arthritis, no significant past surgical history

Family History: noncontributory; patient denies drug allergies

Social History: denies smoking or drinking, married, works full-time at DSS

Allergies:

Risk Factors

Tobacco use: never

Passive smoke exposure: no

Alcohol use: no

HIV high risk behavior: no

Review of Systems

Musculoskeletal: neck and shoulder and arm pain

Skin: denies rash, itching, dryness, suspicious lesions

Neurologic: left upper extremity pain, denies weakness or numbness

Psychiatric: denies depression, anxiety, memory loss, mental disturbance, suicidal ideation, hallucinations, paranoia

Endocrine: denies cold intolerance, heat intolerance, polydipsia, polyphagia, polyuria, weight change

Hematologic/Lymphatic: denies abnormal bruising, bleeding, enlarged lymph nodes

Allergic/Immunologic: denies urticaria, hay fever, persistent infections, HIV exposure

Vital Signs

P: 78 R: 14 BP: 110/70 mm Hg

Physical Exam**General**

General appearance: well developed, well nourished, no acute distress

Communication ability: communicates by voice, normal quality

Gait and station: Normal

Psychiatric

Mental Status: AAO x3

Judgement/Insight: intact

Mood/Affect: Appropriate

Head and Face

Inspection: normocephalic, no scars, lesions, or masses

Facial strength: no weakness

Carolinas Center for Advanced Mgmt of Pain - Greenville Office
220 Roper Mountain Road Ext Greenville, SC 29615
8642956399 Fax: 8642952337

November 12, 2010

Page 3

Chart Document

MS CAROLYN M NICHOLSON

Female

30129

Home:

Ins: State Health SC

Ears, Nose and Throat

External ear: normal, no lesions or deformities

External nose: normal, no lesions or deformities

Lips/teeth/gums: normal dentition

Oropharynx: tongue normal; posterior pharynx without erythema or exudate

Neck

Neck: supple, no masses, trachea midline

Respiratory

Auscultation: clear to auscultation bilaterally, no rales, rhonchi, or wheezes

Cardiovascular

Auscultation: RRR, no murmur, rub, or gallop

Chest Wall

Chest: Normal inspection and palpation

Abdomen

Abdomen: soft, non-tender, non-distended, no masses, bowel sounds normal

Extremities

Pedal pulses: pulses 2+, symmetric

Periph. circulation: no cyanosis, clubbing, edema, or varicosities

Eyes

Inspection of conjunctivae & lids: Normal

Pupils and Irises: grossly intact by confrontation

Pupils: equal, round, reactive to light and accommodation

EOM: extraocular movements intact, normal gaze alignment

Cranial Nerves

5th (Trigeminal): normal corneal reflex

7th (Facial): no weakness

8th (Auditory): grossly intact

9th (Glossophar): grossly intact

11th (Spinal access): grossly intact

12th (Hypoglossal): tongue midline on protrusion no fasciculations

Cervical

ROM some pain with range of motion testing

Spurling's Test Negative

Palpation: Tender

Suboccipital, Paracervical, Trapezius/LS, Midline

Comments: left greater than right

Thoracolumbar

ROM: FROM

Patrick's Test: Negative

Carolinas Center for Advanced Mgmt of Pain - Greenville Office

November 12, 2010

220 Roper Mountain Road Ext Greenville, SC 29615

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8642956399 Fax: 8642952337

Chart Document

MS CAROLYN M NICHOLSON

Female

30129

Home:

Ins: State Health SC

Straight Leg Raise: Negative
Palpation: Non-Tender

Manual Muscle Testing

RUE: 5/5

RLE: 5/5

LUE: 5/5

LLE: 5/5

Muscle Stretch Reflex

RUE: 1+

RLE: 1+

LUE: 1+

LLE: 1+

Sensory Intact to light touch/pin prick

Comments: gross motor and sensory function intact about both upper and lower extremities

