

APPEARANCES

COMMISSION PANEL:

Gene McCaskill, Chair

Melody James

Mike Campbell

Harry Reese

8408 Little John Drive
Columbia, South Carolina 29209
Pro Se Claimant

Page P. Snyder, Esquire

State Accident Fund
800 Dutch Square Blvd., Suite 160
Columbia, South Carolina 29210
Attorney for the Defendant, State Accident Fund

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CREEL COURT REPORTING, INC.

1230 Richland Street / Columbia, SC 29201

(803) 252-3445 / (800) 822-0896

1 **COURT REPORTER:** Today is December 14th, 2015. This
2 is South Carolina Workers' Compensation Case
3 Number 1322039. This is the case of Harry
4 Reese, Claimant, versus SC Department of Mental
5 Health, Employer, and State Accident Fund is
6 the carrier. The Appellant is the Claimant,
7 Harry Reese, who is Pro Se. The Respondent is
8 represented by Page P. Snyder. Each side is
9 allowed ten minutes for oral argument and three
10 minutes in reply. You are requested to argue
11 the grounds of exception and stay within the
12 record.

13 **COMMISSIONER MCCASKILL:** Mr. Reese, before we went
14 on the record, we talked about you going
15 forward today representing yourself waiving
16 your right to legal representation. Is it
17 still your desire to go forward representing
18 yourself, sir?

19 **MR. REESE:** Yes, sir.

20 **COMMISSIONER MCCASKILL:** All right. If you'll come
21 to podium, you'll have ten minutes to address
22 the commission.

23 **COMMISSIONER CAMPBELL:** Take a deep breath before
24 you start. You have nothing to be nervous
25 about.



1 COMMISSIONER MCCASKILL: You don't need to be sworn
2 in. Just tell us your side, sir. What are you
3 asking of us today, sir?

4 MR. REESE: I'm asking for you to overturn
5 Commissioner Barden's agreement, because it was
6 unjust and unfair. They knew that Dr. Thornton
7 was my medical doctor while I was at Palmetto
8 Health Baptist, and according to the law, they
9 have to go by what the medical doctors say, and
10 I had three doctors that said, you know, this
11 is what it related -- and my condition was due
12 to, yet they relied on Dr. Roundy, and I told
13 them, Dr. Roundy was my therapist, but they
14 still went with the therapist's statement. I
15 even gave them e-mails -- Ms. Snyder e-mails
16 during my deposition, and I even told her
17 during my deposition that Dr. Thornton was my
18 doctor and not Dr. Roundy. Dr. Roundy was my
19 therapist. More importantly, they used
20 Dr. Browning's common statement to say that I
21 didn't have -- it wasn't work related, which
22 was a lie, because Dr. Roundy, even though he
23 said it was work related. When you look at the
24 clinical note that he wrote, he said, you
25 know -- what did he say -- he said it was



1 unfair treatment, and he wasn't -- that
2 Palmetto Health Baptist wasn't going to be able
3 to talk to DMH, because they couldn't do that
4 and talk to DMH about unfair treatment, because
5 they couldn't do that, and I even tried to get
6 Dr. Roundy here, which is in the claimant's
7 appellant package beforehand, and I couldn't
8 get him to come here, and I tried to let
9 Commissioner Barden hear the message that
10 Ms. Hobbs -- Ms. Hobbs, who was the Director of
11 Palmetto Health Baptist, and she said he no
12 longer worked there, because he retired. So,
13 what I did, I tried to get Dr. Thornton -- and
14 all of this is in the documentation, and I
15 tried to get Dr. Thornton to authenticate his
16 assessment, whether it was work related. As a
17 matter of fact, it was significant and ongoing
18 work related stress that led to depression, and
19 it exacerbated my medical condition. So, three
20 doctors, three doctors -- and they relied --
21 and Dr. Kirkland, he gave his medical opinion
22 again, and he said "This is job related",
23 nothing else, and Chuck -- we call him Chuck,
24 but it's Dr. Roundy, in his discharge summary,
25 it even said stress, and it went on to



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1 describing what type of stress, the job stress,
2 and it went on to put a modifier on it, and it
3 said "severe job stress". So, they're going to
4 say, "Well, because he said ..." -- but yet,
5 during a discharge summary, not only did he
6 describe it as severe job stress, he also did
7 one of the most dynamic things there was, and
8 that was to refer me over to another counselor
9 based on the Palmetto Health Team saying that
10 "He needed ongoing treatment to sustain life".
11 More importantly, Dr. Thornton was the one that
12 prescribed the medication, and Commissioner
13 Barden, she didn't even look at the medication
14 list. She didn't review the policies. There's
15 nothing in the -- there's no evidence that she
16 reviewed the policies, and I can give you an
17 example of that. When it says I was written up
18 for a HIPAA violation, the policy says that, as
19 a staff member, you're supposed to document
20 adverse incident reports. I did that. I
21 received it. I did that. So, she had no
22 authority telling me not to document anything,
23 but that's what your policy says. More
24 importantly, Dr. Bank knew that it wasn't a
25 HIPAA violation. Even when I met with Dr. Bank



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1 during that hearing about this HIPAA PROCESS,
2 and Commissioner Barden made no reference to it
3 in her finding of fact. The attorney, Joseph
4 Henry -- Joseph Henry's information, he said --
5 even when we sat down, he said in his letters
6 in that claimant's APA package twice, he said
7 "You all have still not, not one time produced
8 a policy that says Mr. Reese violated any
9 provisions of any policy of DMH". So, if
10 they're not -- if the executive director who
11 signs these policies says, "Hey ..." -- if he
12 can't produce a policy, and when the board, Mr.
13 -- shoot -- Mr. Childs, when Kenneth Childs,
14 one of the board members, when I told him -- I
15 said, "Look, Mr. Childs, I cannot work with
16 your (witness not understandable here)" -- and
17 she said that's a HIPAA violation, because
18 she's in another program, and Mr. Childs
19 said -- and he's also an attorney. Mr. Childs
20 said "That's a bunch of non-sense". So, they
21 had me do a HIPAA refresher course, but if the
22 board member says that "This is not a HIPAA
23 violation, you know, if the executive director
24 cannot produce a policy violated any HIPAA
25 violation, then I shouldn't have to be taking



1 a HIPAA refresher course. I've got all of your
2 policies, and I presented all the policies to
3 him at the time, but they didn't review the
4 policies. Now, the law says that you must --
5 based on the repetitive trauma, you must go by
6 a licensed and qualified physician's
7 information, and they did that, they went by
8 Dr. Roundy, Chuck, and not only that, the
9 defendant or SCUEF, or whatever you call it,
10 they disposed of the medical evidence, and
11 Dr. Upchurch said -- hold on -- "You need to go
12 to your doctor to get back on your medication",
13 and they disposed of Ms. Carolyn Anderson who
14 is my therapist now. They disposed of her
15 information and said, "Hold on, you may need to
16 be reconsidered for rehospitalization", and
17 they made me go to a doctor, and Dr. Kirkland,
18 I've got his information. It's on that thing.
19 And he prescribed the medication. So, there's
20 no way that Commissioner Barden should deny my
21 case, because first of all, I have 618 pages of
22 documentation that was sent to them, and rather
23 than the executive director helping me, he said
24 -- and not by him saying, but by his secretary,
25 she tells me -- and she says, "Well, that's



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1 hearsay". Well, it's in the documentation that
2 Dr. Magill sent to his secretary. She said
3 that Dr. Magill don't like to be involved in
4 stuff like that, and I'm saying my stuff --
5 even when I say that I want to talk to you
6 based the fact -- you know, they just lied on
7 me and did anything they wanted to, but you
8 have crimes that these people have put me in
9 harms way, that I almost died, and all of this
10 is documented, and Commissioner Barden thinks
11 that's normal. There's nothing normal about
12 that, not at all, nothing, and I kept saying,
13 I kept asking them, you know, that I have my
14 grievance rights. I've heard those rights over
15 the years. I've earned those rights. I earned
16 those rights. They denied me my grievance
17 rights, because they knew I was telling the
18 truth, and more importantly, every e-mail I
19 sent to Mr. Magill, who was the -- he is the --
20 oh, gee-wiz, Harry -- he's the State Director
21 of Mental Health. Nobody would help. In fact,
22 they told me the fact that -- the reason why I
23 filed a grievance anyway was because my
24 feelings were hurt, and all of this was
25 documented. They didn't want to do nothing,



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1 because my feelings were hurt, and even the
2 defendants their own self -- if you look at
3 Page 13 of the appellant's brief, they said
4 that "Mr. Snyder said that this is ongoing" --
5 No, I'm sorry, "Mr. Snyder said this is a
6 buildup". Well, when you look in the
7 dictionary, when you talk to Mr. Webster, the
8 dictionary, when you talk with other --
9 information about this -- and if they said
10 "There's a buildup", and that "There's a
11 buildup that's ongoing". So, they acknowledged
12 -- the defendant acknowledges this has been
13 ongoing, that this has been a buildup. You
14 know, when folks put you on medication -- I've
15 been in there for a month. They ain't got me
16 in there no month for no reason. I tell my
17 clients over at Mental Health, "Listen, when
18 Dr. Patel or any other doctor says, listen,
19 it's time to have this client involuntarily
20 committed", we're not putting you in the
21 hospital for no reason. Even in Chuck's
22 discharge summary, when he was defining what my
23 psychosocial problem was, which caused severe
24 depression and anxiety, he said "severe job
25 related stress", but he did not mention any



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1 other psychosocial stress, because there was
2 none. I even shared that with Ms. Snyder
3 during my deposition.

4 (Whereupon, timer buzzer went off.)

5 COMMISSIONER MCCASKILL: All right. You're going to
6 get three more minutes after Ms. Snyder. Thank
7 you, sir.

8 MR. REESE: Yes, sir.

9 COMMISSIONER MCCASKILL: All right, Ms. Snyder.

10 MS. SNYDER: And just for a little bit of
11 recordkeeping and for preservation purposes, I
12 would object to any of the exhibits that the
13 claimant is trying to submit today, and I would
14 also move to dismiss the appeal on the grounds
15 that the claimant did not submit his brief
16 timely. I briefed that. It's pursuant to
17 67-705-A(3). I won't get into it. I just
18 wanted to make sure that was preserved. Mr.
19 Reese is alleging a mental/mental claim under
20 42-1-160(B). The defendants would concede that
21 Part 2 is met, that it was related to work.
22 It's the requirement for the issue to be
23 extraordinary and unusual that we don't feel
24 he's met, and we think Commissioner Barden
25 properly ruled that he hadn't met. He's been



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1 referencing Charles Roundy, and it was noted in
2 the findings of fact, as well as in my brief --
3 the note reads that "His response to this not
4 uncommon personnel issue is uncommonly out of
5 proportion to this situation". I would also
6 point to 42-1-160(C), as I think some of these
7 issues that he's concerned about deal with
8 personnel issues. He's mentioned the HIPAA
9 violation. There were some personal issues
10 that he wasn't punished for and that were
11 dismissed, and Commissioner Barden went into
12 those in her findings of fact, and I would also
13 point to Yates versus Life Insurance Company of
14 Georgia and Kennedy versus Williamsburg County
15 dealing with extraordinary and unusual
16 circumstances to satisfy the requirement under
17 42-1-160(B), Part 2. We would ask that
18 Commissioner Barden's findings and conclusions
19 of law be affirmed entirely, and I would be
20 happy to answer any other questions y'all may
21 have about the circumstances of this claim.

22 **COMMISSIONER MCCASKILL:** Thank you, Ms. Snyder. All
23 right. Mr. Reese, you get three more minutes.

24 **MR. REESE:** Ms. Snyder talked about e-mails.
25 During my deposition, I shared with her that



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1 Mr. Harold Edwards was my supervisor -- and all
2 this is documented -- was my supervisor at the
3 time, and at the time that Sharon Brown --
4 actually, it was Vickie Brown told me to
5 contact Sharon Brown regarding filing a
6 Workers' Comp. Claim, I did exactly that, and
7 they have the information regarding that as you
8 will see from the depositions. Well, he never
9 filled the forms out. For whatever reason, I
10 have no idea, so I did notify my job in time
11 which was in the first section of the
12 claimant's APA. I notified them in time, but
13 my job failed to do their portion. So, it's
14 not like Mr. Reese just waited. Mr. Reese
15 shared with him -- and more importantly, the
16 FMLA forms were filed in time which
17 demonstrates that this was work related, and
18 Vickie Brown, who was the Human Resource
19 Officer, called me in the office and said,
20 "Hey, we will send you your benefits options.
21 You can file Workers' Comp, or you can file
22 Short-term Disability or whatever." That never
23 happened. In the hearing, Commissioner Barden
24 says, "Well, there is an appeal process", and
25 I said, "Okay", and even I told them, "I'm



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1 going to have to prepare for an appeal, because
2 there is so much stuff. Even though they want
3 to take out 2010, 2010 only reflects one
4 section of all of this information. She said,
5 "You can have an appeals process". She never
6 told me what the appeals process was about.
7 So, what I did was, once the hearing was over,
8 immediately after the hearing was over, I went
9 and got e-mails to confront them, because they
10 want to throw the stuff out that had
11 handwritten stuff on it. So, what I did is I
12 immediately went to the job and had the persons
13 who looked at the stuff that was on the
14 computer that I submitted on the APA, and I
15 e-mailed, and I said, "Listen, could y'all
16 verify that you've reviewed these
17 documentations, but make sure you e-mail me the
18 response back", and they did that, which is of
19 course in the exhibit. They want to throw the
20 exhibits out, but the exhibits reflect exactly
21 what has been in the APA, but they just didn't
22 listen. For example, they said that -- I tried
23 the get Dr. Charles here. That's in the APA,
24 the original exhibit. I tried to get -- more
25 importantly, I tried to get an array of people



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1 here after the hearing, and I sent the
2 commission, which was Ms. Falls, Ms. Hollmon
3 and Ms. Bracy -- was it Ms. Bracy -- no, Ms.
4 Falls, Ms. Hollmon and Ms. Snyder. I shared
5 with them all of the people I wanted to come,
6 and it took three months for Ms. Hollmon to
7 tell me, "Oh, you can't present this
8 information. The only thing you can do is see
9 if there's a legal or something or another --
10 procedure or something or another in the
11 hearing." Well, I sent -- and I don't know if
12 y'all are going to review the appellant's brief
13 that I sent in, but I ---

14 **(Whereupon, timer buzzer went off.)**

15 **COMMISSIONER MCCASKILL:** Finish your thought. I'll
16 give you another 30 seconds.

17 **MR. REESE:** I sent in -- in the appellant's brief, I
18 sent in all the legal issues that I experienced
19 during this hearing, because this is perjury
20 when they knew it was my supervisor, and they
21 say I didn't file in time. They knew from the
22 jump that I went to Howard Edwards and had him
23 fill out the forms, but again, not only one
24 doctor, but you've got three doctors who said
25 this. You've got three therapists that said,



1 you know, "This is work related". So, it
2 dismisses their concern or their complaint or
3 -- and this is what they relied on,
4 Dr. Roundy's statement. You can't rely on Dr.
5 Roundy's statement when you've got three
6 doctors and three therapists that says, "Hold
7 up. Your issues are related to your job. It's
8 nothing else." Even in Dr. Roundy's discharge
9 summary, it's nothing else, and he referred me
10 to Dr. Upchurch. Harold Edwards was their
11 witness. He wasn't mine. He was theirs. So,
12 they had to dispose of him before they brought
13 him to the hearing. And what these folks done,
14 they want to try to accuse the clients of being
15 the problem. I never shared with anyone that
16 the clients was the problem, not a soul. And
17 if you look at the APA, the first section, it
18 will show you on my leave slips what my problem
19 was. It was the management.

