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APPELLATE PANEL

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SC Court of Appeals

DECISION AND ORDER

of the

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO. 1414226

**Laurent W. Britton, Decedent/Employee,
and Marsha P. Britton,
Claimant,**

v.

Charleston County, Employer,

and

**SC Association of Counties SIF, Carrier,
Defendants.**

AFFIRMED IN FULL

Appellate Panel Review held in Columbia, South Carolina on November 17, 2015, per notices
Timely and properly served upon all parties of interest.

Appellate Panel Decision and Order filed January 12th, 2016.

APPEARANCES:

Claimant/Respondent represented by R. Walter Hundley, Esquire
Defendants/Appellants represented by Wood Law Group, LLC, J. Hubert Wood, III, Esquire,
appearing.

22. R. 67-206 is applicable in defining "Filing a claim."
23. R. 67-207 is applicable in defining "Requesting a Hearing, Claimant."
24. R. 67-602 is applicable in defining required information for hearings.
25. R. 67-1605 is applicable in defining "Lump sum payment."
26. R. 67-1605(E)(5) is applicable in defining discount tables designated by the Commission.

ORDER

NOW THEREFORE IT IS ORDERED,

That the Defendants shall pay to the Claimant Five Hundred (500) weeks of compensation in a commuted lump sum at the rate of Seven Hundred and Fifty-Two and 16/100ths (\$752.16) Dollars subsequent to Decedent's date of death calculated per Regulation 67-1606 (A)(1)(2) and the Commission's designated discount table per Regulation 67-1605 (E)(5), and funeral benefits pursuant to Section 42-9-290.

No hearing costs are assessed in this matter.

AND IT IS SO ORDERED.

Within the statutory period, the Defendants filed a Request for Commission Review setting forth their grounds of appeal, copies of which were furnished to all interested parties prior to oral arguments presented before the Appellate Panel on November 17, 2015. It was the position of the Claimant that the Decision and Order of the Hearing Commissioner should be affirmed in its entirety.

All proffered testimony has been taken. Such, together with documentary evidence has been delivered by argument to the individual members of the panel and has been under study and consideration.

By appeal, Appellants-Defendants respectfully submitted:

1. Did the Hearing Commissioner err to the extent her Decision and Order finding the claim compensable and awarding death benefits to be paid by the Defendants was conditioned upon the Defendants' failing to obtain and present into evidence an expert medical opinion contesting the issue of medical causation; the error of being that medical causation is only one component of the compensability analysis with the other being the Claimant's burden to establish that the deceased employee's heart attack and resulting death were the unexpected result of unusual and extraordinary conditions of the particular employment or resulted from an unusual/unexpected/excessive strain or overexertion and to the extent the Hearing Commissioner co-mingled these separate and distinct requirements for compensability, did she err as a matter of law?
2. Did the Hearing Commissioner err as a matter of law in finding/concluding that the claim is compensable and in awarding death benefits under the Workers' Compensation Act; the error being that the Hearing Commissioner's findings of fact Nos. 6, 7, 10 and 17 (c)(e) and (f) render the claim not compensable as a matter of law under the applicable compensability standard for heart attack claims?
3. Did the Hearing Commissioner err with respect to her findings of fact Nos. 8 and 13; the error being that such are not supported by the greater weight of the evidence in the record with respect to the deceased Employee's regular and usual work hours, the hours worked by the deceased Employee on the dates in question, and the regularity and nature of the deceased Employee's overtime/after hours work?
4. Did the Hearing Commissioner err as a matter of law in finding and concluding that the claim is compensable and in awarding death benefits under the Workers' Compensation Act apparently based on a determination that the emergency scene/event in question was unusual and/or not typical; the error being that the Hearing Commissioner failed to consider, or even acknowledge (as clearly evidenced by her finding of fact No. 18), the uncontradicted evidence in the record establishing that all emergencies involve a threat to human life, serious injury and/or property damage; that all emergency scenes involve different facts and circumstances; that the deceased Employer's position of employment with the Defendant Employer required him to be available twenty-four/seven for emergency response; that his work activities and conditions of employment on the dates in question were standard, necessary, disclosed and known components of his position of employment with the Defendant/Employer and that the deceased Employee was thoroughly trained in all aspects of emergency response to include the work activities he was performing on the dates in question and had such been considered, the claim should not have been

found compensable as a matter of law?