Waddell's Signs: 0/5

Neuro No Atrophy or Clonus

Comments: no pain behavior

Comments: no long tract signs noted

Sympathetic Function: Normal

Knees

Comments: within normal limits

Shoulders

Comments: some pain with range of motion testing about the left shoulder

Assessment**New Problems:**

DEGENERATIVE DISC DISEASE - CERVICAL SPINE (ICD-722.4)

CERVICAL RADICULOPATHY (ICD-723.4)

CERVICAL SPONDYLOSIS (ICD-721.0)

CERVICALGIA (ICD-723.1)

CERVICAL SPRAIN - POST-TRAUMATIC (ICD-847.0)

Plan

This is a very nice individual who continues to note difficulties with neck, shoulder and intermittent left upper extremity pain following a fall at work in February of this year. Results of recent MRI imaging were reviewed and discussed a multilevel disc disease is appreciated. No frank herniations are reported. We discussed and reviewed possible treatment options. It appears she has never undergone any formal physical therapy evaluation or treatment. We will make the necessary referral. If she fails to respond to a structured physical therapy regimen, will offer her a trial of therapeutic block as suggested by her treating neurosurgeon. Risk, benefits and limitations of medications and procedures were reviewed. Final disposition per Dr. Hodge

Procedures: T/C CESI

Consults: PT eval./treat

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November 12, 2010

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Chart Document

MS CAROLYN M NICHOLSON

Female

30129

Home:

Ins: State Health SC

New Orders:

NP - Comprehensive [99204]

Return for follow-up 1 month [xxxxx]

Physical Therapy Referral [XXXXXX]

Signed by John C Haas MD on 05/29/2009 at 12:49 PM

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November 12, 2010

Page 1

Chart Document

MS CAROLYN M NICHOLSON

Female

30129

Home: (

Ins: State Health SC

06/20/2009 - Office Procedure: Epidural Steroid Injection

Provider: John C Haas MD

Location of Care: Carolinas Center for Advanced Mgmt of Pain - Greenville Office

Epidural Steroid Injection

Indications:

The patient returns reporting ongoing difficulties with neck and upper extremity pain she is undergoing physical therapy reporting minimal benefit. She presents today for scheduled block. Results of recent imaging studies were reviewed. Her pain referral pattern and findings on exam suggested cervical nerve root irritation

Procedure:

After informed consent was obtained, the patient was placed in the prone position and the neck was prepped with Betadine and draped in the usual sterile fashion. Fluoroscopy was used to localize the appropriate interspace. Local anesthesia was administered using a 27 gauge needle and 1% Lidocaine. Using a 18 gauge Touhy needle and loss of resistance technique, the epidural space was entered at the C6-7 interspace. No blood or CSF was noted returning from the needle. .2cc of Omnipaque was used to verify needle position. Following negative aspiration, 40mg Triamcinolone in 4cc normal saline was injected into the space. The needle was removed and the puncture wound was dressed.

Observations

- The patient was monitored for an appropriate length of time after the procedure and then discharged home, in good condition, with a driver.
- The patient was instructed to refrain from driving for 12 hours and to contact the office immediately if any of the following were noted: new or different pain in the back, loss of bladder or bowel control, new pain, numbness or weakness of the legs, redness or drainage from the needle insertion site.
- No sedation was given.
- The patient tolerated the procedure well.

The following complications were noted:

None

Additional Comments: No complications were noted. Post procedure instructions were provided. Risk, benefits and limitations of indications and procedures were reviewed. She will follow up accordingly. Final disposition per Dr. Hodge

Orders

Return for follow-up 1 month [xxxxx]

Return for Procedure [XXXXX]

c-arm [CPT-77003]

Single Cervical / Thoracic [62310]

Triamcinolone 10mg [J3301]

Carolinas Center for Advanced Mgmt of Pain - Greenville Office November 12, 2010
220 Roper Mountain Road Ext Greenville, SC 29615 Page 2
8642956399 Fax: 8642952337 Chart Document

