

The South Carolina Court of Appeals

Clarence Winfrey, Employee, Claimant, Respondent,

v.

Archway Services Inc., Employer, and American Fire &
Casualty Insurance Company c/o Liberty Mutual Group,
Carrier, Appellants.

Appellate Case No. 2014-001788

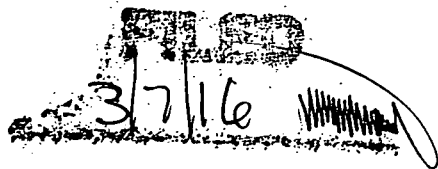
ORDER

Respondent has filed a motion to compel Appellants to authorize medical care recommended by Respondent's physicians, including a dental examination and heart surgery. Respondent argues the medical care has been awarded by the Appellate Panel and Appellants are required by that award and section 42-17-60 of the South Carolina Code (2015) to pay for the medical care.

Initially, we agree with Respondent that pursuant to section 42-17-60, an award of compensation and medical treatment is not stayed by an appeal to this court and an employer is required to provide the medical treatment ordered by the Appellate Panel pending the resolution of the appeal. However, we believe the question of whether the medical treatment sought by Respondent constitutes "medical treatment for his heart condition" as set forth in the Appellate Panel's order is a question more appropriate for the Appellate Panel, and the Appellate Panel retains jurisdiction to act on any such motion. Accordingly, we decline to act on the motion at this time.


FOR THE COURT

Columbia, South Carolina


3/7/16

cc:

Brett Harris Bayne, Esquire

George D. Gallagher, Esquire

Preston F. McDaniel, Esquire