5. Did the Hearing Commissioner fundamentally err as a matter of law in her analysis of whether the deceased Employee's heart attack and subsequent death were the result of unusual and extraordinary conditions of employment by focusing on the facts and circumstances of the underlying emergency scene (where the deceased Employee was not even present) and the frequency with which similar emergency events occur (see Hearing Commissioner's findings of fact Nos. 9, 11, 12, 13 and 18)?
6. Did the Hearing Commissioner err as a matter of law in her compensability analysis by focusing on the facts and circumstances of the underlying emergency event (where the deceased Employee was not even present) in assessing whether the deceased Employee's heart attack and resulting death were the result of unusual and extraordinary conditions of employment rather than assessing whether the deceased Employee's job activities and conditions of employment on the dates in question were standard and necessary components of his position of employment, known and disclosed to the deceased Employee and for which the deceased Employee was thoroughly and appropriately trained?
7. Did the Hearing Commissioner err as a matter of law in apparently basing her finding and conclusion in favor of compensability and the award of death benefits on the fact that every single witness testified that the circumstances regarding the standoff/shootings were unusual and/or not typical and not a single witness testified to the contrary (see Hearing Commissioner's finding of fact No. 18); the error being that the analysis of compensability with regard to whether the deceased Employee's heart attack and resulting death were the result of unusual and extraordinary conditions of employment should not have focused on the facts and circumstances of the underlying emergency incident (where the deceased Employee was not present) but rather should have been based on a determination of whether the conditions of the deceased Employee's employment at the time in question were standard, necessary, disclosed and known components of his position of employment with the Defendant Employer for which he was thoroughly and appropriately trained?
8. Did the Hearing Commissioner err as a matter of law in finding and concluding that the claim is compensable and in awarding death benefits when the uncontradicted evidence in the record establishes that the deceased Employee's position of employment with the Defendant Employer required him to be available twenty-four/seven for emergency response, that such was a standard, necessary known and disclosed component of his position of employment, that the deceased Employee was thoroughly and appropriately trained for such; that all emergency events involve different facts and circumstances; that all emergency events involve threat to human life, threat of serious injury and/or damage to property, and that the deceased Employee was performing such job activities without encountering any unusual and extraordinary problems of such when he suffered a heart attack that ultimately resulted in his death?
9. To the extent the particular facts and circumstances of the underlying emergency event (at which the deceased Employee was not present) are dispositive with respect to determining whether such constituted unusual and extraordinary conditions of the

deceased Employees' employment at the time in question, did the Hearing Commissioner err as matter of law in focusing her analysis on the frequency with which similar emergency events and circumstances occur rather than focusing her analysis on whether the deceased Employee's involvement in such on the night in question was a disclosed, known, standard and necessary component of his position with the Defendant Employer for which he was appropriately and thoroughly trained?