MS CAROLYN M NICHOLSON

Female

30129

Home:

Ins: State Health SC

Signed by John C Haas MD on 06/23/2009 at 9:05 PM

EXIGENT - WADE HAMPTON

DATE OF SERVICE: 02/26/09

NAME: NICHOLSON, CAROLYN

CHART NUMBER: 60158

SSN: XXX-XX-

SUBJECTIVE: 40 year old comes in today stating she tripped on the carpet, fell and landed on her left side. Just banged up a little. Hurting mostly in the left shoulder and neck area. A little stiffness and soreness going all the way down the leg. Also bumped her head, but denies any LOC. No bruise or any other problems there. No current medications. No known allergies.

OBJECTIVE: White female in no acute distress. She is tender to palpation mostly over the left shoulder and upper arm area. There is no significant bruising and swelling. She has limited range of motion with complaint of pain. The rest of the exam is normal. Has some soreness on her legs, but ambulates without difficulty. There is no significant bruising and swelling there. We did an x-ray of the C-spine and the humerus, both of which were negative.

ASSESSMENT: Left side contusion with some strain.

PLAN: Patient given some anti-inflammatories, muscle relaxants, pain medicines. Note for light duty. Recheck on Monday.


LYNN STORCK OWENS, M.D. /tjl

T: 02/27/09

TRAVELERS REST FAMILY PRACTICE CENTER

P.O. BOX 489 * TRAVELLERS REST, SOUTH CAROLINA 29690-0489
TELEPHONE (864) 834-3192* FAX (864) 834-9420

JAMES E BARNETT, MD

STANLEY L COLEMAN, JR., MD

LANDRUM I. MCCARRELL, JR., MD

JAMES W. HUDSON, MD

PATIENT NAME: Carolyn Nicholson

CHART #: NICC

Date: 08/17/2001

- S: Low back pain; lumbosacral spine. Has been going on quite awhile. It has probably been more than a year. No recent trauma. Just radiates down both buttocks almost to the knee.
- O: WDBF, in NAD. NECK supple. LUNGS clear. HEART RRR. DTR's +1 patella, knee jerk bilaterally equal. No CVA tenderness. No suprapubic tenderness. She has no known allergies. X-ray shows mild degenerative change but not a significant amount of arthritic change and minimal disc space narrowing. Nothing appears to be out of alignment. CBC is basically normal.
- A: Lumbosacral strain.
- P: Celebrex 200 at bedtime. GI side effects explained. No better in 10 days may have to get help on this one. Her urine is clear.

Stanley I. Coleman, JR., M.D./sbr


MRI LS spine at GRAD on 10/12/01 @ 740 am
Message left (416 6972). Order Faxed Xrays & courier
10-18-01
appt. Dr. Gardner 10-26-01 @ 10:10 (PM) 295-3600

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JAMES E. BARNETT, MD

STANLEY I. COLEMAN, JR., MD

LANDRUM I. MCCARRELL, JR., MD

JAMES W. HUDSON, MD

Patient Name: CAROLYN NICHOLSON

CHART#: NICC

Date: 7/22/2002

Vital signs: W: 147, T: 99.5, P: 66, BP: 108/70.

S: Patient was at Anderson Jockey Lot on Saturday when she began feeling weak and nauseous. She had not had breakfast that morning and then according to her husband she passed out with LOC. There was no seizure activity. She also had episode of vomiting. Denies CP, palpitations or dyspnea. Has had no problems since. Was seen at the ED in Anderson, diagnosed with a UTI and was also noted her glucose was 149.

O: In general pleasant healthy appearing female NAD. HEENT: Eyes: PERRL, EOMI. Discs flat with sharp margins. TMs clear. Neck supple without LAD, thyromegaly or bruits. CV: normal S1, S2 without MGR. Lungs CTA. Neuro: cranial nerves II-XII.

