



Claimant's Name: Terry McCall SSN: 250-23-9376 Employer's Name: Hire Quest, LLC  
 Address: P.O. Box 2039 Address: 4560 Great Oak Drive  
 City: Ridgeland State: S.C. Zip: 29936 City: North Charleston State: S.C. Zip: 29418  
 Home Phone: NONE Work Phone: NONE Carrier: Ace American Ins. Co. 5001  
 Preparer's Name: Terry McCall Preparer's Phone #: Incarcerated in Prison

Please provide all of the information requested. Incomplete forms will delay the review process.

**REQUEST TO WAIVE APPEAL FILING FEE**

1. Are you presently employed?  Yes  No IN S.C. PRISON SYSTEM
- a. If yes, state the name and address of your employer and wages below.
- b. If no, where did you last work, when did you stop working, and what were your wages?  
ON or About July 12, 2014 Trojan Labor/Hire Quest, \$9.00 hrs
- c. Is your spouse employed?  Yes  No Not married If yes, where? 0  
 What are your spouse's wages? \$ 0
- d. What is the total income of all working members of your household?

2. How many people are dependent on you for their support (include children and relatives)? 0  
 How much do you spend weekly for their support? \$ 0

3. List any money you have received in the past year other than that listed above and state from what source that money came (gift, inheritance, insurance, other).

None "Incarcerated in S.C. Prison with no job paymny money we do not earn money here"

4. Do you have a checking or savings account?  Yes  No  
 If yes, what is the balance in each account? Checking: \$ 0 Savings: \$ 0

5. Do you rent or own your home?  Rent  Own IN PRISON Rent or mortgage payment: \$ 0

6. Do you own a car?  Yes  No Payments: \$ 0

7. List the names of your creditors and amount of debt.  
Hospital Bills for this Workers Comp Job related injury At G.H.S., Guile Hospital system.

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my financial condition. I request that the filing fee be waived.

Terry McCall  
 Signature

**RECEIVED** 4/19/16  
 Date: (JMR)

For official use only.  Fee Waived  Waiver Rejected  Other Disposition

APR 26 2016

J. Z. [Signature] 4/20/16  
 Chair, S.C. Workers' Compensation Commission S.C. WORKERS' COMP. COMM. EXECUTIVE DIRECTOR

File this form with a Form 30, Application for Commission Review. Refer to R.67-701 through R.67-711 for additional information. File this form with a Form 50, 52, 54, Requests for Motions, Consents and Settlements. Refer to R.67-207, R.67-208, R.67-215, R.67-803 and R.67-805.



Claimant's Name: Terry E. McCall SSN: 280-239376 Employer's Name: Trojan Labor  
 Address: 222 Rutherford St. Address: 225 Kerns Ave  
 City: Greile State: SC Zip: 29609 City: Greile State: SC Zip: 29609  
 Home Phone: 864-365-5954 Work Phone: 864-520-7492 Insurance Carrier: \_\_\_\_\_  
 Preparer's Name: Terry E. McCall Law Firm: Pro. Sel. Preparer's Phone #: 864-520-7497

A claim for workers' compensation benefits is made based on the following grounds:  
 Injury  Illness  Repetitive Trauma  Occupational Disease  Physical/Brain Injury  Concurrent Jurisdiction

- The claimant sustained an injury to Neck, Shoulder, Back, Rt Hand (Part(s) of Body Injured) on 7-4-14 (Month/Day/Year) in Greile county, state of SC. Body part(s) affected are: Back, Rt Shoulder, Rt Wrist Hand, Chipped Teeth
- Briefly describe how the accident occurred: I was tripped over wire, fell by other workers
- Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.
- The relationship of employer and employee existed at the time of injury.
- At the time of the injury the claimant was performing services arising out of and in the course of employment.
- Notice of the accidental injury was given to the Employer on 7-4-14 (Month/Day/Year) in the following manner: \_\_\_\_\_

7. Due to injury, the claimant is in need of (check one):  
 (a) medical examination and treatment for: Back, Rt shoulder, Rt wrist, hand, neck, chipped teeth  
 (b) additional medical examination and treatment for: \_\_\_\_\_

8. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of: \_\_\_\_\_

9. Due to the injury, the Claimant has permanent disability of the following nature and extent (check one):  
 (1) General Disability:  Total  Partial  (2) Specific Disability:  Total  Partial  (3) Wage Loss

9a.  A determination of permanent disability is premature at this time.

10. Due to the injury, the Claimant has a serious bodily disfigurement consisting of: loss of movement in hand/wrist, frozen shoulder  
 10a. At the time of the injury, the Claimant was paid weekly wages of \$ 900 and demands accounting of days worked and wages earned as provided by law.