10. Did the Hearing Commissioner err as a matter of law in failing to deny and dismiss the claim with prejudice based on a failure to prove facts sufficient to establish compensability of a heart attack claim; the error being that denial and dismissal of the claim with prejudice as a matter of law should have been ordered based on the undisputed evidentiary record which establishes that all emergency scenes involve different facts and circumstances; that all emergencies involve threat to human life, serious injury and/or property damage; that the deceased Employee's position of employment with the Defendant Employer required him to be available twenty-four/seven for emergency response; that the deceased Employee was thoroughly and appropriately trained in performing the job activities required in his position of employment with the Defendant Employer and was performing such without incident or problem at the time in question; that said job activities including emergency response on a twenty-four/seven basis was a known and disclosed component of the deceased Employee's position of employment with the Defendant Employer and were, therefore, a standard and necessary component of the deceased Employee's employment with the Defendant Employer and the frequency with which the facts and circumstances of the underlying emergency event occur, or have occurred, is not material to the compensability analysis?
11. Is the Hearing Commissioner's Decision and Order finding and concluding that the claim is compensable and awarding death benefits insufficient and illegal as a matter of law; the error being that the Order fails to state with specificity the unusual and extraordinary conditions of employment and/or the unusual/unexpected/excessive strain or overexertion which the Hearing Commissioner found caused the deceased Employee's heart attack and subsequent death and is therefore, insufficient to allow a reviewing court to determine whether the finding/conclusion of compensability and award of death benefits is supported by substantial evidence in the record and applicable law?
12. Did the Hearing Commissioner err as a matter of law and fact with respect to her findings of fact Nos. 15 and 16 to the extent such provide a basis for her finding/conclusion of compensability and award of death benefits; the error being that both Dr. Wilson and Sheriff Cannon, along with the Claimant and the Claimant's other witnesses, testified that they had no knowledge of the deceased Employee's job activities on the night in question and/or whether such were unusual and extraordinary conditions of the deceased Employee's employment and, moreover, the uncontradicted evidence in the record and applicable law indicates that working after hours was not an unusual and extraordinary condition of the deceased Employee's employment; that there was no unusual/unexpected/excessive strain or overexertion by the deceased Employee on the night in question and that working after hours per se does not constitute an unusual and extraordinary condition of employment nor does such constitute an unusual/unexpected/excessive strain or overexertion?

EVIDENCE OF THE CASE

Oral arguments were presented before the Appellate Panel on November 17, 2015, which consisted of Commissioner Aisha Taylor, Commissioner Gene McCaskill and Commissioner Melody L. James as Chair. The Appellants argued that the Hearing Commissioner's Decision and Order failed to make specific findings of fact with respect to the unusual and extraordinary conditions of the Decedent's employment and/or the unusual strain or overexertion to which he was exposed in the performance of his duties on the evening in question. Appellants went on to cite the Bentley case in support of their argument that it is not the frequency of events to which you look in determining whether employment conditions are unusual or extraordinary. The Appellants also referred to the Bentley case in arguing that 24/7 emergency response was a disclosed component of the Decedent's position with Charleston County and therefore, the long hours that he worked on September 8th and September 9th, 2014, do not constitute unexpected strain or overexertion. The Appellants noted that the Respondent cited the McWhorter case heavily in their Brief and argued that the facts in that particular case, where the South Carolina Supreme Court affirmed the Industrial Commission's Decision that the Decedent suffered a fatal heart attack as a result of overexertion in the performance of his duties, could be distinguished from the facts in the instant case.

The Respondent argued that unlike in Bentley, there was an aggravating combination of circumstances present in this case that elevated the Decedent's employment conditions on the evening in question to unusual and extraordinary which ultimately caused his heart attack and subsequent death. Commissioner James asked Respondent to speak to the proposition that under Bentley, you do not look to the frequency of an event in determining whether employment conditions are unusual or extraordinary. Respondent confirmed that Bentley would not have us

look solely to the frequency of an event occurring in defining what constitutes unusual and extraordinary. However, Respondent clarified that Bentley also stands for the proposition that a combination of factors/circumstances can elevate conditions of employment to unusual and extraordinary. Respondent argued that in the instant case, the frequency with which a similar event has occurred is just one of the many factors in an aggravating combination of circumstances that rendered the Decedent's conditions of employment on the date in question unusual and extraordinary.

Respondent did not disagree with Commissioner James' statement that 24/7 emergency response was a disclosed component of the Decedent's position with Charleston County. However, Respondent pointed out that unlike the Claimant's injuries in Bentley, the Decedent's heart attack and resulting death in this case were not solely the result of this particular job duty, but rather the result of a combination of factors that culminated on this particular evening. Respondent confirmed Commissioner' James statement that what ultimately distinguishes this case from Bentley is that all the witnesses testified to the fact that this was an unusual emergency, that two deputies were shot, and that per the testimony of one witness, the extraordinary set of circumstances surrounding this event were such that he had not experienced in his thirty-five years serving as a first responder.