A/P: 1. Probable vasovagal syncope secondary to infection and heat. The remainder of her labs were all normal.
2. UTL Complete Macrobid course.
3. Elevated glucose. She will follow up Friday for fasting glucose and lipid. If she has any recurrence of the symptoms we will need to extend our work up.

James W. Hudson, M.D./cr

JUL 26

Labs Urine, Fasting glucose & lipids (md)
Urine here Glu & lipid - GMH
T3, T4, TSH

felt like pass out. every day. Flaking; dizziness; vision obs. / palp / cp / dyspnea.

3 days; worse when 1st stands up;
8 AM head down.

Just now vasovagal signs

Diagnosis: orthostatic hypotension; stress body.

Antibiotic; 1 Antib.

Call if return Monday

12
10
52

98
68
64

128
68
64

MD

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JAMES E BARNETT, MD

STANLEY I. COLEMAN, JR., MD

LANDRUM I. McCARRELL, JR., MD

JAMES W. HUDSON, MD

PATIENT NAME: Carolyn Nicholson

CHART: NICC

DATE: 07/26/2002

S: Pt was actually here today just for lab but after the vena puncture, she has a presyncopal spell. This is similar to the one that she had at the Jockey Lot one week ago. She states that since we saw her she has been having daily dizziness described as a floating feeling. There's no associated headache, vision changes, palpitations, chest pain or dyspnea. It is worse when she first stands up and there is no association with head turning. Continues to have a little bit of left flank pain but it is improving. No dysuria.

O: Orthostatics 112/70, pulse 52 supine to 98/68, pulse 64 sitting to 102/64, pulse 68 standing. Extension of her neuro exam from last visit shows DTRs being 2+ and symmetric throughout. Motor and sensory intact. Cerebellar intact. Finger to nose and rapid hand movement. Romberg neg.

EKG shows sinus brady w/ what looks like a PVC superimposed on a sinus beat. Otherwise, normal appearing.

- A&P: 1. Dizziness. I feel her presyncopal spell today was once again vasovagal but I am somewhat concerned with her persistent dizziness. She does have orthostatic hypotension and recommend that she drink at least 8 glasses of water daily and rise slowly from seated position flexing her toes. I'll have her try Antivert 25mg q6h prn to see if this is simply an inner ear dysequilibrium.
2. UTI. Today UA shows 5-10 WBCs, 2+ bacteria and occasional epi's and we'll culture this to see if it is completely cleared. T3, T4, TSH, glucose and screening lipid pending. She is to call Monday if ex unresolved.

James W. Hudson, M.D./ac

Wt. 149 Temp 99.9
CC: Went to Anderson ER Sat., body aches,
fever, 7/11

after some Monday,
still pain across shoulder
to H/L / mosquito bites.
Dress.

ENB

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JAMES E BARNETT, MD

STANLEY I. COLEMAN, JR., MD

LANDRUM I. McCARRELL, JR., MD

JAMES W. HUDSON, MD

PATIENT NAME: Carolyn Nicholson

CHART #: NICC

DATE: 10/16/2002

- S: Patient is here today for chest pain. Also c/o headache. She has a throbbing pressure-like discomfort in her chest. She also has neck pain in the back of her head for 3 weeks.
- O: W 150. T 99.1. TMs are clear. The pharynx is red, purulent drainage is in the pharynx and the nostrils. Lungs are clear. Heart is regular. EKG is normal. Chest x-ray is clear. Rapid troponin was negative.
- A: Chest pain. Sinusitis, headache.
- P: Amoxil 875 1 bid. Cephadyne 1 q6 prn for headache and then also Sudal 60/500 1 bid. Lincocin 2cc IM. Recheck here if no improvement.