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

11. Further grounds or unusual aspects of claim: \_\_\_\_\_

11a. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident: GMH Greile SC  
St Francis Hospital, Greile, SC Surgeon Orthopedic 13 Edgewood Dr. Greile, SC

11b. To the best of your knowledge, did you have any prior permanent disability?  NO

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.  
 13a.  I am filing a claim. I am not requesting a hearing at this time.  
 13b.  I am requesting a hearing. A \$25 fee is required.

Mediation  NO TEM.  
 a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.  
 b. Mediation is required pursuant to Reg. 67-1802.  
 c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.  
 d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.  
 Questions regarding mediation may be submitted to [mediation@wcc.sc.gov](mailto:mediation@wcc.sc.gov).

14. Estimated time needed for hearing: 20 minutes  
 NOV 20 2014  
 JUDICIAL

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to address 225 Kerns Ave Greile, SC 29609 on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by  first class postage  certified mail  personal service.

I verify the contents of this form are accurate and true to the best of my knowledge.  
Terry E. McCall Title \_\_\_\_\_ Email \_\_\_\_\_ Date 11-18-14

## Certificate Of Service

I, Terry McCall have properly served the Parties listed below with the S.C. Workers Compensation Commission Form 50, for July 4<sup>th</sup>, 2014 injuries work related by placing same in United States Postal Mail Service, Postage Prepaid, Affixed and forwarded to the Addresses below:

Dated 11-18-2014

S. Terry McCall  
Terry McCall  
222 Rutherford St.  
Greenville, S.C. 29609

S.C. Workers Compensation Commission  
1333 Main St., 5<sup>th</sup> Floor  
P.O. Box 1715  
Columbia, S.C. 29202-1715

Collins @ Lacy Attorneys @ Law  
To: Ellen Adams  
P.O. Box 12487  
Columbia, S.C. 29211

Trojan Labor  
225 Kerns Ave  
Greenville, S.C. 29609

Terry McCall 233236

Date 4/5/16

R.C.F - C-A-32

P.O. Box 2039

Ridgeland, S.C.

29936

In Re: Motion for Default / Default By fraud

Dear Judicial Dept,

Find enclosed my Motion for Default  
And Default by Fraud which needs to be filed and  
placed before Commissioner to be heard Emergency

Please forward copy to Defendants since I'm Prosci  
And return service proof to me for my  
records,

Alert Gary M Cannon about this Motion as well.

(Awaiting Service Proof) Thank You Very Much  
Terry McCall.

RECEIVED

APR 26 2016

S. C. WORKERS COMP. COMM.  
EXECUTIVE DIRECTOR

SCWCC

APR 08 2016

JUDICIAL

C.C. Filed.

Before The  
South Carolina Workers Compensation Commission

Wcc File # 1410083

Terry McCall, ProSe  
Employee/Claimant

vs.

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APR 26 2016  
S.C. WORKERS COMP. COMM.  
EXECUTIVE DIRECTOR

Trojan Labor/Hire Quest,  
Employer

And

Ace American Insurance Co.  
Carrier/Defendants

This matter comes before the Commission on a Motion For Default / Motion For Default By Fraud, Where the above named Employee / Claimant filed a Form 50 "requesting a hearing" before the South Carolina Workers Compensation Commission for a work related injury sustained on June 30, 2014 while employed at Trojan Labor / Hire Quest in Greenville, S.C. received by the Executive Director, Gary M. Cannon with the South Carolina Workers Compensation Commission on November 20<sup>th</sup>, 2014. A copy of the letter is documentary and factual evidence form 50 requesting a hearing was received, Find enclosed!

State of South Carolina

1333 Main St, Suite 500  
P.O. Box 1715  
Columbia, S.C. 29202-1715



Tel: (803) 737-5700  
Fax: (803) 737-1281  
www.wcc.sc.gov

Workers' Compensation Commission

April 8, 2016

Terry McCall  
R.C.I. - B-A-5  
PO Box 2039  
Ridgeland, SC 29936

Carrier Code No. 00461

Carrier File No. C494C3994793

Re: WCC File No. 1410083  
Terry McCall v. Trojan Labor  
Date of Injury: 07/04/2014

The enclosed Motions are being returned for the following reason(s):

Effective July 1, 2003, a \$25.00 filing fee must accompany **each** motion request.

Please complete and resubmit with the necessary changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim S. Falls".

Kim S. Falls  
Judicial Analyst  
803-737-5739

State of South Carolina

1333 Main St, Suite 500  
P.O. Box 1715  
Columbia, S.C. 29202-1715



Tel: (803) 737-5700  
Fax: (803) 737-1281  
[www.wcc.sc.gov](http://www.wcc.sc.gov)

**Workers' Compensation Commission**

May 12, 2016

Terry McCall  
R.C.I. - B-A-5  
PO Box 2039  
Ridgeland, SC 29936

Re: WCC File No. 1410083  
Terry McCall v. Trojan Labor  
Date of Injury: 07/04/2014

The enclosed Form 50 is being returned for the following reason(s):

Your **Form 32 Request to Waive the Filing Fee** in this matter has been received by the Commission, reviewed and rejected by the Chairman.