Commissioner James noted on the record that most of the witnesses defined emergency as anything catastrophic, but she pointed out that they characterized this particular emergency as unusual. In reliance on the finding set forth in McWhorter, that unexpected strain or overexertion is not limited to a physical context, the Respondent contended that the Decedent was under significant emotional strain, time pressure and worry throughout the course of the evening as evidenced by the testimony of all witnesses, the Decedent's conversation with defense witness William Tunick, and the uncontradicted medical causation.

Commissioner James questioned Appellant as to whether the present case is also distinguishable from Bentley in that the Decedent was a first responder and that this situation involved the death and/or potential death of other first responders. The Appellant admitted that the Respondent established that the first responder community is like a brotherhood, but argued that “[i]t’s not like” the deputies who were wounded and killed were the Decedent’s “former co-worker[s] or somebody he knew personally.” In response, Commissioner James referenced a piece of testimony given by defense witness, William Tunick, in which he stated that the Decedent believed the officer who was shot was a friend. Appellant noted that Mr. Tunick went on to testify that the Decedent later discovered that the officer killed in the line of fire was not someone he knew personally. Despite that later knowledge, Respondent pointed out that for a period of time on the evening in question, the Decedent was under the impression that the officer killed was a personal friend.

FULL COMMISSION FINDINGS OF FACT

Based upon the stipulation of the parties, the evidence presented pursuant to the Administrative Procedures Act, and the testimony and exhibits presented at the hearing, we hereby make the same Findings of Fact and Conclusions of Law as those made by the Single Commissioner:

1. Claimant alleges that Decedent-Employee died of a work-related heart attack/injury on September 9, 2014, as a result of extraordinary and unusual conditions of employment.
2. Although the claim is in a denied posture, (a) Employer requested that the claim be found compensable, and filed a claim on behalf of Claimant (Claimant’s APA, Exhibit G and M; Deposition of Cannon, page 85); and (b) Defendants presented no competing medical causation opinion--including from a cardiologist or otherwise--to refute the medical causation opinion submitted by Claimant (medical evidence in its entirety).
3. On the date of accident, Decedent-Employee was 58 years of age (medical evidence establishing Claimant’s date of birth as 9/4/56).

4. Decedent-Employee was a non-smoker (Claimant's APA #1, e.g., pages 5, 9, and 50; Defendants' APA #14, page 226; Defendants' APA #15, page 230).
5. There are no medical records in evidence documenting any prior episodes of chest pain, heart disease, or other complaint regarding Decedent-Employee's heart; in fact, (a) Emergency Room records from the date of the accident state that Decedent-Employee had "no cardiac history" and "no coronary artery disease;" (b) EMS records also state that Decedent-Employee had no cardiac history; (c) 23 years of family physician records are devoid of any mention of chest pain or other coronary problem or complaint; and (d) other records also state that Decedent-Employee had never had coronary heart disease, congestive heart failure, valve disease or heart murmurs, or other cardiovascular disease. Decedent-Employee did have pre-existing diabetes (often uncontrolled, including on the date of the injury), hypertension, and high cholesterol, all of which are risk factors for heart disease or a heart attack (medical evidence in its entirety including but not limited to Claimant's APA #4, pages 55 and 67; Claimant's APA #5, page 75; Claimant's APA #1, page 16; Defendants' APA #14, page 226; Defendants' APA #15, pages 230-231, 234-235, 237, and 244-248; Defendants' APA #16, pages 249-250; Defendants' APA #19, page 287; testimony of Kratz; Deposition of Marsha Britton, page 19; Deposition of Dr. Wilson, pages 11-12, 16-24, and 32-34).
6. On the date of the accident in issue, Decedent-Employee's job was Manager of Communications for the County of Charleston, a job which required him, among other things, to manage the county-wide 800 MHz Radio system, and be available "24/7" for emergencies requiring special radio communications needs. Decedent-Employee was promoted to this position in January 2011 (Defendants' APA #12, page 163; Defendants' APA #13, page 211; Defendants' APA #17, pages 253 and 255; Deposition of Cannon, pages 24, 26-28, 46-48, and 76-77).
7. Defendants' personnel records describe Decedent-Employee as the "critical link on all user radio programming." Sherriff Cannon describes Decedent-Employee's work as a "critical element of emergency situations." Decedent-Employee's job, among other things, required him to ensure interoperability and reliable communications between and among emergency teams (Defendants' APA #13, pages 212 and 218; Deposition of Cannon, pages 24 and 26-28).
8. On the day of the alleged accident, after working his regular shift of 7:30 a.m. to 3:30 or 4:30 p.m., Decedent-Employee had to return to work in the communications building to manage the communications for a "very complex emergency situation." In addition to his regular hours he previously worked that day, Claimant also worked from approximately 7:30 p.m. until 1:30 a.m., when Decedent-Employee called EMS because of experiencing chest pain and shortness of breath while performing his emergency job duties (Deposition of Marsha Britton, pages 24, 36, and 44-45; Deposition of Al Cannon, pages 31, 38-40, and 78-79; Defendants' APA #16, page 249; testimony of Tunick).