Landrum I. McCarrell, Jr., M.D./ps

10/16/02
Chest pain
Pt went to Gm ER yesterday EKG done
Labs done X Ray. Wt-147 Temp 99.2
① chest pain / WNL / NO
EKG / BCP
O₂ Sat 97% (10/16/02)
Nexio m
relax
5/17/02

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JAMES E BARNETT, MD

STANLEY I. COLEMAN, JR., MD

LANDREU M. McCARRELL, JR., MD

JAMES W. HUDSON, MD

PATIENT NAME: Carolyn Nicholson

CHART #: NICC

DATE: 06/13/2003

S: Pt seen in ER last night re chest wall pain. Of interest, she states that when she turns her head to the rt, to the side that it hurts, it sends muscle spasm and pain down the paracervical area and the rhomboid area and the medial scapula distribution. So I think this is probably musculoskeletal. She had blood work, normal EKG, normal chest x-ray. Everything was normal. She had no SOB but she feels it pull when she takes a deep breath. Get all the reports and oximetry today is fine, 97% on room air. No calf tenderness. No physical abnormalities except the muscle area which is tender to palpate.

A: Musculoskeletal chest wall pain.

P: She is not on BCPs or anything that would predispose her to pulmonary emboli and she is not SOB right now so I think that is unlikely although if it continues we may have to address this as a remote possibility. I am going to put her on moist heat, Sta-Flex tid, and recheck her back in 2 or 3 days, sooner should she worsen at all.

Stanley I. Coleman, Jr., M.D./ps

28

dx: sinus

w/ 134

temp 98.2

Z Trifex
X Z

Aspirin

DATE		TIME OF MESSAGE		DATE OF MESSAGE		TIME OF MESSAGE		DATE OF MESSAGE		TIME OF MESSAGE	
9/14/04		8:55 AM		9/14/04		8:55 AM		9/14/04		8:55 AM	
CALLER'S NAME		CALLER'S PHONE #		CALLER'S NAME		CALLER'S PHONE #		CALLER'S NAME		CALLER'S PHONE #	
C/H		338-6996		C/H		338-6996		C/H		338-6996	
MESSAGE		MESSAGE		MESSAGE		MESSAGE		MESSAGE		MESSAGE	
I would murder again in AM,		I would murder again in AM,		I would murder again in AM,		I would murder again in AM,		I would murder again in AM,		I would murder again in AM,	
like for for this.		like for for this.		like for for this.		like for for this.		like for for this.		like for for this.	
Dr. C give her, Strangle, would		Dr. C give her, Strangle, would		Dr. C give her, Strangle, would		Dr. C give her, Strangle, would		Dr. C give her, Strangle, would		Dr. C give her, Strangle, would	
Rx change		Rx change		Rx change		Rx change		Rx change		Rx change	
9-14-04		9-14-04		9-14-04		9-14-04		9-14-04		9-14-04	
INITIALS		INITIALS		INITIALS		INITIALS		INITIALS		INITIALS	
C/H		C/H		C/H		C/H		C/H		C/H	

Travelers Rest Family Practice

Patient Name: Carl Nicholson
DOB: _____

Vital Signs: Weight 134 Height _____ Temp 99 BP 118/72 Pulse _____ Resp _____ Saturation _____ BMI _____

Allergies:

Chief Complaint: Both knees painful x 3 w

HPI: (location, quality, severity, duration, timing, context, modifying factors, associated s/s)

Right knee pain since

PMH/PSH:

Meds:

FHx:

SocHx:

Tobacco:

Alcohol:

Drugs:

Caffeine:

Sex:

Occupation:

Exercise:

Immunizations:

NO dx / NO hx of bde

RDS: (cross out if negative, circle if positive)

General - weight change fever/chills malaise fatigue diaphoresis hot flashes night sweats

Eyes - vision loss blurred vision diplopia scotoma amaurosis pain redness discharge dryness photophobia

Ears - hearing loss tinnitus otalgia discharge phonophobia

Nose - rhinorrhea congestion postnasal drip anosmia epistaxis facial pressure

Mouth/Throat - sore throat oral ulcers bleeding gums hoarseness snoring dentalgia