20 **COMMISSIONER MCCASKILL:** We don't have time to go
21 into that, sir.

22 **MR. REESE:** Well, it's in the first section. It was
23 about six different leave slips. It says
24 management stress or something on the leave
25 slips.



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1 COMMISSIONER MCCASKILL: All right. Thank you, sir.
2 That concludes the time for this proceeding.
3 Thank you for being here. Thank you both for
4 being here. As we explained to you before we
5 began, Mr. Reese, you will get our decision,
6 and then if you wish -- or Ms. Snyder, she may
7 not agree with us, so if either of you wish to
8 appeal to Court of Appeals, that's the next
9 appellant process. Okay?

10 MR. REESE: Yes, sir.

11 COMMISSIONER MCCASKILL: Thank y'all very much.

12 MR. REESE: Thank you.

13 MS. SNYDER: Thank you.

14 (Whereupon, the hearing concluded at 2:00 p.m.)
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CERTIFICATE

This is to certify that the within hearing consisting of seventeen (17) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenotype with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on February 15, 2016.



Jill H. Vickers
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: July 5, 2016



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**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
REQUEST FOR A PROPOSED DECISION AND ORDER**

This document is not a Decision and Order. It is a request for a proposed order. The Commissioners reserve the right to modify and/or delete any or all portions of the submitted Decision and Order.

**Harry Reese v SC Dept. of Mental Health
SCWCC: 1322039
Commission Panel: Campbell, James, McCaskill; Chair
Order Assigned to Commissioner: Campbell
Court Reporter –Jill Vickers – 803-252-3445**

Harry Reese
Page P. Snyder

Pro Se/Appellant
Defendants/Respondents

This matter was heard before the South Carolina Workers' Compensation Full Commission Appellate Panel during the last term of Review. The Commissioners considered the matter and **Fully Affirmation** the Single Commissioner's Decision and Order. .

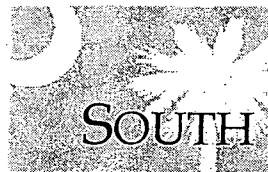
Ms. Snyder please prepare a proposed order and submit to the Judicial Department within thirty (30) days of this notice. The proposed order shall be submitted in Word format to appeals@wcc.sc.gov and shared with each Party. Please make sure the Appellate Panel Decision and Order recites the specific Finds of Fact and Rulings of Law of the Single Commissioner's Decision and Order and reflects any comments requested by a Commissioner.

The signature page shall include a signature line for each Commissioner and the first signature should be the name of the Commissioner assigned the case as indicated above.

If you have any questions, please do not hesitate to email me at ehollmon@wcc.sc.gov or call at 803.737.5737

Judicial

Transmitted via email and regular mail this 8 January 2016



SOUTH CAROLINA
STATE ACCIDENT FUND

HARRY B. GREGORY, JR., Director

February 1, 2016

VIA CERTIFIED MAIL

Harry Reese
8408 Little John Drive
Columbia, SC 29209

Re: Harry Reese v. SC Dept of Mental Health
WCC File Number: 1322039
SAF File Number: 2013-4552

Dear Mr. Reese:

Enclosed please find for your review a copy of the *proposed* Decision and Order as it relates to the 12/14/2015 Appellate Panel Review hearing in the above-referenced matter.

Sincerely,

Bonnie-Jean Thompson
Paralegal

/bjt

Enclosures

APPELLATE PANEL
DECISION AND ORDER
OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO. 1322039

HARRY REESE, CLAIMANT/APPELLANT,

VERSUS

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH AND SC STATE
ACCIDENT FUND, DEFENDANTS/RESPONDENTS.

Appellate Panel Review held in Columbia, South
Carolina on December 14, 2015 per notices timely and
properly served on all parties of interest.

Appellate Panel Decision and Order filed:

APPEARANCES:

Claimant appeared *pro se*.

Defendants were represented by Page P. Snyder,
Esquire, of The South Carolina State Accident
Fund, P.O. Box 102100, Columbia, South Carolina
29221-5000.

STATEMENT OF THE CASE

On September 15, 2014, claimant filed a Form 50 requesting a hearing, alleging an injury pursuant to §42-1-160(B). Claimant alleged dates of injury of October 18, 2013 and August 12, 2014. On September 18, 2014, a Form 12A was filled out by the defendant employer at the request of the claimant, which reflected that claimant was experiencing ongoing stress, slander and false accusations by managers since April 1, 2010. Defendants timely filed a Form 51 on October 10, 2014. Defendants denied the claim on the grounds that claimant's allegations do not constitute a compensable mental/mental injury pursuant to S.C. Code § 42-1-160(B).

This matter was set for a hearing on December 17, 2014. At the hearing, claimant requested additional time to retain an attorney. Commissioner Melody James gave claimant an additional thirty days to retain an attorney and the matter was reset and heard April 6, 2015 with a different commissioner. Claimant was not represented by counsel at the April 6, 2015 hearing. Claimant sought a determination that he suffered a compensable mental/mental injury pursuant to S.C. Code § 42-1-160. Defendants argued that claimant failed to meet his burden of proof to establish a compensable mental/mental injury.

On July 24, 2015, the Single Commissioner issued her Order and Decision, making the following findings of fact, repeated herein verbatim:

FINDINGS OF FACT

1. Claimant alleges that he sustained acute work-related mental-mental injuries on October 18, 2013 and August 12, 2014, but contends that work stressor symptoms have been occurring since 2010. (testimony of Claimant, Claimant's Deposition pages 13-14 and 51; Defendants' APA B, pages 14 and 16; Claimant's APA B, page 28; Claimant's APA D, pages 87 and 102)

2. Claimant does not plead injury by repetitive trauma, but rather two discrete dates of injury. (Commission's file containing Claimant's Form 50)
3. Claimant was earlier advised of his right to counsel, but instead represented himself at the hearing before the undersigned. (Order of Commissioner James, dated December 2014)
4. Claimant did not subpoena or otherwise bring any witness to the hearing to corroborate his testimony of harassment or hostility in the workplace. However, from Claimant's testimony, there is no question that Claimant and Ms. Marin did not see "eye to eye." (See e.g., Claimant's APA F, pages 139, 141-168, 170, 173, 191-195, and 203; Claimant's APA L, page 426)
5. Claimant is 47 years of age. (testimony of Claimant, page 11; Claimant's Deposition, page 5)
6. Claimant has a Master's degree in social work. (testimony of Claimant, pages 11-12; Claimant's Deposition page 8)
7. Claimant's employment history includes work as a cook, work at a Head Start facility as a case manager, and work as a teacher/coordinator at a child development center. (Claimant's Deposition, page 9-10)
8. Claimant's job with employer is a Human Resources Coordinator I/Mental Health Professional (testimony of Claimant, page 13; Claimant's Deposition, pages 10-11 and 56).
9. Based upon written evidence, Claimant appears to be an excellent employee who (a) cares very much about his job, and (b) takes great pride in the performance of that job. Claimant is documented as (a) requiring "minimal supervision and prompting in obtaining needed services for clientele," (b) having "outstanding and consistent case management services," and being an "efficient" and "hardworking, caring, and compassionate professional." (testimony of Claimant; Defendants APA A, pages 1 and 3; Claimant's submissions, unnumbered pages containing employee evaluations; Claimant's Deposition, page 42; Claimant's APA D, page 112; Claimant's APA I, page 375)
10. Claimant was admitted to the Palmetto Health Behavioral Intensive Outpatient Program in September 2013 – the month prior to the October 2013 event he alleges to be an unusual and extraordinary condition of employment. During this treatment, Claimant reported "continuous conflict with his supervisors." One of the goals mentioned during this treatment protocol was for Claimant "[t]o learn how to take better care of myself, so that I can deal with the job stress." Claimant expressed anger at being accused of something he didn't do at work and being treated unfairly. One of these records states that Claimant's response to the "not uncommon" personnel issue is "uncommonly out of proportion to the situation, and the advocate will attempt to discover why the

patient takes it so personally.” (Defendants’ APA A, pages 1-2, 11-14, and 16-17)

11. It is difficult to follow Claimant’s testimony at times, but it appears that the October 2013 incident relates to an investigation and Claimant’s ultimately being reprimanded for insubordination stemming from an alleged HIPAA violation, after which Claimant was made to take a HIPAA refresher course. The disciplinary documents specifically state that Employer considered the offense to have been without malicious intent. The tone of the disciplinary write-up does not appear to be extraordinary and unusual, and although Claimant adamantly disagrees with the write-up, it was not done in a hostile manner. (testimony of Claimant; Claimant’s Deposition, *e.g.*, pages 32-35 and 58; Defendants APA C, unnumbered pages; Claimant’s APA, unnumbered pages; Claimant’s APA H, pages 277, 283-286, 288-296, 323, and 325-326; *See also*, Claimant’s APA L, page 422; Claimant’s APA M, pages 433 and 436-445; Claimant’s APA O, page 547)
12. It also appears that Claimant has particular difficulty with stress in dealing with his managers, particularly Ms. Marin, who supervised Claimant for a six month period in 2009-2010 (Ms. Marin’s supervision ended in May 2010). However, Claimant alleges an incident in 2014 when Ms. Marin blocked a copy room and badgered him. Claimant contends that he is the subject of ongoing retaliation and harassment. Claimant testified at his deposition that he was warned by “the folk at Independence House,” who told Claimant that Ms. Marin was “crazy.” However, Claimant called no witnesses on his behalf to describe Ms. Marin in this manner. Otherwise, the outcome of this case might have been vastly different. However, in any event, Ms. Marin has not supervised Claimant since 2010. (testimony of Claimant; Claimant’s Deposition, pages 36-41 and 57; Claimant’s Deposition, page 15; Claimant’s APA F pages 137 and 187)
13. Claimant also contends that he was investigated for various complaints without Employer following proper policy or protocol. However, in at least one of these complaints, Claimant was exonerated by Employer. (Testimony of Claimant; Defendants APA C, unnumbered pages; Claimant’s Deposition, pages 19-21; Claimant’s APA H, page 529)
14. Claimant admits that it is common for clients to allege mistreatment or abuse. Claimant’s Deposition, page 47)
15. Claimant does admit to threatening clients by stating (jokingly, he contends) that he would throw water on those who did not pay attention. I do not find that the write-up for this episode was extraordinary and unusual. (Defendants APA C; Claimant’s Deposition, pages 16-17; testimony of Claimant; Claimant’s APA F, page 186)

16. As of the date of the hearing, Claimant has returned to his job duties with Employer. (testimony of Claimant)
17. I have no doubt that Claimant's predominant stressor is work-related, as such is corroborated by the hospital outpatient treatment records, by the record of Dr. Upchurch, and by the causation statement by Dr. Kirkland. However, it is not enough for the stress to be work-related; if that were the case, Claimant would readily meet his burden of proof. (See Claimant's APAB, pages 31-32; Claimant's APA C, pages 54-56, and 78-80; Claimant's APA D, pages 82-83, 87-90, 92, 95 and 100)
18. Claimant has not provided to the Commission sufficient evidence to meet his burden of proof pursuant to S.C. Code § 42-1-160 for a mental-mental injury.
19. This decision is in no way a reflection upon Claimant's job performance with Employer, as Claimant strikes the undersigned as a very dedicated employee who cares deeply about his work and also about what others think of that performance. Dr. Upchurch describes Claimant with a "deep caring for the population he serves," and as "desperate for understanding and respect." Claimant's write-ups "devastate" Claimant and leave him feeling as though he is "fighting for his good name and basic respect." (See Claimant's APA C, pages 79-80)
20. I did not consider any handwritten additions to records before me.
21. Benefits under the Act are denied.
22. Claimant's average weekly wage is \$701.61, yielding a compensation rate of \$467.76.

The hearing Commissioner made Conclusions of Law as follows:

CONCLUSIONS OF LAW

1. Pursuant to Section 42-3-180 of the South Carolina Code of Laws, the South Carolina Workers' Compensation Commission has jurisdiction of this proceeding to determine the issues brought before it and venue in the County of Richland is proper pursuant to Section 42-17-20.
2. Claimant is an employee and Department of Mental Health was the employer pursuant to S.C. Code §§ 42-1-130 and 42-1-140, respectively.
3. That pursuant to S. C. Code § 42-1-40, Claimant's average weekly wage was \$701.61, making a compensation rate of \$467.76 applicable in this matter.
4. Claimant asserts he suffered a compensable psychological injury while acting within the course and scope of her employment pursuant to S. C. Code §42-1-

160. Claimant failed to meet the burden of proof to demonstrate a compensable mental-mental claim pursuant to § 42-1-160.

Within the statutory period, both parties filed Applications for Review in the case setting forth their exceptions, copies of which were furnished to all interested parties.

Claimant stated the following grounds for review:

1. Whether the Hearing Commissioner erred as a matter of law in Findings of Fact #3 in finding that the Claimant failed to prove that he is permanently and totally disabled when such a finding is not supported by the greater weight of the evidence on the record?
2. Whether the Hearing Commissioner erred as a matter of law in Findings of Fact #3 that the greater weight is given to the opinion of Dr. Hutcheson when such a finding is not supported by the greater weight of the evidence on the record?
3. Whether the Hearing Commissioner erred as a matter of law in Findings of Fact #4 in finding that the Claimant has suffered only wage loss pursuant to WC Code Section 42-9-20 when such a finding is not supported by the greater weight of the evidence on the record?
4. Whether the Hearing Commissioner erred as a matter of law in Findings of Fact #4 in finding that the Claimant's residual earning capacity to be as high as \$575.00 a week when such a finding is not supported by the greater weight of the evidence on the record?
5. Whether the Hearing Commissioner erred as a matter of law in Findings of Fact #4 in finding that the greater weight is given to the restrictions assigned by Dr. Hutcheson when such a finding is not supported by the greater weight of the evidence on the record?
6. Whether the Hearing Commissioner erred as a matter of law in Findings of Fact #4 in finding that the Claimant's award for wage loss is only \$78,675.40 when such a finding is not supported by the greater weight of the evidence on the record?
7. Whether the Hearing Commissioner erred as a matter of law in Conclusions of Law #6 in ruling that the Claimant has failed to prove that he is permanently and totally disabled when such a ruling is not supported by the Act, caselaw, and the greater weight of the evidence on the record?

8. Whether the Hearing Commissioner erred as a matter of law in Conclusions of Law #7 in ruling that the Claimant has suffered only wage loss with a residual earning capacity as high as \$575.00 a week when such a ruling is not supported by the Act, caselaw, and the greater weight of the evidence on the record?
9. Whether the Hearing Commissioner erred as a matter of law in Conclusions of Law #8 in ruling that the Claimant's wage loss award is only \$78,675.40 when such a ruling is not supported by the Act, caselaw, and the greater weight of the evidence on the record?

Defendants received a copy of the Order on July 29, 2015. South Carolina Code § 42-17-50, requires the claimant to file an application for review "within fourteen days from the date when notice of the award shall have been given." On August 4, 2015, claimant inquired with the S.C. Workers' Compensation Commission ("the Commission") via email as to the process to file an appeal. On August 16, 2015, the claimant filed a Form 30 requesting commission review, but indicated that the objections would be forthcoming.

On August 19, 2015, Kim Falls at the Commission informed the claimant that the appeal date had passed. She advised him claimant that he could file a Motion to Reinstate Appeal. Claimant filed a Motion to Reinstate Appeal on August 19, 2015. This Motion was granted on September 2, 2015. A notice of hearing was served on the parties on October 12, 2015. This notice specifically provided that the appellant's brief was due on November 11, 2015.