9. The nature of the emergency on the date of the alleged accident involved two deputy sheriffs (and other officers) in a 9-hour standoff with an armed and intoxicated suspect who was "shooting through the walls" of an apartment, such that the two deputy sheriffs were taking fire from the perpetrator. Both deputies were shot by the perpetrator, and one of the deputies died of his wounds (Claimant's APA, Exhibit A, Exhibit B, and Exhibit K; Deposition of Cannon, pages 29, 36-38, and 41-46; Defendants' APA #18 in its entirety, including but not limited to pages 273-274 and 276-286).
10. Away in an office from the actual scene of the crime, Decedent-Employee was required to monitor/coordinate the communications of multiple law enforcement entities who were involved in the standoff (Deposition of Cannon, pages 31, 35, and 47; testimony of Marsha Britton; testimony of Kratz; Deposition of Wilson, page 42; evidence in its entirety).
11. Defendants did not present any testimony to refute the testimony of Wooten and Shealy, who testified that a 9-hour standoff where officers are "down" (a) is atypical, (b) was not a normal emergency, (c) was not a "routine" emergency, (d) was "entirely different" than ordinary emergencies, and (e) was more unusual *vis a vis* other emergencies. In fact, Defendants' witnesses (Tunick and Kratz) also testified that the standoff/shootings were not a normal emergency. Sheriff Cannon, Claimant's witness via deposition testimony, testified that the standoff/shootings were "unique" and "extraordinary" within the definition of "emergency," and that to describe the circumstances as exceptional or unusual would be an "understatement" (testimony of Wooten; testimony of Shealy; Deposition of Cannon, pages 52, 57, 63, 65-70, 73, 76, and 81-83).
12. The last time a deputy was shot in Charleston County was 8-10 years prior to the date of the incident in issue (Deposition of Cannon, page 69).
13. According to Claimant, it was not typical, not a "regular occurrence," and "not usual" for Decedent-Employee to work at the office after hours, and in those cases when he did, Decedent-Employee usually worked an hour or two (Deposition of Marsha Britton, pages 36-39 and 44-45).
14. No autopsy was performed (Defendants' APA #12, page 160; Deposition of Dr. Wilson, pages 31 and 55).
15. The only causation statement in evidence (Dr. Wilson) states that unexpected strain and overexertion on September 8, 2014, and September 9, 2014, caused a sudden, acute myocardial infarction. Further, the causation statement was provided by Decedent-Employee's longtime family physician, who is very familiar with Decedent-Employee's medical history. Dr. Wilson ultimately does not retreat from

his opinion (Claimant's APA #6, page 79; Deposition of Dr. Wilson in its entirety, including but not limited to pages 5-6, 14-16, 35-36, 42-43, 48, and 51-60).