Neck - stiffness pain goiter mass

Respiratory - SOB cough wheezing hemoptysis sleep apnea TB exposed hx PPD+

Cardiovascular - chest pain palpitations orthopnea PND hx murmur syncope edema claudication

Gastrointestinal - abdominal pain nausea vomiting oral regurgitation heartburn dysphagia odynophagia hematemesis early satiety

diarrhea constipation melena hematochezia appetite

Genitourinary - dysuria frequency urgency incontinence (urge/stress) hematuria nocturia polyuria low force/flow ED

discharge dyspareunia dysmenorrhea menorrhagia metrorrhagia pruritus prolapse decreased libido

Musculoskeletal - arthralgia/stiffness swelling myalgias weakness Raynaud's with dx

Neurologic - headache seizures dizziness ataxia numbness paresthesias tremor dysarthria memory loss paresis

Psychiatric - anxiety depression anhedonia insomnia suicidal ideation delusions hallucinations (auditory/visual) decr. concentration

Endocrine - heat/cold intolerance polydipsia/polyuria/polyphagia

Heme/Lymph - easy bruisability swollen nodes tender - neck axillary inguinal

Allergy/Immunology - frequent infections seasonal/perennial allergies

Skin - rash lesions pruritus concerning nevi hair loss/dryness nail changes

Breast - lumps discharge pain bleeding

Physical Exam	Normal	Abnormal	Comments
General	☒		
Eyes	☒		
ENT	☒		
Neck	☒		
Cardiovascular	☒		<u>none</u>
Respiratory	☒		<u>none</u>
Gastrointestinal	☒		
Chest/Breasts	☒		
Genitourinary	☒		
Musculoskeletal		☒	<u>minimal swelling / no effusion</u>
Neurologic	☒		
Skin/Hair	☒		<u>no rash</u>
Lymphatic	☒		
Psychiatric	☒		

Labs/Studies:

Total Time Spent:

Time Counseling:

A/P:

Right knee pain

9/24/08 / ARR / CBC / ANA / RF
Prod 10 354x3 / 254x3 / 154x3

Date:

09/14/2008

MD:

[Signature]

Travelers Rest Family Practice

Patient Name:
DOB:Carolyn
NicholsonVital Signs: Weight 134 Height 5'8" Temp 99.2 BP 112/80 Pulse 68 Resp 16 Saturation 98

Allergies:

Chief Complaint: Arm & shoulder pain

HPI: (location, quality, severity, duration, timing, context, modifying factors, associated s/s)

PAIN (1 to 10)

PMH/PSH.

Meds:

FHx:

Soc Hx:

Tobacco:

Alcohol:

Drugs:

Caffeine:

Sex:

Occupation:

Exercise:

Immunizations:

ROS: (cross out if negative, circle if positive)

General - weight change fever/chills malaise fatigue diaphoresis hot flashes night sweats

Eyes - vision loss blurred vision diplopia scotoma amaurosis pain redness discharge dryness photophobia

Ears - hearing loss tinnitus otalgia discharge phonophobia

Nose - rhinorrhea congestion postnasal drip anosmia epistaxis facial pressure

Mouth/Throat - sore throat oral ulcers bleeding gums hoarseness snoring dentalgia

Neck - stiffness pain goiter mass

Respiratory - SOB cough wheezing hemoptysis sleep apnea TB exposed hx PPD+

Cardiovascular - chest pain palpitations orthopnea PND hx murmur syncope edema claudication

Gastrointestinal - abdominal pain nausea vomiting oral regurgitation heartburn dysphagia odynophagia hematemesis early satiety

diarrhea constipation melena hematochezia appetite

Genitourinary - dysuria frequency urgency incontinence (urge/stress) hematuria nocturia polyuria low force/flow ED

discharge dyspareunia dysmenorrhea menorrhagia metrorrhagia pruritus prolapse decreased libido

Musculoskeletal - arthritis stiffness swelling myalgias weakness Raynaud's

Neurologic - headache seizures dizziness ataxia numbness paresthesias tremor dysarthria memory loss paresis