On November 11, 2015, the claimant emailed Amy Bracy at the Commission, inquiring how to upload his brief. Eugenia Hollmon at the Commission explained to the claimant that he did not need to upload the brief, but that he needed to mail the brief to the Commission. A week passed and the claimant did not submit a brief. On November 19, 2015 Eugenia Hollmon advised the claimant via email that if his brief was not

received by the close of business, his appeal would be dismissed. The claimant responded via email, requesting an extension to submit his brief until the Monday, November 23, 2015. The parties were informed via email on November 19, 2015 that the extension to submit a brief was granted.¹ The claimant submitted a sixty-two page document on November 23, 2015.² Claimant submitted subsequent briefs to the defendants via email on December 4, 2015 and December 6, 2015.

The claimant's brief makes allegations of violations of civil rights and due process, it mentions suborning perjury, denial of rights, lawyer's rules of conduct, and addresses each of the single commissioner's findings of fact. The claimant also outlines the relief sought at the end of the brief. The defendants submit that the question presented is whether the record supports the single commissioner's finding that the claimant failed to establish a mental injury under to §42-1-160(B).

Oral arguments were delivered by the parties on December 14, 2015. All proffered testimony has been taken. Such, together with all documentary evidence and legal briefs, has been delivered to the individual members of the Full Commission and has since been under study and consideration.

In an appellate review, the Appellate Panel shall, pursuant to S.C. Code Ann. § 42-17-50 (1976, as amended), review the award, weigh the evidence as presented at the initial hearing and, if good grounds be shown therefor, make its own Findings of Fact and reach its own Conclusions of Law consistent with or inconsistent with those of the Hearing Commissioner.

¹ This matter is governed by S.C. Regs. 67-705. Subsection H states that the time for filing a brief may be granted with the consent of the opposing party. The defendants never consented to an extension of the claimant's brief as required by the regulation. Pursuant to S.C. Regs. 67-705(H)(3), this appeal should have been dismissed.

² The brief submitted by the claimant does not comport with S.C. Regs. 67-705(A).

Harry Reese for the claimant and Page P. Snyder for the Defendants appeared at the scheduled hearing to present oral arguments on behalf of the parties. Having heard oral arguments on behalf of the parties, considered their briefs and viewed the records as a whole, the Appellate Panel hereby fully affirms Order of the Single Commissioner.

ORDER

IT IS, THEREFORE, ORDERED the Order of the hearing Commissioner is **AFFIRMED.**

IT IS ORDERED, that the Claimant failed to prove that he suffered a compensable mental/mental claim pursuant to S.C. Code §42-1-160. Claimant failed to establish that he is entitled to compensation or benefits.

AND IT IS SO ORDERED.

SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

Mike Campbell, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner, Chair

APPELLATE PANEL
DECISION AND ORDER
OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO. 1322039

HARRY REESE, CLAIMANT/APPELLANT,

VERSUS

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH AND SC STATE
ACCIDENT FUND, DEFENDANTS/RESPONDENTS.

Appellate Panel Review held in Columbia, South
Carolina on December 14, 2015 per notices timely and
properly served on all parties of interest.

Appellate Panel Decision and Order filed:

APPEARANCES:

Claimant appeared *pro se*.

Defendants were represented by Page P. Snyder,
Esquire, of The South Carolina State Accident
Fund, P.O. Box 102100, Columbia, South Carolina
29221-5000.

STATEMENT OF THE CASE

On September 15, 2014, claimant filed a Form 50 requesting a hearing, alleging an injury pursuant to §42-1-160(B). Claimant alleged dates of injury of October 18, 2013 and August 12, 2014. On September 18, 2014, a Form 12A was filled out by the defendant employer at the request of the claimant, which reflected that claimant was experiencing ongoing stress, slander and false accusations by managers since April 1, 2010. Defendants timely filed a Form 51 on October 10, 2014. Defendants denied the claim on the grounds that claimant's allegations do not constitute a compensable mental/mental injury pursuant to S.C. Code § 42-1-160(B).

This matter was set for a hearing on December 17, 2014. At the hearing, claimant requested additional time to retain an attorney. Commissioner Melody James gave claimant an additional thirty days to retain an attorney and the matter was reset and heard April 6, 2015 with a different commissioner. Claimant was not represented by counsel at the April 6, 2015 hearing. Claimant sought a determination that he suffered a compensable mental/mental injury pursuant to S.C. Code § 42-1-160. Defendants argued that claimant failed to meet his burden of proof to establish a compensable mental/mental injury.

On July 24, 2015, the Single Commissioner issued her Order and Decision, making the following findings of fact, repeated herein verbatim:

FINDINGS OF FACT

1. Claimant alleges that he sustained acute work-related mental-mental injuries on October 18, 2013 and August 12, 2014, but contends that work stressor symptoms have been occurring since 2010. (testimony of Claimant, Claimant's Deposition pages 13-14 and 51; Defendants' APA B, pages 14 and 16; Claimant's APA B, page 28; Claimant's APA D, pages 87 and 102)
2. Claimant does not plead injury by repetitive trauma, but rather two discrete dates of injury. (Commission's file containing Claimant's Form 50)

3. Claimant was earlier advised of his right to counsel, but instead represented himself at the hearing before the undersigned. (Order of Commissioner James, dated December 2014)
4. Claimant did not subpoena or otherwise bring any witness to the hearing to corroborate his testimony of harassment or hostility in the workplace. However, from Claimant's testimony, there is no question that Claimant and Ms. Marin did not see "eye to eye." (*See e.g.*, Claimant's APA F, pages 139, 141-168, 170, 173, 191-195, and 203; Claimant's APA L, page 426)
5. Claimant is 47 years of age. (testimony of Claimant, page 11; Claimant's Deposition, page 5)
6. Claimant has a Master's degree in social work. (testimony of Claimant, pages 11-12; Claimant's Deposition page 8)
7. Claimant's employment history includes work as a cook, work at a Head Start facility as a case manager, and work as a teacher/coordinator at a child development center. (Claimant's Deposition, page 9-10)
8. Claimant's job with employer is a Human Resources Coordinator I/Mental Health Professional (testimony of Claimant, page 13; Claimant's Deposition, pages 10-11 and 56).
9. Based upon written evidence, Claimant appears to be an excellent employee who (a) cares very much about his job, and (b) takes great pride in the performance of that job. Claimant is documented as (a) requiring "minimal supervision and prompting in obtaining needed services for clientele," (b) having "outstanding and consistent case management services," and being an "efficient" and "hardworking, caring, and compassionate professional." (testimony of Claimant; Defendants APA A, pages 1 and 3; Claimant's submissions, unnumbered pages containing employee evaluations; Claimant's Deposition, page 42; Claimant's APA D, page 112; Claimant's APA I, page 375)
10. Claimant was admitted to the Palmetto Health Behavioral Intensive Outpatient Program in September 2013 – the month prior to the October 2013 event he alleges to be an unusual and extraordinary condition of employment. During this treatment, Claimant reported "continuous conflict with his supervisors." One of the goals mentioned during this treatment protocol was for Claimant "[t]o learn how to take better care of myself, so that I can deal with the job stress." Claimant expressed anger at being accused of something he didn't do at work and being treated unfairly. One of these records states that Claimant's response to the "not uncommon" personnel issue is "uncommonly out of proportion to the situation, and the advocate will attempt to discover why the patient takes it so personally." (Defendants' APA A, pages 1-2, 11-14, and 16-17)

11. It is difficult to follow Claimant's testimony at times, but it appears that the October 2013 incident relates to an investigation and Claimant's ultimately being reprimanded for insubordination stemming from an alleged HIPAA violation, after which Claimant was made to take a HIPAA refresher course. The disciplinary documents specifically state that Employer considered the offense to have been without malicious intent. The tone of the disciplinary write-up does not appear to be extraordinary and unusual, and although Claimant adamantly disagrees with the write-up, it was not done in a hostile manner. (testimony of Claimant; Claimant's Deposition, *e.g.*, pages 32-35 and 58; Defendants APA C, unnumbered pages; Claimant's APA, unnumbered pages; Claimant's APA H, pages 277, 283-286, 288-296, 323, and 325-326; *See also*, Claimant's APA L, page 422; Claimant's APA M, pages 433 and 436-445; Claimant's APA O, page 547)
12. It also appears that Claimant has particular difficulty with stress in dealing with his managers, particularly Ms. Marin, who supervised Claimant for a six month period in 2009-2010 (Ms. Marin's supervision ended in May 2010). However, Claimant alleges an incident in 2014 when Ms. Marin blocked a copy room and badgered him. Claimant contends that he is the subject of ongoing retaliation and harassment. Claimant testified at his deposition that he was warned by "the folk at Independence House," who told Claimant that Ms. Marin was "crazy." However, Claimant called no witnesses on his behalf to describe Ms. Marin in this manner. Otherwise, the outcome of this case might have been vastly different. However, in any event, Ms. Marin has not supervised Claimant since 2010. (testimony of Claimant; Claimant's Deposition, pages 36-41 and 57; Claimant's Deposition, page 15; Claimant's APA F pages 137 and 187)
13. Claimant also contends that he was investigated for various complaints without Employer following proper policy or protocol. However, in at least one of these complaints, Claimant was exonerated by Employer. (Testimony of Claimant; Defendants APA C, unnumbered pages; Claimant's Deposition, pages 19-21; Claimant's APA H, page 529)
14. Claimant admits that it is common for clients to allege mistreatment or abuse. Claimant's Deposition, page 47)
15. Claimant does admit to threatening clients by stating (jokingly, he contends) that he would throw water on those who did not pay attention. I do not find that the write-up for this episode was extraordinary and unusual. (Defendants APA C; Claimant's Deposition, pages 16-17; testimony of Claimant; Claimant's APA F, page 186)
16. As of the date of the hearing, Claimant has returned to his job duties with Employer. (testimony of Claimant)

17. I have no doubt that Claimant's predominant stressor is work-related, as such is corroborated by the hospital outpatient treatment records, by the record of Dr. Upchurch, and by the causation statement by Dr. Kirkland. However, it is not enough for the stress to be work-related; if that were the case, Claimant would readily meet his burden of proof. (See Claimant's APAB, pages 31-32; Claimant's APA C, pages 54-56, and 78-80; Claimant's APA D, pages 82-83, 87-90, 92, 95 and 100)
18. Claimant has not provided to the Commission sufficient evidence to meet his burden of proof pursuant to S.C. Code § 42-1-160 for a mental-mental injury.
19. This decision is in no way a reflection upon Claimant's job performance with Employer, as Claimant strikes the undersigned as a very dedicated employee who cares deeply about his work and also about what others think of that performance. Dr. Upchurch describes Claimant with a "deep caring for the population he serves," and as "desperate for understanding and respect." Claimant's write-ups "devastate" Claimant and leave him feeling as though he is "fighting for his good name and basic respect." (See Claimant's APA C, pages 79-80)
20. I did not consider any handwritten additions to records before me.
21. Benefits under the Act are denied.
22. Claimant's average weekly wage is \$701.61, yielding a compensation rate of \$467.76.

The hearing Commissioner made Conclusions of Law as follows:

CONCLUSIONS OF LAW

1. Pursuant to Section 42-3-180 of the South Carolina Code of Laws, the South Carolina Workers' Compensation Commission has jurisdiction of this proceeding to determine the issues brought before it and venue in the County of Richland is proper pursuant to Section 42-17-20.
2. Claimant is an employee and Department of Mental Health was the employer pursuant to S.C. Code §§ 42-1-130 and 42-1-140, respectively.
3. That pursuant to S. C. Code § 42-1-40, Claimant's average weekly wage was \$701.61, making a compensation rate of \$467.76 applicable in this matter.
4. Claimant asserts he suffered a compensable psychological injury while acting within the course and scope of her employment pursuant to S. C. Code §42-1-160. Claimant failed to meet the burden of proof to demonstrate a compensable mental-mental claim pursuant to § 42-1-160.

Defendants received a copy of the Order on July 29, 2015. On August 16, 2015, the claimant filed a Form 30 requesting commission review, but indicated that the objections would be forthcoming.

Claimant filed a Motion to Reinstate Appeal on August 19, 2015 as the appeal date had passed. This Motion was granted on September 2, 2015. A notice of hearing was served on the parties on October 12, 2015. This notice specifically provided that the appellant's brief was due on November 11, 2015.

On November 11, 2015, the claimant emailed the Commission, inquiring how to upload his brief. A week passed and the claimant did not submit a brief. The claimant requested an extension to submit his brief until the Monday, November 23, 2015 via electronic mail. The parties were informed via email on November 19, 2015 that the extension to submit a brief was granted.¹ The claimant submitted a sixty-two page document on November 23, 2015.² Claimant submitted subsequent briefs to the defendants via email on December 4, 2015 and December 6, 2015.

The claimant's brief makes allegations of violations of civil rights and due process, it mentions suborning perjury, denial of rights, lawyer's rules of conduct, and addresses each of the single commissioner's findings of fact. The claimant also outlines the relief sought at the end of the brief. The defendants submit that the question presented is whether the record supports the single commissioner's finding that the claimant failed to establish a mental injury under to §42-1-160(B).

¹ This matter is governed by S.C. Regs. 67-705. Subsection H states that the time for filing a brief may be granted with the consent of the opposing party. The defendants never consented to an extension of the claimant's brief as required by the regulation. Pursuant to S.C. Regs. 67-705(H)(3), this appeal should have been dismissed.

² The brief submitted by the claimant does not comport with S.C. Regs. 67-705(A).

Oral arguments were delivered by the parties on December 14, 2015. All proffered testimony has been taken. Such, together with all documentary evidence and legal briefs, has been delivered to the individual members of the Full Commission and has since been under study and consideration.

In an appellate review, the Appellate Panel shall, pursuant to S.C. Code Ann. § 42-17-50 (1976, as amended), review the award, weigh the evidence as presented at the initial hearing and, if good grounds be shown therefor, make its own Findings of Fact and reach its own Conclusions of Law consistent with or inconsistent with those of the Hearing Commissioner.

Harry Reese for the claimant and Page P. Snyder for the Defendants appeared at the scheduled hearing to present oral arguments on behalf of the parties. Having heard oral arguments on behalf of the parties, considered their briefs and viewed the records as a whole, the Appellate Panel hereby fully affirms Order of the Single Commissioner.

DECISION AND ORDER

The Appellate Panel hereby makes the following findings of fact:

1. Claimant alleges that he sustained acute work-related mental-mental injuries on October 18, 2013 and August 12, 2014, but contends that work stressor symptoms have been occurring since 2010. (testimony of Claimant, Claimant's Deposition pages 13-14 and 51; Defendants' APA B, pages 14 and 16; Claimant's APA B, page 28; Claimant's APA D, pages 87 and 102)
2. Claimant does not plead injury by repetitive trauma, but rather two discrete dates of injury. (Commission's file containing Claimant's Form 50)
3. Claimant was earlier advised of his right to counsel, but instead represented himself at the hearing before the undersigned. (Order of Commissioner James, dated December 2014)
4. Claimant did not subpoena or otherwise bring any witness to the hearing to corroborate his testimony of harassment or hostility in the workplace.

