

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

This appeal stems from injuries Respondent sustained when Respondent was shocked with 240-480 volts of electricity while working on a rotisserie oven. On March 7, 2016, Respondent filed a motion to compel medical care pursuant to the award of the South Carolina Workers' Compensation Commission under section 42-17-60 of the South Carolina Code (2015). Respondent argued that Appellants had refused to authorize medical treatment recommended by Respondent's surgeon at the Medical University of South Carolina (MUSC), including a dental examination and valve repair surgery. On March 7, 2016, this court issued an order agreeing that medical treatment awarded by the Commission is not stayed on appeal pursuant to section 42-16-60, but finding the question of whether the medical treatment sought by Respondent was "medical treatment for his heart condition" as set forth in the Appellate Panel's order was a question more appropriate for the Commission.

Respondent has now filed a petition for rehearing, explaining that Respondent's "condition is extremely delicate," Respondent's surgeon at MUSC sought to schedule valve repair surgery within seven days of January 5, 2016, and any delay could result in "an absolutely devastating situation for [Respondent], up to and including his death."

After careful review of this matter, Respondent's motion is granted. We reject Appellants' position that depositions are necessary at this time to establish whether the recommended treatment is causally related to Respondent's heart condition given that Respondent's surgeon recommended valve repair surgery within seven days of January 5, 2016. We note that nothing prevents Appellants from raising the issue after Respondent receives the recommended treatment.

Paul W. Thomas

J.

John D. Bestman

J.

James E. Selby

J.

Columbia, South Carolina

cc:

Brett Harris Bayne, Esquire

George D. Gallagher, Esquire

Preston F. McDaniel, Esquire

FILED
March 18, 2016 jak