Psychiatric - anxiety depression anhedonia insomnia suicidal ideation delusions hallucinations (auditory/visual) decr. concentration

Endocrine - heat/cold intolerance polydipsia/polyuria/polyphagia

Heme/Lymph - easy bruisability swollen nodes tender - neck axillary inguinal

Allergy/Immunology - frequent infections seasonal/perennial allergies

Skin - rash lesions pruritus concerning nevus hair loss/dryness nail changes

Breast - lumps discharge pain bleeding

Physical Exam Normal Abnormal Comments

General	✓		
Eyes			
ENMT			
Neck			
Cardiovascular	✓		
Respiratory	✓		
Gastrointestinal			
Chest/Breasts			
Genitourinary			
Musculoskeletal	✓		ROM Arm / Hip to subjective
Neurologic			
Skin/Hair			
Lymphatic			
Psychiatric			

Labs/Studies:

Total Time: _____
Time Counseling: _____

A/P:

AD arm / hip pain / PPD
 P. Polysone 10 3rd x 3 10
 2nd x 3 10
 David N - 20 1/20H
 Date: MAR 25 2009
 MD:

Carolyn
Nicholson

Travelers Rest Family Practice

Patient Name:
DOB:

Vital Signs: Weight 135 Height 99.4 Temp 128/76 BP 128/76 Pulse 99 Resp 16 Saturation 98 BMI 24.5

Allergies:

Chief Complaint: rev

HPI: (location, quality, severity, duration, timing, context, modifying factors, associated s/s)

PAIN (1 to 10)

PMH/PSH:

Meds:

FHX:

SocHx:

Tobacco:

Alcohol:

Drugs:

Caffeine:

Sex:

Occupation:

Exercise:

Immunizations:

RDS: (cross out if negative, circle if positive)

General - weight change fever/chills malaise fatigue diaphoresis hot flashes night sweats
Eyes - vision loss blurred vision diplopia scotoma amaurosis pain redness discharge dryness photophobia
Ears - hearing loss tinnitus otalgia discharge phonophobia
Nose - rhinorrhea congestion postnasal drip anosmia epistaxis facial pressure
Mouth/Throat - sore throat oral ulcers bleeding gums hoarseness snoring dentalgia
Neck - stiffness pain goiter mass
Respiratory - SOB cough wheezing hemoptysis sleep apnea TB exposed hx PPD+
Cardiovascular - chest pain palpitations orthopnea PND hx murmur syncope edema claudication
Gastrointestinal - abdominal pain nausea vomiting oral regurgitation heartburn dysphagia odynophagia hematemesis early satiety
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Allergy/Immunology - frequent infections seasonal/perennial allergies
Skin - rash lesions pruritus concerning nevi hair loss/dryness nail changes
Breast - lumps discharge pain bleeding

Physical Exam Normal Abnormal Comments

General	✓		
Eyes			4-8-09 Faxed info to SE Neuro.
ENMT			They will contact pt & call
Neck	✓	✓	4-9-09 Dr. Hodge 4-23-09
Cardiovascular	✓		
Respiratory	✓		
Gastrointestinal			
Chest/Breasts			
Genitourinary			
Musculoskeletal			
Neurologic			✓ some of sensation down
Skin/Hair			
Lymphatic			
Psychiatric			

Labs/Studies:

Total Time Spent:
Time Counseling:

A/P:

A) DDD C-spine ! important
B) To Dr. Hodge eval ?
Make 7.5 BP & food ?

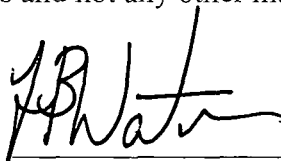
Date: APR 06 2009

MD:

CERTIFICATE OF COUNSEL

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

August 13, 2012

A handwritten signature in black ink, appearing to read "LB Watson", written over a horizontal line.

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Zachary M. Smith, Esquire
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