However, from Claimant's testimony, there is no question that Claimant and Ms. Marin did not see "eye to eye." (*See e.g.*, Claimant's APA F, pages 139, 141-168, 170, 173, 191-195, and 203; Claimant's APA L, page 426)

5. Claimant is 47 years of age. (testimony of Claimant, page 11; Claimant's Deposition, page 5)
6. Claimant has a Master's degree in social work. (testimony of Claimant, pages 11-12; Claimant's Deposition page 8)
7. Claimant's employment history includes work as a cook, work at a Head Start facility as a case manager, and work as a teacher/coordinator at a child development center. (Claimant's Deposition, page 9-10)
8. Claimant's job with employer is a Human Resources Coordinator I/Mental Health Professional (testimony of Claimant, page 13; Claimant's Deposition, pages 10-11 and 56).
9. Based upon written evidence, Claimant appears to be an excellent employee who (a) cares very much about his job, and (b) takes great pride in the performance of that job. Claimant is documented as (a) requiring "minimal supervision and prompting in obtaining needed services for clientele," (b) having "outstanding and consistent case management services," and being an "efficient" and "hardworking, caring, and compassionate professional." (testimony of Claimant; Defendants APA A, pages 1 and 3; Claimant's submissions, unnumbered pages containing employee evaluations; Claimant's Deposition, page 42; Claimant's APA D, page 112; Claimant's APA I, page 375)
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offense to have been without malicious intent. The tone of the disciplinary write-up does not appear to be extraordinary and unusual, and although Claimant adamantly disagrees with the write-up, it was not done in a hostile manner. (testimony of Claimant; Claimants Deposition, *e.g.*, pages 32-35 and 58; Defendants APA C, unnumbered pages; Claimant's APA, unnumbered pages; Claimants APA H, pages 277, 283-286, 288-296, 323, and 325-326; *See also*, Claimant's APA L, page 422; Claimant's APA M, pages 433 and 436-445; Claimant's APA O, page 547)

12. It also appears that Claimant has particular difficulty with stress in dealing with his managers, particularly Ms. Marin, who supervised Claimant for a six month period in 2009-2010 (Ms. Marin's supervision ended in May 2010). However, Claimant alleges an incident in 2014 when Ms. Marin blocked a copy room and badgered him. Claimant contends that he is the subject of ongoing retaliation and harassment. Claimant testified at his deposition that he was warned by "the folk at Independence House," who told Claimant that Ms. Marin was "crazy." However, Claimant called no witnesses on his behalf to describe Ms. Marin in this manner. Otherwise, the outcome of this case might have been vastly different. However, in any event, Ms. Marin has not supervised Claimant since 2010. (testimony of Claimant; Claimant's Deposition, pages 36-41 and 57; Claimant's Deposition, page 15; Claimant's APA F pages 137 and 187)
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14. Claimant admits that it is common for clients to allege mistreatment or abuse. Claimant's Deposition, page 47)
15. Claimant does admit to threatening clients by stating (jokingly, he contends) that he would throw water on those who did not pay attention. I do not find that the write-up for this episode was extraordinary and unusual. (Defendants APA C; Claimant's Deposition, pages 16-17; testimony of Claimant; Claimants APA F, page 186)
16. As of the date of the hearing, Claimant has returned to his job duties with Employer. (testimony of Claimant)
17. I have no doubt that Claimant's predominant stressor is work-related, as such is corroborated by the hospital outpatient treatment records, by the record of Dr. Upchurch, and by the causation statement by Dr. Kirkland. However, it is not enough for the stress to be work-related; if that were the case, Claimant would readily meet his burden of proof. (*See* Claimant's APAB, pages 31-32;

Claimant's APA C, pages 54-56, and 78-80; Claimant's APA D, pages 82-83, 87-90, 92, 95 and 100)

18. Claimant has not provided to the Commission sufficient evidence to meet his burden of proof pursuant to S.C. Code § 42-1-160 for a mental-mental injury.
19. This decision is in no way a reflection upon Claimant's job performance with Employer, as Claimant strikes the undersigned as a very dedicated employee who cares deeply about his work and also about what others think of that performance. Dr. Upchurch describes Claimant with a "deep caring for the population he serves," and as "desperate for understanding and respect." Claimant's write-ups "devastate" Claimant and leave him feeling as though he is "fighting for his good name and basic respect." (See Claimant's APA C, pages 79-80)
20. I did not consider any handwritten additions to records before me.
21. Benefits under the Act are denied.
22. Claimant's average weekly wage is \$701.61, yielding a compensation rate of \$467.76.

The Appellate Panel hereby makes the following conclusions of law:

1. Pursuant to Section 42-3-180 of the South Carolina Code of Laws, the South Carolina Workers' Compensation Commission has jurisdiction of this proceeding to determine the issues brought before it and venue in the County of Richland is proper pursuant to Section 42-17-20.
2. Claimant is an employee and Department of Mental Health was the employer pursuant to S.C. Code §§ 42-1-130 and 42-1-140, respectively.
3. That pursuant to S. C. Code § 42-1-40, Claimant's average weekly wage was \$701.61, making a compensation rate of \$467.76 applicable in this matter.
4. Claimant asserts he suffered a compensable psychological injury while acting within the course and scope of her employment pursuant to S. C. Code §42-1-160. Claimant failed to meet the burden of proof to demonstrate a compensable mental-mental claim pursuant to § 42-1-160.

IT IS, THEREFORE, ORDERED the Order of the hearing Commissioner is **AFFIRMED.**

IT IS ORDERED, that the Claimant failed to prove that he suffered a compensable mental/mental claim pursuant to S.C. Code §42-1-160. Claimant failed to establish that he is entitled to compensation or benefits.

AND IT IS SO ORDERED.

SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

Mike Campbell, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner, Chair

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO. 1322039

HARRY REESE, CLAIMANT/RESPONDENT

VERSUS

S.C. DEPARTMENT OF MENTAL HEALTH, DEFENDANTS/APPELLANTS,

and

STATE ACCIDENT FUND, DEFENDANTS/APPELLANTS

FULL COMMISSION BRIEF OF DEFENDANTS/APPELLANTS

STATEMENT OF THE CASE

On September 15, 2014, claimant filed a Form 50 requesting a hearing, alleging an injury pursuant to §42-1-160(B). Claimant alleged dates of injury of October 18, 2013 and August 12, 2014. On September 18, 2014, a Form 12A was filled out by the defendant employer at the request of the claimant, which reflected that claimant was experiencing ongoing stress, slander and false accusations by managers since April 1, 2010. Defendants timely filed a Form 51 on October 10, 2014. Defendants denied the claim on the grounds that claimant's allegations do not constitute a compensable mental/mental injury pursuant to S.C. Code § 42-1-160(B). This matter was set for a hearing on December 17, 2014. At the hearing, claimant requested additional time to retain an attorney. Commissioner Melody James gave claimant an additional thirty days to retain an attorney and the matter was reset and heard April 6, 2015 with a different commissioner. Claimant was not represented by counsel at the April 6, 2015 hearing. Claimant sought a determination that he suffered a compensable mental/mental injury pursuant to S.C.

Code § 42-1-160. Defendants argued that claimant failed to meet his burden of proof to establish a compensable mental/mental injury.

The single commissioner issued a request for a proposed order which was received by the defendants on April 13, 2015. The single commissioner found that the claimant had not met the burden to prove a compensable injury under S.C. Code § 42-1-160(B). The Decision and Order was signed by the single commissioner on July 24, 2015. Defendants received a copy of the Order on July 29, 2015. South Carolina Code § 42-17-50, requires the claimant to file an application for review "within fourteen days from the date when notice of the award shall have been given." On August 4, 2015, claimant inquired with the S.C. Workers' Compensation Commission ("the Commission") via email as to the process to file an appeal.

On August 19, 2015, Kim Falls at the Commission informed the claimant that the appeal date had passed. She advised him claimant that he could file a Motion to Reinstate Appeal. Claimant filed a Motion to Reinstate Appeal on August 19, 2015. This Motion was granted on September 2, 2015. A notice of hearing was served on the parties on October 12, 2015. This notice specifically provided that the appellant's brief was due on November 11, 2015.

On November 11, 2015, the claimant emailed Amy Bracy at the Commission, inquiring how to upload his brief. Eugenia Hollmon at the Commission explained to the claimant that he did not need to upload the brief, but that he needed to mail the brief to the Commission. A week passed and the claimant did not submit a brief. On November 19, 2015 Eugenia Hollmon advised the claimant via email that if his brief was not received by the close of business, his appeal would be dismissed. The claimant responded via email, requesting an extension to submit his brief until the Monday, November 23, 2015. The parties were informed via email on

November 19, 2015 that the extension to submit a brief was granted.¹ The claimant submitted a sixty-two page document on November 23, 2015.² Claimant submitted subsequent briefs to the defendants via email on December 4, 2015 and December 6, 2015.

QUESTIONS PRESENTED

The claimant's brief makes allegations of violations of civil rights and due process, it mentions suborning perjury, denial of rights, lawyer's rules of conduct, and addresses each of the single commissioner's findings of fact. The claimant also outlines the relief sought at the end of the brief. The defendants submit that the question presented is whether the record supports the single commissioner's finding that the claimant failed to establish a mental injury under to §42-1-160(B).

SUMMARY OF THE EVIDENCE

The claimant submitted three sets of documents at the hearing. The first was a yellow folder containing Department of Mental Health policies and procedures. The small binder submitted, tabbed A-Z, contained articles from the internet regarding stress and mental health. Defendants objected to this submission as irrelevant and the single commissioner noted that while they were not evidence, she would take the information under advisement. Claimant submitted a large binder, tabbed A-S containing medical records, emails and employment documentation. Defendant's objected to the consideration of any handwriting on the documents in the large binder. This objection as sustained by the single commissioner. The claimant

¹ This matter is governed by S.C. Regs. 67-705. Subsection H states that the time for filing a brief may be granted with the consent of the opposing party. The defendants never consented to an extension of the claimant's brief as required by the regulation. Pursuant to S.C. Regs. 67-705(H)(3), this appeal should have been dismissed.

² The brief submitted by the claimant does not comport with S.C. Regs. 67-705(A).

testified as to his alleged work injury, employment and educational background and health background.

Defendants' APA submissions include reports from Palmetto Health Behavioral Care. (Defendants' APA A). These records include notes from therapy sessions from a period of September 26, 2013 and October 25, 2013. (Defendants' APA A) Also included in the APAs are records from Donna Upchurch, Ph.D., Carol Anderson, LISW and Dr. James Kirkland. (Defendants' APA B, C & D) Defendants called claimant's former supervisor, Harold Edwards, to testify. Mr. Edwards was not Claimant's supervisor at the time of his alleged injuries and his first-hand testimony was limited.

STANDARD OF REVIEW

The South Carolina Administrative Procedures Act establishes the standard of review for decisions by the South Carolina Workers' Compensation Commission. *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 134-35, 276 S.E.2d 304, 307 (1981). "Under the Administrative Procedures Act (APA), an appellate court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, but it may reverse when the decision is affected by an error of law." *Pollack v. Southern Wine & Spirits of America*, 747 S.E.2d 430, 405 S.C. 9 (S.C. 2013) citing S.C. Code Ann § 1-23-380(5) (Supp. 2012). As to issues of fact, under the substantial evidence rule, an appellate panel may not substitute its judgment for that of the Workers' Compensation Commission as to the weight of the evidence or questions of fact. *Thompson v. South Carolina Steel Erectors*, 369 S.C. 606, 632 S.E.2d 874 (S.C. Ct App. 2006). Our Supreme Court has defined substantial evidence as evidence that, in viewing the record as a whole, would allow reasonable minds to reach the same conclusion. *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981).

ARGUMENT

The defendants contend that the single commissioner properly determined that the claimant failed to establish a mental injury pursuant to §42-1-160(B). South Carolina Code §42-1-160(B) contains a two part requirement for a compensable mental injury unaccompanied by physical injury. Part one (1) requires “that the employee’s employment conditions causing the stress, mental injury, or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment.” Part two (2) requires medical causation between the stress or mental injury and the stressful employment conditions by medical evidence. The records submitted by the defendants establish a causal connection between the stress and the claimant’s employment, and the single commissioner made such a finding, however defendants request the Appellate Panel affirm the single commissioner’s determination that he failed establish the requirements of subsection one (1).

Defendants’ rely upon the statement of Charles Roundy at Palmetto Behavioral Health on October 9, 2013. (Defendants’ APA A, p. 17) This note discusses the claimant’s reports of job-related stress and specifically states, “[h]is response to this not uncommon personnel [sic] issue is uncommonly out of proportion to the situation, and the advocate will attempt to discover why the patient takes it so personally.” (*Id.*) Defendants contend that this statement shows that claimant’s work conditions were not extraordinary and unusual.

Further, claimant’s allegations involve personnel issues, disciplinary actions and whether or not the employer follows its own policies. The single commissioner attempted to parse through the claimant’s complaints and made specific findings as to some of the personnel issues mentioned by the claimant. One write-up from October 2013 dealt with an alleged HIPAA violation. (Finding of Fact ¶ 11) The single commissioner noted that the disciplinary documents

note that the offense to have been committed without malicious intent. The single commissioner found that the write out was not extraordinary and unusual. (*Id.*)

As to claimant's complaints of his former supervisor, Maria Marin, the single Commissioner notes that he brought no witnesses to corroborate any extraordinary or unusual conditions regarding this former supervisor and that the former supervisor had not supervised the claimant since 2010. (Finding of Fact ¶ 12) Defendants would also argue that any actions that took place in 2010 are barred from adjudication by the Commission pursuant to S.C. Code 42-15-40.

Lastly, claimant alleges mental injury resulting from investigations into various complaints over personnel issues. South Carolina Code §42-1-160(C) states,

mental injuries ... are not considered compensable if they result from any event or series of events which are incidental to normal employer/employee relations including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, ... except when these actions are taken in an extraordinary and unusual manner.

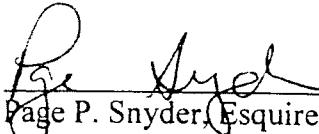
The single commissioner reviewed the voluminous evidence and the lengthy testimony and determined that personnel issues were not handled in an extraordinary or unusual manner. (Findings of Fact ¶¶ 11, 15, 18)

CONCLUSION

The single commissioner did not err in determining that the claimant failed to meet his burden of proof for benefits under S.C. Code § 42-1-160(B) because claimant did not establish that the conditions causing the mental injury were unusual and extraordinary in comparison to the normal conditions of his employment.

For the reasons set forth above, the defendants respectfully request that the Full Commission affirm the single commissioner's Order and Decision in its entirety.

Respectfully Submitted,



Page P. Snyder, Esquire
State Accident Fund
P.O Box 102100
Columbia, South Carolina 29221
(803) 896-5896
Attorney for the Defendants

Columbia, South Carolina
December 7, 2015

**BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC File Number: 1322039**

Harry Reese,)
Employee/Claimant,)
vs.)
SC Dept of Mental Health,)
Employer,)
and,)
State Accident Fund,)
Carrier/Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Full Commission Brief of Defendants/Respondents have been served upon the following on this 7th day of December, 2015 by placing a copy in the US Postal Service, first class postage affixed and addressed to:

Amy Bracy, Judicial Department
S. C. Workers' Compensation Commission
P.O. Box 1715
Columbia, SC 29202-1715

I hereby certify that a copy of the Full Commission Brief of Defendants/Respondents have been served upon the following on this 7th day of December, 2015 by placing a copy in the US Postal Service, first class postage affixed, certified mail, return receipt requested and addressed to:

7007 1490 0001 8630 3863
Harry Reese
8408 Little John Drive
Columbia, South Carolina 29202


Bonnie-Jean Thompson
Paralegal

March 4, 2016

Appellant's SCWCC Objections to Proposed Order

Re: Harry Reese (Claimant) vs. SC Department of Mental Health
WCC File No. 1322039

In both the Hearing and the Appeals, I've demonstrated my medical evidence, by testimony, and by written documentation that if it wasn't for the ongoing illegal and unethical attacks that I consistently experienced by the Defendant, I would have not sustained the mental/mental injury.