16. Dr. Wilson admits that he does not know Decedent-Employee's exact job description on the night in question other than the job involved coordinating communications and working all night (after having already worked a full/regular complement of hours); Decedent-Employee was alone in the communications room. However, Dr. Wilson states that he believes that the amount of the additional hours worked in an emergency situation for a person with Claimant's pre-existing condition resulted in the heart attack. After the date of his written opinion, Dr. Wilson considered Sheriff Cannon's statement and ratified his written opinion. The undersigned considered both Cannon's statement and testimony (Deposition of Dr. Wilson, pages 35-37, 39, and 44-50).
17. I considered the facts that (a) Decedent-Employee's father had suffered a heart attack and had coronary artery disease—he did not die from a heart attack, however (Claimant's APA #1, pages 2 and 26; Deposition of Dr. Wilson, pages 9-10); (b) Decedent-Employee's sister had suffered a mild heart attack, and later underwent aortic valve bypass surgery (Claimant's APA #1, page 2, 9, and 26); (c) there is no evidence that Decedent-Employee had a personal relationship with either officer shot in the standoff (Deposition of Marsha Britton, page 34-35 and 43; Deposition of Cannon, page 54); (d) Dr. Wilson (Claimant's expert) is not a cardiologist; however, Defendants could have provided a competing opinion from a cardiologist or any other physician, but chose not to do so (medical evidence in its entirety; Deposition of Dr. Wilson, pages 56-57); (e) although the communications system had a potential for overload, there is no evidence that the equipment malfunctioned or broke down during the standoff and its aftermath (evidence as a whole; testimony of Shealy; testimony of Tunick; Deposition of Cannon, page 48); (f) only Decedent-Employee was in the communications room (*i.e.*, the duties performed in the room were solely and wholly his own), so there is no way for Cannon or Wilson to have spoken with Claimant directly about the night in question; however Dr. Wilson reviewed Cannon's statement as to the circumstances of the standoff, and Cannon--as sheriff--was briefed as well by his subordinates (Deposition, of Wilson, pages 50 and 60-61; Deposition of Cannon, including but not limited to page 50).
18. After consideration of all the evidence, what is left is (a) the fact that every single witness testified that the circumstances regarding the standoff/shootings were unusual and/or not typical; not a single witness testified to the contrary; (b) Claimant's causation statement, which is the only causation statement in evidence; (c) Claimant had no prior treatment for or complaints relating to heart issues; and (d) Claimant's burden of proof is a preponderance of the evidence, rather than a clear and convincing or other heightened standard.
19. The decision in this case is strictly limited to the particular facts and other evidence before the undersigned.

20. Defendants conducted a good faith dependency investigation, the results of which are unequivocal (Defendants' APA #12). Apart from Marsha Britton, the deceased's surviving spouse and a presumed whole dependent, there were no other individuals dependent, either partially or totally/presumed or in fact, upon the deceased's earnings for support at the time of his death and/or for three months prior thereto and accordingly, there are no other individuals entitled to death benefits in this matter.
21. Based upon the dependency investigation and the testimony of Claimant Britton (Decedent-Employee's surviving spouse), Britton is entitled to receive 500 weeks of compensation in a lump sum commuted value determined from the date of death, and the funeral benefit pursuant to Section 42-9-290 (See Deposition of Marsha Britton, page 9).
22. Decedent-Employee's average weekly wage is \$1,332.61, yielding a compensation rate of \$752.16.