The Defendant continues to engage in both illegal and unethical conduct that proved successful within their efforts to have my claim denied by the SC Worker's Compensation Commission. As previously shared, It's painfully obvious that the decision to deny my claim was already established well before the matter was heard. The substantial amount of evidence presented clearly demonstrated that I did not have a predisposed condition and if it wasn't for the ongoing attacks by the Defendant, not only wouldn't have I suffered a mental/mental injury, but the Defendant wouldn't have placed patient's in harms way of which one patient almost died due to the reckless behavior of the mental health staff and the State Director of Mental Health merely states..."He don't like to be involved in stuff like that" (Please reference Claimant's APA and Appellant's Brief.

The Defendant claims that I didn't submit my Brief in time; however, the Defendant intentionally neglected to state the reason that the Appellant's Brief wasn't submitted in a timely matter which is displayed in the Appellant's Brief – misconduct by both SAF and SCWCC (please reference Appellant's Brief).

The Defendant presented a witness, Mr. Harold Edwards, to somehow demonstrate that my claim of a mental/mental injury wasn't job-related, but he only demonstrated and proved the ongoing attacks that I experienced by the Defendant; i.e., proving that I consistently followed the Agency's policies and directives, consistent slander and harassment that I experienced stating that he only was apprised of the HIPPA violation via social communications in the hallway; demonstrated that the Defendant consistently refused to adhere to it's own policies and directives when addressing concerns relating to Harry Reese while others aren't faced with scrutiny and penalized as I consistently was even when evidence exonerated, cleared, etc., etc., etc. me of any wrongdoings and was only presented to have me terminated or force me to quit my employment.

Initially the Defendant denied that I sustain a mental/mental injury at work; however, now the Defendant stipulates that my injury was work-related but did not meet the standard of the law. Surely no Claimant or Appellant would meet the standard of the law if the Defendant disposes of medical evidence that substantiates the case and the Commissioner does not review the evidence which was presented. The Defendant should not be allowed to continue to flip flop their position. My accounts of the cause of the worked-related mental/mental injury that I sustain have remained consistent; whereas, the Defendant and it's legal team continues to flip flop and engage

in illegal and unethical behavior of which I've submitted my formal complaint to the SC Judicial Department Commission on Lawyer Conduct and they have informed me that my claims should have been discussed in the hearing. My rebuttal to that is, it has been discussed and consistently ignored because of the amount of evidence that has been submitted – please reference the Appellant's Brief and the SC Judicial Department Commission on Lawyer Conduct correspondence which is included in this document.

Commission Barden states that I wasn't able to readily demonstrate that the mental/mental injury that I suffered; however, I provided the Commissioner with a detail history of the ongoing illegal and unethical attacks against me by the Defendant not just some snapshot that is a watered down version of the facts. The only reason that my claim is consistently being denied is because I'm not represented by a lawyer and this case would set a precedent and would enable others who are experienced or experiencing the same illegal and unethical conduct by their employer to hold the employer accountable for these illegal, unethical, and reckless behaviors that I've consistently experienced which ultimately caused the mental/mental injury. I presented the Commission with a host of medical providers that all concluded that the mental/mental injury that I sustained was work-related and no other psychosocial factors contributed to the injury. Even Mr. Don Helms, The Vocational Rehabilitation counselor that the Defendant referred me to concluded that I undue work-related stress which required psychiatric services; therefore, he referred me to a behavioral health provider twice and the agency grant and paid for additional counseling sessions.

In the Appeals, the Defendant cites "Yates versus Life Insurance Company of Georgia (Life of Georgia)" and Kennedy versus Williamsburg County" as dealing with extraordinary and unusual circumstances to satisfy the requirement under 42-1-160 (B), Part 2. Let's examine those cases.

In the Yates versus Life Insurance Company of Georgia (Life of Georgia) case, Mr. Christopher B. Yates inflicted harm to himself of which by law, he was unable to receive benefits under Worker's Compensation (S.C. Code of Laws § 42-9-60 (1976) ("No compensation shall be payable if the injury ... was occasioned ... by the willful intention of the employee to injure or kill himself..."). He attempted suicide based on the fact that the company was exploiting its' customers and he was dissatisfied with his job. This case surely doesn't apply to me because ongoing and substantial evidence demonstrates that I employed and exhausted an array of efforts to address the ongoing intentional, illegal, reckless, etc., etc., etc. attacks against me and rather than causing harm to myself, I loved myself enough to not only request help but to engage in essential mental health treatment which to include daily administration of psychotropic medications to prevent self-harm as stated the mental health professionals – "To sustain life". In addition, evidence clearly demonstrated that I enjoyed performing my job – meeting the needs of the disenfranchised and underserved vulnerable adults of whom the agency serves.

It's amazing that the Defendant would use a case of a company that has historically engaged in discriminatory practices taking advantage of the poor and disenfranchised - much like the Defendant (Life of Georgia Nears a Settlement In Suit Over Race-Bias in Premiums: By Scot J. Paltrow - The Wall Street Journal ; January 9, 2002 -

<http://badfaithinsurance.org/reference/Annuity/A0324a.htm>) and (Georgia insurer settling race-bias suit; Thursday, January 10, 2002: The Associated Press - <http://www.semissourian.com/story/57684.html>).

In the J. Putnam “Kennedy versus Williamsburg County” cited by the Defendant, Dr. J.J. Cleckley, Chief of the Psychiatric Division of Medical College of South Carolina testified that the medical professionals were unable to pinpoint an act cause of Schizophrenia of which he identified many possible contributing factors...” structural change in the brain, psychological origin due to particular childhood stress, probably a disease resulting from some chemical disturbance taking place in the brain, and so far it is a disease of unexplained etiology” The same doctor testified that...”But I do not think that injury causes this disease”. Dr. Leo E. Kirven, Jr., Chief of the white male division of the State Hospital responded in the affirmative to the judge’s question that “The lick on the head and the subsequent emotional disturbance from that on September 9th, has that accelerated, aggravated or in any way made manifest or triggered this pre-existing condition”.

In the Defendant’s Response to the Full Commission Proposed Order (pgs 6-7), the Defendant cited Dr. Hutcheson and loss wage amount of \$78,675.40 I’ve never seen a Dr. Hutcheson.

I truly don’t think that the law makers who drafted and implemented the law don’t want anyone to attempt suicide or commit suicide to demonstrate that their mental/mental injury was work-related. Surely, I hope that the Commissioners don’t believe that one does not have to go to that extreme. The medical evidence speaks for themselves and the medical professional wasn’t confused as to the cause of the mental/mental injury that I sustain – please review Claimant’s APA, Sections A-D.

The evidence present consistently demonstrated the following which caused the mental/mental injury and was consistently ignored by the Commission:

1. Failure to provide reasonable accommodation

In 2013, I was diagnosed with a mental illness by my doctor. He prescribed some time off for me and then a gradual return to work until I could build myself up to function properly. My employer was aware of my disability, and denied me a reasonable accommodation for my disability.

2. Many instances of discrimination

I along with others was passed over for a supervisory position which was filled by a Caucasian male who was not qualified for the position according to his credentials and he was demoted in his previous job.

3. I was investigated and suspended for an incident which was instigated by Ms. Marin. The matter was found to be unsubstantiated yet I did not receive an acknowledgement from my superiors that the matter was unfounded and resolved in my favor.

4. I have been disciplined twice since I filed a harassment complaint with my employer. None of the incidents were with merit, however the disciplines were allowed to stand.

5. Harassment

There have been many instances of harassment where they thought I would blow up and they would be able to fire me. I suppressed my anger and went along to get along. This is the major factor that caused my disability of which I'm currently receiving psychiatric services and prescribed psychiatric medications.

6. False accusations

I have been accused falsely on many occasions: to wit: insubordination, making sexual advances to employees, causing harm to clients, violating HIPPA, supplying a vendor with clients, etc. All of these accusations were later deemed unfounded and were only reported to continue to slander my name, marginalize and harass me, retaliate against me for placing my claims writing; moreover, were initiated to have me terminated.

7. Since filling my initial claim, additional efforts by the agency has caused immeasurable stress, anxiety, insomnia, and depression of which resulted in the attending psychiatrist to excuse me from work from August 11 – August 24, 2014 (return date – 8/25/14).

8. As evidence of the supportive documentation initially provided, I've made several efforts to communicate my concerns and to resolve these matters as amicably as possible; however, no of the SC Dept. of Mental Health Senior Managers deemed me important enough to meet with me. It is because of their ongoing biases that I do not believe that they would be amendable to mediation.

Based on the law and the evidence presented, I'm respectfully requesting that this unfair and unjust ruling be reversed. Again, the Appellant's Brief and the correspondence below will demonstrate that the Defendant would exhaust all efforts to cause me harm and to win their cause for a mental/mental injury that the Defendant caused and my ongoing efforts to cease the Defendant's ongoing illegal and unethical behaviors produced no favorable outcome – it only caused me harm.

Respectfully Submitted,

Harry E. Reese Sr.

December 28, 2015

8408 Little John Drive
Columbia, SC 29209

SC Judicial Department
Commission on Lawyer Conduct
Ms. Barbara Hinson
Administrative Assistant
1220 Senate Street
Suite 305
Columbia, SC 29201

Dear Ms. Hinson:

This correspondence serves as my formal complaint for the illegal and unethical acts committed against me by:

South Carolina State Accident Fund
Ms. Paige Snyder
800 Dutch Square Blvd., Suite 160
Columbia, SC 29210-7317

SC Worker's Compensation Commission
Commissioner Susan S. Barden
PO Box 1715
1333 Main Street, Suite 500
Columbia, SC 29202-1715
(803) 737-5700

Defendant refers to: SAF, Ms. Snyder, and SCDMH

This is my formal complaint against the aforementioned attorneys on the basis on the illegal acts committed against me. Please reference Appellant's Brief pgs. 3-10 for initial claims and the following are additional claims:

- Insurance Fraud – refusing to pay claim although evidence presented and reviewed demonstrates that the mental/mental injury was job related and no other psychosocial factors contributed to my injury which to include the three licensed and qualified physicians and the three therapist
- Insurance Fraud – allowing my healthcare insurance company to pay medical bills that the Defendant should have/should be paying based on the evidence
- Grand Theft – engaging in illegal conduct with the sole purpose of denying claim
- Insurance company made fabrications and material misrepresentations that denied my benefits
- Orchestrated Mail and Wire Fraud – mailing a falsified document (Response to Commissioner Barden's Request for Proposed Oder) based on fabrications with the sole intent to deny the worker's comp claim

- Intentional and Purposely Disposing of pertinent medical evidence which was consistent with and substantiated the Claimant's case.
- Unfair treatment of an unrepresented claimant - concealing and knowingly failed to disclose medical evidence received; did not orient the Claimant to the Appeals process; therefore, all evidence wasn't reviewed and considered
- Marginalization of Claimant – unfair treatment of an unrepresented claimant, disposing of medical evidence which substantiated the claimant's case dismissing the claimant's intellectual capacities based on the fact that unrepresented individuals economic status wouldn't enable them to secure legal representation and identify and comprehend the illegal acts against the unrepresented individual. In this particular case, denying that Harold Edwards was my supervisor, denying that Dr. McKinney was my attending physician, disposing of medical evidence, citing failing to notify the employer in a timely manner of the injury, using blanket statements to hide the fact the Dr. McKinney was my attending physician, purposely failing to orient the claimant of the Appeals process, ignoring facts, maliciously, reckless, intentionally, and purposely presenting false, fraudulent, and misleading oral or written statements with the sole intent to deny my case; Challenging my intelligence as if I couldn't read and understand policies and directives. As shared with the Commissioners in the Appeals, there's no evidence that Commissioner Barden reviewed the policies and directives that governs the agency; therefore, it was impossible for her to make conclusion as to whether or not the circumstances that caused my mental/mental injury were extraordinary and unusual. With that being said, there's no evidence that Ms. Snyder reviewed the policies and directives as well; the Defendant didn't expect me to compare and contrast both Commissioner's Brief – James and Barden to discover that they disposed of medical evidence that strongly supports and substantiate my case; dismissing emails as evidence referencing them as self-serving emails whereas they were selfprotecting and without them I wouldn't be able to prove my case; If I could afford an attorney this behavior wouldn't be taken place Appellant's Brief Section B, particularly pg. 2.
- SAF conspired with the Defendant to Deceive the Commissioner which adversely impacted the case; thus, ultimately causing the Commissioner to sign and effectuate a falsified order □ Engaged in fraudulent conduct to prevent the Defendant's premium from increasing due to their willful, malicious, and illegal attacks against me which ultimately lead to my mental/mental injury
- Solicited Harold Edwards to provide false statements in the hearing of which he was unable to because the Defendant did not include him in the investigative process.

The Defendant initially attributed one of the reasons that they denied my claim was because they state that "I" didn't file the claim in a timely manner. However, upon proving to the Defendant that I informed the Defendant via documentation of the injury based on asking for Employee Assistant Program (EAP) services, submitting my leave slips identifying the causer of my injury, and the FMLA form submitted by a licensed and qualified physician, the Defendant no longer cited the contributed cause as a reason for denying the claim only until the day of the Appeal which they clearly knew was a fabrication and was only reported to deny my claim again via the

Appeals process. The Defendant was acutely aware that I notified my employer of the injury in a timely manner; in that:

- 1) They have evidence that was presented in the Claimant's APA A-S which confirms that I notified my employer in a timely manner of the injury; moreover, the cause of the mental/mental injury Please reference Tab 1, 2, and 3; SCWCC Form 51 – Date of Injury – Tab 8 ; Appellant's Brief, Section A, pgs. 11-12, I notified the Defendant in a timely manner of the injury; yet, the Defendant did not submit the First Report of Injury (ACORD) form, according to the Defendant's Brief until September 15, 2014- Tab 16, pg. 1, "Statement of Case", and a response from Mr. Will Hawthorne, SAF Claim Representative was prepared on November 3, 2014 which reflects the date of the "D/A: 10/18/2013 – please reference Tab 8.
- 2) The Defendant requested SLED and DSS documentation surrounding the 2013 incident which required partial inpatient hospitalization See Appellant's Brief Exhibits J & K which is the date of my Deposition where I discussed the Dr. McNeil states that myself and Mr. Rick Nickles were under a DSS/SLED investigation – see Deposition Tab 11 , pg. 29, Lines 7-25
- 3) The Defendant also requested medical documentation from the providers that I received during the period after I requested EAP services – Dr. Thornton McKinney, Dr. James Kirkland, and Dr. Donna Upchurch (Tab 9) which demonstrates that the Defendant was perfectly aware that Dr. McKinney was the attending licensed and qualified physician during the intensive partial hospitalization that I receive while at PHB and not Dr. Chuck Roundy. The Defendant relied on Dr. Roundy's "Uncommon statement" (Defendant's Brief Tab 17, "Argument" pg. 5) rather than that of medical documentation of the cause of the mental/mental injury from the licensed and qualified physician as required by law.
- 4) Defendant's Brief Tab 17 "Argument" pg. 5, the Defendant didn't argue that I didn't notify my employer of the injury in a timely manner; however, the argue that the single Commissioner made the correct decision in deny the claim based on the single Commissioner also referencing the "Uncommon" statement by the therapist – Dr. Roundy (please reference Tab 12, 13, & 14 and Appellant's Brief Section A, pgs. 20-25) rather than the medical conclusion of the licensed and qualified physician – Dr. Thornton McKinney (reference Tab 5 completed FMLA form)
- 5) The Defendant was perfectly aware that the mental/mental injury surrounding the 2013 incident of which Ms. Snyder inquired of the incident during the Deposition (please reference Deposition Tab 11: pg. 35, Lines 13-20 of which the Defendant failed to complete and submit the First Report of Injury (ACORD) form
- 6) the Defendant didn't cite not filing the claim in a timely manner as the contributing factor for denying my claim during the initially worker's comp hearing April 6, 2015 (copy of hearing transcript as well as the Claimant's 618 page APA A-S will be available upon request)
- 7) Filing time was not a factor observed by Commissioner Barden in her "Request For Proposed Order" – date of hearing April 6, 2015
- 8) Filing time wasn't a contributing factor from the Defendant in their response to Commissioner Barden's "Request For Proposed Order"

- 9) upon receiving a response from the Defendant referencing her Request for Proposed Order,
Commissioner Barden didn't cite a time factor in her signed Order of which the Defendant presented "Six" stipulations
- 10) The first stipulation presented by the Defendant was to "determine whether the claimant suffered a compensable psychological injury while in the course and scope of his employment"
- 11) None of the "Six" stipulations cited by the Defendant referenced late submission of my claim on my part
- 12) the Defendant didn't cite not filing my claim in a timely manner as a contributing factor of denying my claim in the Defendant's Brief for the appeal
- 13) Since I clearly demonstrated that I notified my employer of my injury in a timely manner both in written and verbal communications/evidence, the Defendant, Ms. Snyder, through her fishing expedition after I informed the Appeal Commissioners that I had 3 licensed and qualified physician as well as 3 therapist concluded that my mental/mental injury was job related; therefore, she maliciously, dishonestly, recklessly, intentional, purposely, etc., etc., etc, informed the Appeals Commissioners that I did not file the worker's compensation form in a timely manner only to deny my claim.

The factor to the matter is, by the Defendant's policy of which SAF, Ms. Snyder, Commissioner Barden, and my employer knew, that upon the employee notifying the employer of the injury, the employer is to complete and submit the injury report (see Tab 7: Job-connected Injuries and Occupational Disease; Directive No. 491-79 (5-100); pg. 2, Section III. Evidence presented demonstrated that I notified my employer in a timely manner of the injury; however, the Defendant failed to adhere to their own policies and directives muck like they have historically done against me which was one of the factors that ultimately lead to my mental/mental injury.

90 Days Deadline to Report Injury from the date that I reported the injury and requested EAP services: November 13, 2013

Date & Event	Evidence
September 5, 2013 Requested EAP services due to crippling employment issues	Claimant's APA A, pg. 2
September 6, 2013 Ms. Brown acknowledged injury and provided EAP contact information	Claimant's APA A, pg. 2
September 18, 2013 Emailed Mr. Edwards Leave slips reflecting the need for Sick Leave – Work Related stress	Claimant's APA A, pgs. 4-8; Tab 10
October 8, 2013 Submitted completed and signed FMLA form by Dr. McKinney which	Claimant's APA D, pgs. 92-94

reflects the intensity, frequency, cause
and the consequence of the injury

October 9, 2013 The Defendant approved Claimant's APA A, pgs. 15-16
FMLA leave based on the medical
documentation provided by Dr. McKinney;
therefore, the Defendant should have
immediately completed and submitted the First
Report of Injury (ACORD) form and
they elected not to do so.

January 6, 2014 Submitted via email Dr. Upchurch's (therapist) Tab 10, pgs. 3-4 of which
completed FMLA form to Ms. V. this correspondence was
Brown and inquired of Worker's provided to Ms. Snyder
Comp; received guidance from Ms. V. during my Deposition of
Brown on 1/8/14 to contact Ms. Sharon 10/22/14; please
Brown. Followed guidance offered by reference Deposition Tab
Ms. S. Brown. 11, pg. 14, Lines 6-8; pg.
55, Lines 4-10; pg. 61,
Lines 12-25; and pg. 62,

Lines 1-8

January 14, 2014 – Followed up with supervisor as advised Tab 10
February 18, 2014 by Ms. S. Brown; however, the supervisor never
completed the injury report

October 22, 2014 Informed Ms. Snyder that Dr. McKinney was my doctor while
receiving mental health services at PHB, Deposition Tab 11, pg.
44, Line 25, pg. 45, Lines 1-7

Repetitive Trauma Injury
South Carolina Code 42-1-172

A. "Repetitive trauma injury" means an injury which is gradual in onset and caused by the
cumulative effects of repetitive traumatic events. Compensability of a repetitive trauma
injury must be determined only under the provisions of this statute.

1. During the Deposition and the Hearing, the Claimant discussed illegal and
unethical conduct of the Defendant which was only initiated in 2010 after
providing Ms. Marin with the April 9, 2010 correspondence; evidence via
documentation and testimony during the Deposition and the Hearing
demonstrated that relief from the Defendant's illegal and unethical behavior
ceased after I was unfairly re-assigned to the Cottages; evidence demonstrates that
the Defendant's illegal and unethical conduct resurfaced in 2012 via the false
Dual Relationship complaint and continued in 2013 and 2014 – overwhelmingly

demonstrates that this was repetitive trauma – 618 pages demonstrates that this is repetitive.

2. Defendant acknowledging Buildup (Refer to Appellant's Brief A, pg. 13)
 3. SCWCC Form 50 requesting date of which injury took place – date requesting EAP services (Reference Appellant's Brief Section A, pg. 13)
 4. Carpal Tunnel:
 - The stress and strain of constantly doing the same thing with your hands eventually causes the nine tendons that run through the carpal tunnel, to become swollen.
 - As a result of significant and ongoing Job related Stress which caused depression and anxiety; moreover, exacerbated medical conditions" overtime lead to Depression Transcript pg. 81, Lines 3-24, particularly Lines 11-15
 5. Ms. Avis Buchanan, Defendant's Nurse Administrator – observation of "I see it in your eyes. You're tired" of which she asked Dr. Bank for Comp Time on my behalf after Ms. Marin attack me for something she caused – Claimant's APA M, pg. 455
- B. An injury is not considered a compensable repetitive trauma injury unless a commissioner makes a specific finding of fact by a preponderance of the evidence of a causal connection that is established by medical evidence between the repetitive activities that occurred while the employee was engaged in the regular duties of his employment and the injury.
1. No evidence is reflected that Commissioner Barden reviewed the Defendant's policies and directives to compare them to the Claimant's complaint which clearly reflects systematic breach of policies, slander, harassment, bullying, retaliation, defamation of character, etc. to establish whether or not the Claimant's experienced extraordinary and unusual conditions of employment which was the main reason the Claimant provided the policies and directives of which the Commissioner accepted them into evidence. This observation is confirmed by the Defendant's Brief (pg. 5) upon the Defendant discussing the HIPPA violation – the Defendant's policies requires all staff members to document adverse incidences of which there's absolutely no such thing as an "Unauthorized Person" upon receiving an adverse incident.
 2. Attorney Joseph Henry assessment of adverse treatment and the Defendant's inability to produce, provide, cite, etc., etc., etc. any provisions of the Defendant's policies and directives that I violated (Claimant's H, pgs. 312-313 and pgs. 316-317) of which no evidence is present that Commissioner Barden reviewed the evidence; moreover, demonstrate the need for outside representation in hopes to cease the ongoing, reckless, intentional, illegal, unethical, etc., etc., etc., conduct that I experienced by the Defendant.
 3. Upheld disciplinary actions upon being exonerated of any wrong doings
 4. No evidence of Commissioner Barden reviewing Medication List (Claimant's APA

B, pgs. 47) which confirms that Dr. McKinney was my psychiatrist not Dr. Roundy 5. Denied appropriate workplace accommodations

6. Demoted Ms. Marin of which evidence that she was the aggressor in all the incidences; yet, she was allowed by the Defendant to return to work the same week that she blocked me in the copier; whereas, I was out for 3 weeks

C. As used in this section, "medical evidence" means expert opinion or testimony stated to a reasonable degree of medical certainty, documents, records, or other material that is offered by a licensed and qualified physician.

1. Dr. Gary Bell – referred claimant to PHB after his evaluation and assigned diagnosis – Major Depression DO, prescribed psychotropic medications for depression and anxiety; moreover, excused from work
2. Dr. Thornton McKinney completed FMLA form completed by the therapist and verified/concurred after his medical evaluation – Claimant's APA D, pgs. 92-93; prescribed psychotropic medications
3. Dr. James Kirkland, Medical Doctor Clinical Opinion - Claimant's APA B, pg. 31; prescribed psychotropic medications Claimant's APA B, pgs. 49-51
4. Refer to Appellant's Brief, Section A, pgs. 21-23
5. Refer to Appellant's Brief Section 1 (Red Tab), pgs. 4-5
6. Dr. Roundy role defined – "Advocate" not doctor; "Uncommon" statement (Defendant's APA A, pg. 12; Defendant's Brief, pg. 5, 2nd para) made by the Advocate, who's a Clinical Counselor. The Defendant allowed the Advocate statement to supersede the law and that of "THREE" licensed and qualified physicians – Dr. Gary Bell, Dr. Thornton McKinney, and Dr. James Kirkland, and who clearly are not in agreement with Dr. Roundy's "Uncommon" statement and Commissioner Barden's and the Defendant's interpretation of the advocate's statement as evident by medical documentation by licensed and qualified physician as required by the law
7. Dr. Roundy's role – Appellant's Brief: Section Y, Exhibit 24 - Palmetto Health Baptist Overview & Staff pg. 82 B
8. Defendant's APA A, pg. 12 – Dr. Roundy also noted evidence of desperation in requesting that the Advocate intervene on the Claimant's behalf with the employer of which Dr. Roundy describes as "unfair treatment"
9. My desperation of the Advocate to intervene with the "Employer who has treated him unfairly" is cited on the same PHP-IOP Progress/Clinical Note of Dr. Roundy's "Uncommon statement" as well as continuing treatment of which Dr. Roundy remained my therapist - Defendant's APA A, pg. 12.
 - Dr. Roundy's Discharge Summary dismisses the Defendant's theory/argument (Defendant's Brief, pg. 5 – 2nd para. last sentence) via of which the therapist cites stress as the factor that caused the mental/mental injury. He identified the stress as "Job Stress" and including a modifier "Severe": Defendant's APA A, pg. 23 (10/25/13) - Commissioner James' Brief; Defendant's APA A, pg. 16 - Commissioner Barden's Brief – (10/25/13);and Claimant's APA D, pg. 102

after the therapist. "Uncommon 10/9/13 statement; moreover, the PHB team referred me to Dr. Upchurch, therapist, for additional counseling.

10. Palmetto Health Behavioral Care Partial Hospitalization - Dr. Nicholas Depace, Conducted Psychological Testing – Claimant's APA D, pg. 89 – "Consults"
11. Deposition pg. 44; Line 25 and pg. 45; Line 1-2 – no additional life experiences attributed to the mental injury only "Significant and ongoing work-related stress" as diagnosed by:
 - Dr. Gary Bell, MD
 - Dr. Thornton McKinney
 - Dr. James Kirkland
 - Dr. Charles Roundy – discharge summary sever job stress no additional psychosocial issues observed or documented
 - Dr. Donna Upchurch - "Work-related stress intolerance accompanied by anxiety and depression; difficulty concentrating and focusing attention" – Defendant's APA B, pg. 18
 - Carol Anderson, LISW – recommended re-hospitalization and medication evaluation of which Dr. Kirkland, MD prescribed.
 - EAP approved additional counseling sessions because I continued experiencing unfair treatment by the Defendant, Claimant's APA A, 25-26

12. Defendant's purposely disposed of medical evidence that substantiates the Appellant's case – Appellant's Brief Section D, Exhibit 3 (Dr. Upchurch) & Section E, Exhibit 4 (Scott's Psychiatric)

13. Requested Dr. Roundy to attend the Worker's Compensation hearing to clarify his statements; however, my efforts were unsuccessful. Claimant's APA D, pgs. 113122

D. A "repetitive trauma injury" is considered arising out of employment only if it is established by medical evidence that there is a direct causal relationship between the condition under which the work is performed and the injury.

1. Claimant's APA A-D; Significant and ongoing work-related stress resulted in my mental injury and illness as observed and the consensus of "Several" service providers – not just one, but three licensed and qualified physicians and three therapist of which the law on requires medical conclusion/opinion from "one" licensed and qualified physician.

E. Upon reaching maximum medical improvement, the employee may be entitled to benefits pursuant to Section 42-9-10, 42-9-20, or 42-9-30. Medical benefits for compensable repetitive trauma injuries shall be as provided elsewhere in this title.

1. Currently receiving medication monitoring via Dr. Bell and mental health counseling via Ms. Carol Anderson, LISW

Defendant's Brief

Pg. 1: "On September 18, 2014, a Form 12A was filled out by the defendant employer at the request of the claimant"

- The Defendant would not complete the Worker's Compensation as requested; therefore, I completed Form 50 on my own behalf
- Defendant denied claim citing..."allegations do not constitute a compensable mental/mental injury" Reference Defendant's Form 51 – "Medical Evidence" by several service providers overwhelmingly demonstrated that I sustained a mental/mental injury as a result of "Significant/Severe ongoing work-related stress and evidence demonstrated that I notified the Defendant in time.
- Reference Appellant's Brief, Section 3 – Requesting Mr. Edwards to complete Worker's Compensation forms
- Reference Claimant's APA A, pgs. 18-24

Pg. 4: "Reports from Palmetto Health Behavioral Care"- This is a blanket statement to exclude Dr. Thornton McKinney, the attending MD of which Dr. McKinney's name intentionally omitted by the Defendant in their Brief; however, the Defendant relied on statements of the therapist – Dr. Roundy rather than the physician as required by law.

Pg. 4: "Defendant's called claimant's former supervisor, Harold Edwards, to testify. Mr. Edwards was not Claimant's supervisor at the time of his alleged injuries and his first-hand testimony was limited"

- Reference Appellant's Brief, Section 3 – Requesting Mr. Edwards to complete Worker's Compensation – Reference Appellant's Brief Section 1. □ Claimant's APA A, pg. 2
- "First hand testimony was limited – Mr. Edwards first-hand testimony was limited because rather than involving my supervisor in the HIPPA matter, they elected to inappropriately involve Dr. Bank, Dr. McNeil, and at the time as informed by Dr. McNeil – PSO, DSS, & SLED.

Pg. 6: "Commissioner notes that he brought no witnesses" – the Defendant never disputed any documented complaint, charge, accusation, allegation, etc., etc., etc. since 2010; therefore, they were my witnesses which dismisses the Defendant's claim that the information presented is hearsay and no witnesses were present.

APPELLANT'S BRIEF

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EXHIBITS

(Emailed separate from this document)

Section B - Exhibit 1: Snyder Reviewed Evidence Thoroughly Email Correspondence

Section C - Exhibit 2: Hollmon's Legal or Procedural Error Email Correspondence

Section D - Exhibit 3: Dr. Upchurch's Disposed Medical Report by the Defendant

Section E - Exhibit 4: Scott's Psychiatric Disposed of Documents by the Defendant

Section F - Exhibit 5: Reese Appeal Request – Reese SCWCC Questions & Concerns

Section G - Exhibit 6: Global Assessment of Functioning (GAF)

Section H - Exhibit 7: Witnesses' Email Confirmation of Reviewing Evidence

pgs. 204A – 204L

Section I - Exhibit 8: New Alpha's Lease

Section J - Exhibit 9: SAF SLED Records Request

Section K - Exhibit 10: SAF DSS Records Request

Section L - Exhibit 11: Claimant's Attorney Concern & Witness Request

Section M - Exhibit 12: Supervisors & Mental Health Staff

Section N - Exhibit 13: Productivity – Geof Mason

Section O - Exhibit 14: SAF Form 51 – Denial Reasons

Section P - Exhibit 15: Marin's Crisis Funds Request

RECEIPTS & FEES PAID

Section Q - Exhibit 16: Medication List & Copays - Updated

Section R - Exhibit 17: Print Cost - SCDMH Personnel File Fees Paid, Copy Pick-up, etc.