FULL COMMISSION CONCLUSIONS OF LAW

27. S.C. Code Ann. §42-1-40 is applicable in determining "average weekly wage."
28. S.C. Code Ann. §42-1-120 is applicable in defining "disability."
29. S.C. Code Ann. §42-1-130 is applicable in defining "employee."
30. S.C. Code Ann. §42-1-140 is applicable in defining "employer."
31. S.C. Code Ann. §42-1-150 is applicable in defining "employment."
32. S.C. Code Ann. §42-1-160 (A) is applicable in defining a compensable "injury."
33. S.C. Code Ann. §42-1-160 (C) is applicable in determining the compensability of "heart attacks" that arise out of and in the course of employment.
34. S.C. Code Ann. §42-1-160 (E) is applicable in defining "medical evidence" in "medically complex cases."
35. S. C. Code Ann. §42-1-160 (G) is applicable in defining "medical evidence."
36. S.C. Code Ann. §42-1-175 is applicable in defining "surviving spouse."
37. S.C. Code Ann. §42-9-5 is applicable in defining "Basis for award."

38. S.C. Code Ann. §42-9-10 is applicable in defining "total disability."
39. S.C. Code Ann. §42-9-90 is applicable in determining increase in compensation which is not paid when due.
40. S.C. Code Ann. §42-9-110 is applicable in defining "Persons conclusively presumed to be wholly dependent."
41. S.C. Code Ann. §42-9-290 is applicable in determining "Amount of compensation for death of employee."
42. S.C. Code Ann. §42-9-301 is applicable in defining "Lump-sum payments."
43. S.C. Code Ann. §42-15-20 is applicable in determining proper notice of an accident.
44. S.C. Code Ann. §42-15-40 is applicable in determining the "time for filing claim."
45. S.C. Code Ann. §42-17-40 is applicable in defining the "conduct of Hearings and Awards," and "evidence allowed."
46. S.C. Code Ann. §42-17-50 is applicable in defining "Review and rehearing by commission."
47. S.C. Code Ann. §42-17-60 is applicable in defining "Conclusiveness of award; appeals."
48. R. 67-206 is applicable in defining "Filing a claim."
49. R. 67-207 is applicable in defining "Requesting a Hearing, Claimant."
50. R. 67-602 is applicable in defining required information for hearings.
51. R. 67-1605 is applicable in defining "Lump sum payment."
52. R. 67-1605(E)(5) is applicable in defining discount tables designated by the Commission.

In an Appellate Review, the Full commission has the power to weigh the evidence as presented at the initial hearing and after careful review in the instant case, the Full Commission,

by unanimous vote, has determined that the Hearing Commissioner's Decision and Order should be Affirmed in Full.

ORDER

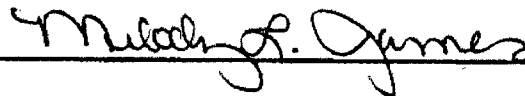
The Decision and Order of the Single Commissioner filed in the above entitled matter on August 17, 2015, is hereby Affirmed in Full by the Appellate Panel and shall constitute the Decision and Order of the Appellate Panel.

That the Defendants shall pay to the Claimant Five Hundred (500) weeks of compensation in a commuted lump sum at the rate of Seven Hundred and Fifty-Two and 16/100ths (\$752.16) Dollars subsequent to Decedent's date of death calculated per Regulation 67-1606 (A)(1)(2) and the Commission's designated discount table per Regulation 67-1605 (E)(5), and funeral benefits pursuant to Section 42-9-290.

AND IT IS SO ORDERED.

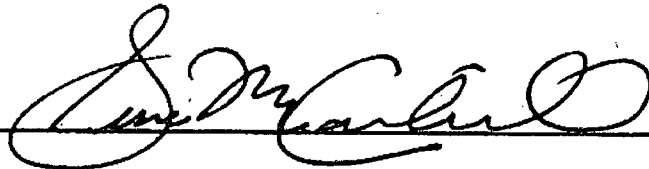
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S.C. WORKERS' COMPENSATION COMMISSION



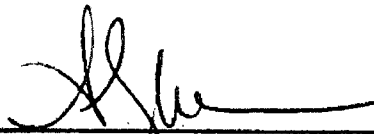
Melody L. James, Commissioner for the Appellate Panel

CONCUR:



Gene McCaskill, Commissioner

CONCUR:



Aisha Taylor, Commissioner

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Kim Falls on January 12, 2016