Section S - Exhibit 18: Carol Anderson, LISW Receipt

Section T - Exhibit 19: Dr. Donna Upchurch, Therapist

Section U - Exhibit 20: SCWCC Fees Paid

Section V - Exhibit 21: Whitmore Transcript Fees Paid

UNPAID BILLS

Section W - Exhibit 22: Palmetto Health Baptist

Section X - Exhibit 23: Dr. Thornton McKinney

Section Y - Exhibit 24: PH Baptist Overview & Staff

ADDITIONAL SUPPORTING DOCUMENTATION

COLORED TAB SECTION

Tab 1: Initial Email Notification to Supervisor of Mental Anguish which is evidence from Claimant's APA H, pg. 255

Tab 2: Claimant's Sick Leave Slips signed by Harold Edwards, Supervisor which is evidence from Claimant's APA A, pgs. 4-8

Tab 3: Claimant's EAP Request & Employer's Response which is evidence from Claimant's APA A, pgs. 2-3

Tab 4: EAP Referral for Psychiatric Services which is evidence from Claimant's APA A, pg. 10

Tab 5: Dr. Thornton McKinney's completed and signed FMLA form which is evidence from Claimant's APA D, pgs. 92-94

Tab 6: Employer Approval of FMLA Leave which is evidence from Claimant's APA A, pgs. 15-16

Tab 7: Defendant's Directive: Job-Connected Injuries and Occupational Diseases

Tab 8: SCWCC 51 & SAF/Mr. Will Hawthorne Denial Letter

Tab 9: SAF Medical Requests Request from: Dr. McKinney, Dr. Kirkland and Dr. Upchurch

Tab 10: Worker's Comp Follow-Up Emails of Supervisor

Tab 11: Claimant's Deposition

Tab 12: Commissioner Barden's "Request for Proposed Order"

Tab 13: Defendant's Response to Commissioner Barden's "Request for Proposed Order"

Tab 14: Commissioner Barden's Signed Order

Tab 15: Appellant's Response to SCWCC rejecting Exhibits

Tab 16: Defendant's Brief

Tab 17: Defendant's Policies & Directives admitted into Evidence identified as "Yellow Folder – Department of Mental Health Policies and Procedures" in the Defendant's Response to Commissioner Barden's "Request for Proposed Order" and Commissioner Barden's signed order

Evidence has clearly demonstrate that I reported me injury within in 90 day timeframe required by law. Evidence has also demonstrated that the Defendant failed to adhere to their own policy, "JobConnected Injuries and Occupational Diseases"; in that, the Defendant did not complete and submit the SCDMH Form P-16, "Report of Injury" once the injury was reported by myself, the EAP provider that the Defendant referred me to, and ultimately, the attending psychiatrist submitting the completed "Family Medical Leave" form and the Defendant elected not to complete the P-16 as required by policy.

Evidence has demonstrated that Ms. Snyder was acutely aware that I informed the Defendant in a timely manner of the injury and the Defendant elected not to complete the required form as required by policy via Ms. Snyder confirming via email that she read all of the evidence submitted in Claimant's APA A-S.

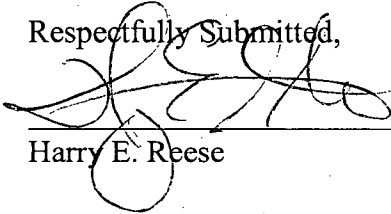
Evidence also demonstrated that I notified my employer in a timely manner of my injury and the Defendant elected not to file the form as required by their policy. In fact, since the Defendant did not file the forms in a timely manner after becoming acutely aware of the work-related injury, I provided Ms. Snyder with emails requesting Mr. Harold Edwards, my immediate supervisor, at the request of Ms. Susan Brown to complete the Worker's Comp forms; however, he did not - Deposition pg. 14, Lines 4-10; pg. 55, Lines 4-10; pg. 61, Lines 12-25 and pg. 62, Lines 1-7 (see attached document which was provided to Ms. Snyder during the Deposition). Requested Mr. Edwards to complete the form on 1/14/2014 and as of February 18, 2014, Mr. Edwards had not completed the forms of which Ms. Vicki Brown was acutely aware of and did not intervene to ensure that the forms were completed in a timely manner.

Evidence has clearly demonstrated that Ms. Snyder was perfectly aware that Dr. Thornton McKinney was my psychiatrist, licensed and qualified physician, while receiving mental health services via Palmetto Health Baptist Behavioral Health; yet, she intentionally and purposely misrepresented a statement provided by the therapist of who she and SAF relied on rather than following the law. In the Defendant's Brief pg. 4, Ms. Snyder assisted the Defendant in deceiving the Commissioners via intentionally and purposely omitting Dr. Thornton McKinney, the attending MD from their Brief. The Defendant listed several service providers by name of which I received essential mental health treatment; however, they intentionally and purposely omitted to Dr. McKinney's name only to deceive the Commissioners, however, the Defendant relied on statements of the therapist – Dr. Roundy rather than the physician as required by law.

With the above being said, this correspondence serves as my formal complaint against Ms. Paige Snyder - attorney and State Accident Fund (SAF) – insurance carrier for the Defendant and Commissioner Susan Barden.

If you have any additional questions or concerns, please do not hesitate to contact me at (C) (803) 4774227; (H) (803) 851-3182; or email: hreese2005@yahoo.com.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'H. Reese', is written over a horizontal line. The signature is stylized and somewhat cursive.

Harry E. Reese

Harry Reese

From: Harry Reese
Sent: Friday, March 04, 2016 4:27 PM
To: 'WCC Appeals,; Hollmon, Eugenia; Page Snyder; Harry Reese
Cc: Bonnie J. Thompson; Cannon, Gary
Subject: RE: Reese WCC#1322039
Attachments: Reese Objections to Decision & Order 3-4-16.pdf

Ms. Falls:

Please see the attached document – “Reese Objections to Decision & Order 3-4-16”.

Thanks,
Harry E. Reese Sr.
LMSW
Impact
2715 Colonial Drive, Bldg. 200A
Columbia, SC 29203
(803) 898-8131
Fax: (803) 898- 4374

Email: harry.reese@scdmh.org

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From: WCC Appeals, [<mailto:appeals@wcc.sc.gov>]
Sent: Wednesday, March 02, 2016 9:36 AM
To: Harry Reese; Hollmon, Eugenia; WCC Appeals,; Page Snyder; Harry Reese
Cc: Bonnie J. Thompson; Cannon, Gary
Subject: RE: Reese WCC#1322039

Mr. Reese,

Ms. Hollmon is out of the office today. Again, if you would like to send in objections, you may, however, it is not required. We will give you until Friday to send in your objections. Any objections submitted will be routed to the panel members along with the proposed Order. Once the Full Commission Order is served, if you are not happy with the results, you may Appeal to the Court of Appeals.

Thank you!

Kim Falls
SC Workers' Compensation Commission
Judicial Analyst – Appeals Division
1333 Main Street, Suite 500
Post Office Box 1715
Columbia, SC 29202-1715
Phone: 803-737-5739
kfalls@wcc.sc.gov

From: Harry Reese [<mailto:harry.reese@scdmh.org>]
Sent: Tuesday, March 01, 2016 5:22 PM
To: Hollmon, Eugenia; WCC Appeals,; Page Snyder; Harry Reese
Cc: Bonnie J. Thompson; Cannon, Gary
Subject: RE: Reese WCC#1322039
Importance: High

Thank you Ms. Hollmon; however, please forward me any correspondences; i.e., emails, written correspondences; i.e., etc., etc.,etc. demonstrating that you provided me with any guidance within this extremely important matter. I have received absolutely no guidance from SAF or SCWCC within this matter. Nevertheless, I'll exhaust all efforts to meet this unjust deadline which may prove to be impossible for me to do. I work during the day and don't have the luxury of a paralegal to assist me within completing these tedious litigious task of which I'm not legally equipped to complete; moreover, my efforts to seek legal presentation has been unsuccessful.

Thanks,
Harry E. Reese Sr.
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(803) 898-8131
Fax: (803) 898- 4374

Email: harry.reese@scdmh.org

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From: Hollmon, Eugenia [mailto:EHollmon@wcc.sc.gov]
Sent: Tuesday, March 01, 2016 1:40 PM
To: Harry Reese; WCC Appeals;; Page Snyder; Harry Reese
Cc: Bonnie J. Thompson
Subject: RE: Reese WCC#1322039

Mr. Reese,

I am appeals@wcc.sc.gov. I responded to your concerns. Providing objections to the proposed order is not a requirement. I am not sure what the letter indicated when Ms. Snyder forwarded you a copy of the proposed order, but just like you have done in the past concerning issues you may do the same now. If you have objections submit them in writing, via email, and I will forward them to the Panel along with the proposed order. It will be up to the Panel to accept or deny your objections or concerns. I will hold this order until March 4 awaiting any objections or concerns you may have. If you need anything further just let me know.

Thank you.
Genia Hollmon

Eugenia Hollmon
Judicial Docketing Director
South Carolina Workers' Compensation Commission
803-737-5737
EHollmon@wcc.sc.gov

From: Harry Reese [mailto:harry.reese@scdmh.org]
Sent: Monday, February 29, 2016 5:40 PM
To: WCC Appeals;; Page Snyder; Harry Reese; Hollmon, Eugenia
Cc: Bonnie J. Thompson
Subject: RE: Reese WCC#1322039
Importance: High

Ms. Hollmon:

In addition to my previous email, my email dated "Thursday, February 25, 2016 10:12 PM" requesting guidance was also sent to 'WCC Appeals ' appeals@wcc.sc.gov' email address and "**NO ONE – ABSOLUTELY NO ONE**" from SCWCC provided me with any guidance. For this and the aforementioned reasons described in my previous emails, I should be afforded with time to prepare and submit my objections as previously stated.

Thanks,
Harry E. Reese Sr.
LMSW
Impact
2715 Colonial Drive, Bldg. 200A
Columbia, SC 29203
(803) 898-8131
Fax: (803) 898- 4374

Email: harry.reese@scdmh.org

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From: Harry Reese
Sent: Monday, February 29, 2016 5:34 PM
To: 'WCC Appeals,'; Page Snyder; Harry Reese; Hollmon, Eugenia (EHollmon@wcc.sc.gov)
Cc: Bonnie J. Thompson
Subject: RE: Reese WCC#1322039
Importance: High

Ms. Hollmon:

Please see the email below dated "Thursday, February 25, 2016 10:12 PM". I'm not an attorney and the correspondence sent by SCWCC was misleading of which it "does not" request, require, instruct, etc., etc., etc., me to provide the Commission with any objections to SAF's response to the Commissioner proposed order request. In addition, "NO ONE" during the appeal request, require, instruct, etc., etc., etc., me to provide the Commission with any objections to SAF's response to the Commissioner proposed order request. Moreover, the copy of the proposed order submitted by SAF to the Commissioner and provided to me, "DID NOT" request, require, instruct, etc., etc., etc., me to provide the Commission with any objections. As previously shared with all of you, I'm not an attorney, I do not work for SCWCC nor SAF; therefore, this process is new to me especially since I've "NEVER" had to experience this process in the past. As stated in the "Thursday, February 25, 2016 10:12 PM" email, I would exhaust all efforts to provide the Commission with my objections by Monday, March 7, 2016.

Thanks,
Harry E. Reese Sr.
LMSW
Impact
2715 Colonial Drive, Bldg. 200A
Columbia, SC 29203
(803) 898-8131
Fax: (803) 898-4374

Email: harry.reese@scdmh.org

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From: WCC Appeals, [<mailto:appeals@wcc.sc.gov>]
Sent: Monday, February 29, 2016 3:27 PM
To: Harry Reese; Page Snyder; Harry Reese
Cc: Bonnie J. Thompson
Subject: RE: Reese WCC#1322039

Mr. Reese,

Per Ms. Snyder's email, she sent you a copy of the proposed decision and order on February 1 and you have not sent her any correspondence indicating that you had any issues with the order as proposed. Based on this email we will be sending the proposed order to the Panel members for signatures. Please let me know if you need anything further.

Genia Hollmon

From: Harry Reese [<mailto:harry.reese@scdmh.org>]
Sent: Friday, February 26, 2016 8:30 AM
To: Page Snyder; Harry Reese; WCC Appeals,
Cc: Bonnie J. Thompson
Subject: RE: Reese WCC#1322039
Importance: High

Ms. Thompson:

As you can see from Ms. Snyder's response, she's unable to provide any guidance within this matter. Therefore, as noted in my previous email, I'm requesting guidance from SCWCC in this matter. Thank you in advance for your attention and consideration in this extremely important and urgent matter.

Thanks,
Harry E. Reese Sr.
LMSW
Impact
2715 Colonial Drive, Bldg. 200A
Columbia, SC 29203
(803) 898-8131
Fax: (803) 898-4374

Email: harry.reese@scdmh.org

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From: Page Snyder [<mailto:psnyder@saf.sc.gov>]
Sent: Friday, February 26, 2016 8:23 AM
To: Harry Reese; WCC Appeals,
Cc: Harry Reese; Bonnie J. Thompson
Subject: RE: Reese WCC#1322039

Good Morning,

Mr. Reese, unfortunately, I am in no position to give you guidance during the pendency of your appeal.

I will await receipt of the signed order from the Appellate Panel. Should the Commission need anything further from me, please do not hesitate to contact me.

Thank you,
Page

Page P. Snyder, Esq.

Chief Counsel
South Carolina State Accident Fund
P.O. Box 102100
Columbia, SC 29221-5000
Direct: (803) 896-5896
Fax: (803) 612-2796

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From: Harry Reese [<mailto:hreese2005@yahoo.com>]
Sent: Thursday, February 25, 2016 10:12 PM
To: Page Snyder; WCC Appeals,
Cc: Harry Reese; Bonnie J. Thompson
Subject: Re: Reese WCC#1322039

Dear Ms. Snyder & Staff members of SCWCC:

Please see the attached document. I'm requesting guidance referencing an email sent by Ms. Snyder stating that she had not received an objection since submitting the Defendant's Proposed Order on February 1, 2016. I'm once again asking, who should submit the objection?

I was under the impression that the Full Commission would be addressing this issue via the following statement from their unjust decision in the correspondence received:

“This document is not a Decision and Order. It is a request for a proposed order. The Commissioners reserve the right to modify and/or delete any or all portions of the submitted Decision and Order”.

In addition, upon receiving a copy of the Defendant's response to the Proposed Order requested by the Full Commission, SAF correspondence did not instruct me to provide any objections. Please be mindful that I'm not employed by SCWCC and have never undergone this process before; therefore, I'm unaware of the particular protocols. If need be, I probably could prepare something by next Monday, March 7, 2016 and present it via email. I'm not an attorney and don't have access to a paralegal or any legal resources to complete this tedious task. Please provide guidance.

Respectfully Submitted,
Harry Reese

From: Harry Reese <hreesee2005@yahoo.com>
To: Page Snyder <psnyder@saf.sc.gov>; "WCC Appeals," <appeals@wcc.sc.gov>
Cc: Harry Reese <HER08@SCDMH.ORG>; Bonnie J. Thompson <bjthompson@saf.sc.gov>
Sent: Wednesday, February 24, 2016 10:12 PM
Subject: Re: Reese WCC#1322039

Ms. Snyder:

I'm I suppose to provide objections to the proposed order or the Full Commission?

Thanks,
Harry Reese

From: Page Snyder <psnyder@saf.sc.gov>
To: "WCC Appeals," <appeals@wcc.sc.gov>
Cc: Harry Reese <HER08@SCDMH.ORG>; Harry Reese <hreesee2005@yahoo.com>; Bonnie J. Thompson <bjthompson@saf.sc.gov>
Sent: Wednesday, February 24, 2016 10:15 AM
Subject: Reese WCC#1322039

Attached is the proposed Full Commission Order for the above-referenced claim. The proposed Order was mailed to the Appellant on February 1. To this date, I have not received any objections to the proposed order as written.

If you need anything else, please do not hesitate to contact me.

Page P. Snyder, Esq.

Chief Counsel
South Carolina State Accident Fund
P.O. Box 102100
Columbia, SC 29221-5000
Direct: (803) 896-5896
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APPELLATE PANEL
DECISION AND ORDER
OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO. 1322039

HARRY REESE, CLAIMANT/APPELLANT,

VERSUS

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH AND SC STATE
ACCIDENT FUND, DEFENDANTS/RESPONDENTS.

Appellate Panel Review held in Columbia, South
Carolina on December 14, 2015 per notices timely and
properly served on all parties of interest.

Appellate Panel Decision and Order filed:

April 8th, 2016

APPEARANCES:

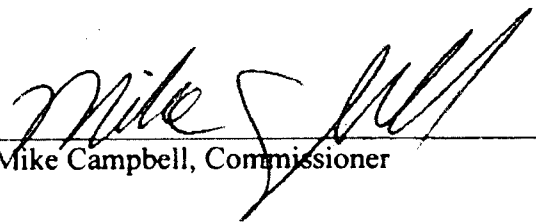
Claimant appeared *pro se*.

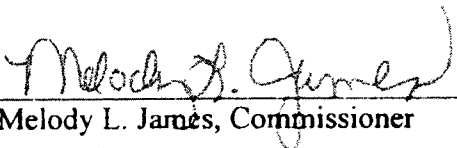
Defendants were represented by Page P. Snyder,
Esquire, of The South Carolina State Accident
Fund, P.O. Box 102100, Columbia, South Carolina
29221-5000.

IT IS ORDERED, that the Claimant failed to prove that he suffered a compensable mental/mental claim pursuant to S.C. Code §42-1-160. Claimant failed to establish that he is entitled to compensation or benefits.

AND IT IS SO ORDERED.

**SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION**


Mike Campbell, Commissioner


Melody L. James, Commissioner


Gene McCaskill, Commissioner, Chair

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 April 8, 2016

STATE OF SOUTH CAROLINA
BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Harry Reese,)	
)	
Claimant,)	
)	
vs.)	
)	
Department of Mental Health,)	ORDER
)	
Employer,)	W.C.C. FILE NO.: 1322039
)	
and,)	
)	
State Accident Fund,)	
)	
Carrier/Defendants,)	
)	

HEARING DATE: Held in Columbia, South Carolina on
 April 6, 2015

APPEARANCES: Harry Reese, *Pro Se*
 Page Snyder, Esq., Attorney for State Accident Fund.

PURPOSE OF HEARING: To determine the issues raised pursuant to forms 50 and 51.

DECISION AND ORDER BY: Susan Barden, Commission

FILED: July 24, 2015

STIPULATIONS

This case was heard by the undersigned Commissioner in Columbia, South Carolina, on April 6, 2015. The parties stipulated at the hearing to the following issues:

1. The purpose of the hearing is to determine whether the claimant suffered a compensable psychological injury while in the course and scope of his employment.
2. Notice of this hearing was timely and properly served upon all parties of interest.
3. Venue, set in Richland County, is proper as agreed by the parties.
2. Without objection, the Commission's file becomes part of the record, with the exception of any self-serving declarations or unstipulated medical reports.
3. The claimant seeks a determination that he suffered a compensable psychological injury while he was in the employment of the defendant/employer, Department of Mental Health. Therefore, the S.C. Workers' Compensation Commission has jurisdiction of this case.
4. The average weekly wage is \$701.61, making a compensation rate of \$467.76 applicable in this matter.

APA SUBMISSIONS

Under the Administrative Procedures Act, the following documents were submitted into evidence by the Claimant:

Yellow Folder	Department of Mental Health Policies and Procedures
Small Binder (tabbed A-Z)	Articles re: stress and mental health
Large Binder (tabbed A-S)	Medical records, emails, employment documentation

Defendants objected to the Small Binder in its entirety. This objection was overruled and the Commissioner noted that while the articles were not evidence, she would take them under advisement. Defendants objected to any and all handwriting on documents in the Large Binder.

This objection was sustained and the undersigned noted that she did not weigh any of the hand-written information in the large binder.

Under the Administrative Procedures Act, the following documents were submitted into evidence by the Defendants:

APA A	Palmetto Behavioral Health Care	9/26/13-10/25/13	1-17
APA B	Donna W. Upchurch, Ph.D.	11/27/13-12/19/13	17-20
APA C	Carol Anderson, LISW	7/7/14	21

Defendants also offered Exhibits which included employment documentation from the Department of Mental Health which included write-ups, employee counseling records, and other documentation from Claimant's employment file. These documents range in dates from May 2010 through May 2014.

STATEMENT OF CASE

On September 15, 2014, Claimant filed a Form 50 requesting a hearing, filing a mental/mental claim. Claimant alleges dates of injury of October 18, 2013 and August 12, 2014. On September 18, 2014, a Form 12A was filled out by the Employer at the request of the Claimant, which reflected that Claimant was experiencing ongoing stress, slander, and false accusations by managers since April 1, 2010. The Defendants timely filed a Form 51 on October 10, 2014. Defendants denied the claim on the grounds that Claimant's allegations do not constitute a compensable mental/mental injury pursuant to S.C. Code § 42-1-160. This matter was set for a hearing on December 17, 2014. At the hearing, Claimant requested additional time to retain an attorney. Commissioner Melody James gave Claimant an additional thirty days to retain an attorney, and the matter was reset and heard on April 6, 2015. Claimant was not represented by counsel at the April 6, 2015 hearing. Claimant sought a determination that he suffered a compensable mental/mental injury pursuant to S.C. Code § 42-1-160. Defendants

argued that Claimant failed to meet his burden of proof to establish a compensable mental-mental injury.

EVIDENCE OF THE CASE

Claimant alleges he has sustained a compensable mental/mental claim while working at the Department of Mental Health pursuant to S.C. Code § 42-1-160. Claimant is a Human Resources Coordinator, and still employed with the Department of Mental Health. Claimant testified as to his alleged work injury, employment, educational background, and health background. Claimant relied upon his testimony and the admissible APA submissions.

Defendants relied upon medical records from Palmetto Behavioral Health Care which included treatment notes from September 2013 to October of 2013, records from Dr. Upchurch regarding Claimant's ability to work. Defendants called Claimant's former supervisor, Harold Edwards, to testify. Mr. Edwards was not Claimant's supervisor at the time of his alleged injuries, and his first-hand testimony was limited.

Claimant bears the burden of proving the compensability of his alleged work injury. Defendants maintain that Claimant failed to show that he suffered a compensable mental/mental injury pursuant to S.C. Code § 42-1-160.

FINDINGS OF FACT

IT IS FOUND AS A FACT:

1. Claimant alleges that he sustained acute work-related mental-mental injuries on October 18, 2013, and August 12, 2014, but contends that work stressor symptoms have been occurring since 2010 (testimony of Claimant, Claimant's Deposition pages 13-14 and 51; Defendants' APA, pages 14 and 16; Claimant's APA B, page 28; Claimant's APA D, pages 87 and 102).

2. Claimant does not plead injury by repetitive trauma, but rather two discrete dates of injury (Commission's file containing Claimant's Form 50).
3. Claimant was earlier advised of his right to counsel, but instead chose to represent himself at the hearing before the undersigned (Order of Commissioner James, dated December 2014).
4. Claimant did not subpoena or otherwise bring any witness to the hearing to corroborate his testimony of harassment or hostility in the workplace. However, from Claimant's testimony, there is no question that Claimant and Ms. Marin did not see "eye to eye" (*See e.g.*, Claimant's APA F, pages 139, 141-168, 170, 173, 191-195, and 203; Claimant's APA L, page 426).
5. Claimant is 47 years of age (testimony of Claimant; Claimant's Deposition, page 5).
6. Claimant has a Master's degree in social work (testimony of Claimant; Claimant's Deposition page 8).
7. Claimant's employment history includes work as a cook, work at a Head Start facility as a case manager, and work as a teacher/coordinator at a child development center (Claimant's Deposition, pages 9-10).
8. Claimant's job with employer is a Human Resources Coordinator I/Mental Health Professional (testimony of Claimant; Claimant's Deposition, pages 10-11 and 56).
9. Based upon written evidence, Claimant appears to be an excellent employee who (a) cares very much about his job, and (b) takes great pride in the performance of that job. Claimant is documented as (a) requiring "minimal supervision and prompting in obtaining needed services for his clientele," (b) having "outstanding and consistent case management services," and being an "efficient" and "hardworking, caring, and

compassionate professional” (testimony of Claimant; Defendants APA, pages 1 and 3; Claimant’s submissions, unnumbered pages containing employee evaluations; Claimant’s Deposition, page 42; Claimant’s APA D, page 112; Claimant’s APA I, page 375).

10. Claimant was admitted to the Palmetto Health Behavioral Intensive Outpatient Program in September 2013 – the month prior to the October 2013 event he alleges to be an unusual and extraordinary condition of employment. During this treatment, Claimant reported “continuous conflict with his supervisors.” One of the goals mentioned during this treatment protocol was for Claimant “[t]o learn how to take better care of myself, so that I can deal with the job stress.” Claimant expressed anger at being accused of something he didn’t do at work and being treated unfairly. One of these records states that Claimant’s response to the “not uncommon” personnel issue is “uncommonly out of proportion to the situation, and the advocate will attempt to discover why the patient takes it so personally.” I give this evidence great weight (Defendants’ APA, pages 1-2, 11-14, and 16-17).
11. It is difficult to follow Claimant’s testimony at times, but it appears that the October 2013 incident relates to an investigation and Claimant’s ultimately being reprimanded for insubordination stemming from an alleged HIPAA violation, after which Claimant was made to take a HIPAA refresher course. The disciplinary documents specifically state that Employer considered the offense to have been without malicious intent. The tone of the disciplinary write-up does not appear to be extraordinary and unusual, and although Claimant adamantly disagrees with the write-up, it was not done in a hostile manner (testimony of Claimant; Claimants Deposition, *e.g.*, pages 32-35 and

58; Defendants APA C, unnumbered pages; Claimant's APA, unnumbered pages; Claimants APA H, pages 277, 283-286, 288-295, 323, and 325-326; *See also* Claimant's APA L, page 422; Claimant's APA M, pages 433 and 436-445; Claimant's APA O, page 547).

12. It also appears that Claimant has particular difficulty with stress in dealing with his managers, particularly Ms. Marin, who supervised Claimant for a six month period in 2009-2010 (Ms. Marin's supervision ended in May 2010). However, Claimant alleges an incident in 2014 when Ms. Marin blocked a copy room and badgered him. Claimant contends that he is the subject of ongoing retaliation and harassment. Claimant testified at his deposition that he was warned by "the folk at Independence House," who told Claimant that Ms. Marin was "crazy." However, Claimant called no witnesses on his behalf to describe Ms. Marin in this manner. Otherwise, the outcome of this case might have been vastly different. However, in any event, Ms. Marin has not supervised Claimant since 2010 (testimony of Claimant; Claimant's Deposition, pages 36-41 and 57; Claimant's Deposition, page 15; Claimant's APA F pages 137 and 187).
13. Claimant also contends that he was investigated for various complaints without Employer following proper policy or protocol. However, in at least one of these complaints, Claimant was exonerated by Employer (testimony of Claimant; Defendants APA C, unnumbered pages; Claimant's Deposition, pages 19-21; Claimant's APA H, page 259).
14. Claimant admits that it is common for clients to allege mistreatment or abuse (Claimant's Deposition, page 47).

15. Claimant does admit to threatening clients by stating (jokingly, he contends) that he would throw water on those who did not pay attention. I do not find that the write-up for this episode was extraordinary and unusual (Defendants APA C; Claimant's Deposition, pages 16-17; testimony of Claimant; Claimants APA F, page 186).
16. As of the date of the hearing, Claimant has returned to his job duties with Employer (testimony of Claimant).
17. I have no doubt that Claimant's predominant stressor is work-related, as such is corroborated by the hospital outpatient treatment records, by the record of Dr. Upchurch, and by the causation statement by Dr. Kirkland. However, it is not enough for the stress to be work-related; if that were the case, Claimant would readily meet his burden of proof (*See* Claimant's APA, pages 31-32; Claimant's APA C, pages 54-56, and 78-80; Claimant's APA D, pages 82-83, 87-90, 92, 95 and 100).
18. Claimant has not provided to the Commission sufficient evidence to meet his burden of proof pursuant to S.C. Code § 42-1-160 for a mental-mental injury.
19. This decision is in no way a reflection upon Claimant's job performance with Employer, as Claimant strikes the undersigned as a very dedicated employee who not only cares deeply about his work, but also about what others think of that performance. Dr. Upchurch describes Claimant (a) with a "deep caring for the population he serves," and (b) as "desperate for understanding and respect." Claimant's write-ups "devastate" Claimant and leave him feeling as though he is "fighting for his good name and basic respect" (*See* Claimant's APA C, pages 79-80).
20. I did not consider any handwritten additions to records before me.

21. Benefits under the Act are denied. This decision has nothing to do with Claimant's job performance, as the greater weight of the evidence shows Claimant to be an excellent employee who takes great pride in the performance of his work for Employer.
22. Claimant's average weekly wage is \$701.61, yielding a compensation rate of \$467.76.

CONCLUSIONS OF LAW

Based upon the evidence submitted in the case, the testimony given, and the foregoing Findings of Fact, I make the following Conclusions of Law:

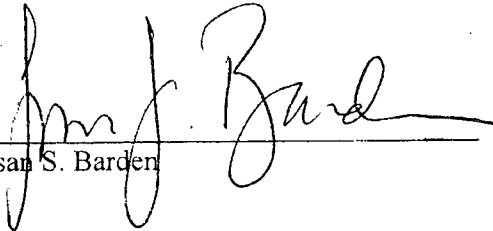
1. Pursuant to Section 42-3-180 of the South Carolina Code of Laws, the South Carolina Workers' Compensation Commission has jurisdiction of this proceeding to determine the issues brought before it and venue in the County of Richland is proper pursuant to Section 42-17-20.
2. Claimant is an employee and Department of Mental Health was the employer pursuant to S.C. Code §§ 42-1-130 and 42-1-140, respectively.
3. That pursuant to S. C. Code § 42-1-40, Claimant's average weekly wage was \$701.61, making a compensation rate of \$467.76 applicable in this matter.
4. Claimant asserts he suffered a compensable psychological injury while acting within the course and scope of her employment pursuant to S. C. Code §42-1-160. Claimant failed to meet the burden of proof to demonstrate a compensable mental-mental claim pursuant to § 42-1-160.

ORDER

Based upon the Findings of Fact and Conclusions of Law:

IT IS, THEREFORE, ORDERED, that Claimant failed to prove that he suffered a compensable mental/mental claim pursuant to S.C. Code §42-1-160. Claimant failed to establish that he is entitled to compensation or benefits.

AND IT IS SO ORDERED.


Susan S. Barden

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).
July 24, 2015**

By: Kristi Love, Administrative Assistant to Commissioner Barden

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Total		\$3.77

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 City, State, ZIP+4 *SP 160 Columbia, SC 29210-1317*

PS Form 3800, August 2006 See Reverse for Instructions