Your case will be set when the appropriate fee has been paid. Please submit the \$25.00 fee in order to have your case processed and heard before the Commission.

If you have further questions, you may call the Commission at 803.737.5675 or visit our website at [www.wcc.sc.gov](http://www.wcc.sc.gov).

SCWCC  
Post Office Box 1715  
Columbia, South Carolina 29202  
803.737.5700

Enclosure

State of South Carolina  
County of Richland

Before The Workers  
Compensation Commission  
WCC File # 1410083

Terry McCall, ProSe  
Claimant/Employee

"EMERGENCY"

v.

Motion for Default

Trojan Labor/Hire Quest  
Employer

And

Default By Fraud  
**RECEIVED**

And

Ace American Insurance Co,  
Carrier/Defendants

APR 26 2016  
S. C. WORKERS' COMP. COMM.  
EXECUTIVE DIRECTOR

The above named ProSe Claimant moves this Commission/Court on a Motion for Default and Default by fraud and request that a Order be issued finding that the defendants are in Default and Order TTD and Medical benefits be granted. And anything else the Commission believes is owed, along with Attorney fees immediately.

The Claimant asserts that he suffered and injury by accident on June 30, 2014. On the job while working for defendants, The claimant asserts the injuries were reported to the Employer/Defendants in a timely manner. And Claimant filed a form 50 asserting June 30, 2014 injuries "requesting a hearing" to

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APR 26 2016

S. C. WORKERS COMP. COMM.  
EXECUTIVE DIRECTOR

the S.C. Workers Compensation Commission, which was received by the Executive Director Gary M. Cannon November 20, 2014, filed and served.

The Claimant asserts he also forwarded a copy of form 50 with June 30, 2014 injuries to Trojan Labor by U.S. Postal Service. And believes as a Pro Se Claimant has extended service regulation requirements, The Claimant asserts the defendants failed to file any responses or by form 51 asserting their denials in a timely manner. As set forth in 25A S.C. Code Ann Regs. 67-603 B(1) (Supp 2008) requires Regulation 67-603 B(1) requires that employers Attorney file the form 51 with the Commission Judicial Dept within (30) days of service of the form 50, The defendants failed to respond violating S.C. Code 67-603 B(1) waiving any defenses, making them in Default, See: Adams V. Westinghouse SRS 2009 WL 9529409

The Claimant asserts he filed a form 50 alleging July 4, 2014 injuries requesting a hearing, which was held 8-28-15 at which time there were some confusion by the Defendants as to where a form 50 asserting a claim for June 30, 2014 injuries were ever filed, The hearing Commissioner without any objections by either party moved to allow June 30, 2014 injuries, to be consolidated in the hearing set forth for the July 4, 2014 injuries, The Claimant who is now in the South Carolina Prison System at the time of the hearing.

(2)

1950

NOV 21 1950

AMERICAN UNIVERSITY  
WASHINGTON, D. C.

[Faint, illegible text throughout the page, possibly bleed-through from the reverse side]

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APR 26 2016

S. C. WORKERS' COMP. COMM.  
EXECUTIVE DIRECTOR

Did not have in his possession material evidence that he filed and served form 50 for June 30, 2014 injuries with S.C. Workers Compensation Commission and on defendants to present to the Commissioner, at the hearing.

The Claimant believes the Commissioner erroneously heard the June 30, 2014 injuries. Where Claimant filed form 50 for June 30, 2014 injuries. And it was received by S.C. Workers Compensation Commission, on November 20, 2014, and served on Defendants November 20, 2014 by which Defendants failed to respond, Waiving their rights to any affirmative defenses. The Claimant asserts defendants knowingly and intentionally committed fraud upon the Court, by being dishonest, when they testified by and through counsel that they did not know of a form 50 for June 30, 2014 and had not been served with one, when in fact they had been served by the S.C. Workers Compensation Commission, for Pro Se claimant and by Claimant himself by U.S. Postal Service "Certificate of Service Proof".

the Claimant asserts the Defendants were in Default way before the hearing on 8-28-15, and request the Commissioner/Court issue its Order finding the Defendants in Default, and in Default by fraud upon the Court. Therefore grant Claimant his Benefits for TTD and medical making payments retroactive to the 30<sup>th</sup> or 35<sup>th</sup> date in which would have been last

(3)

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APR 26 2016

S. C. WORKERS' COMP. COMM.  
EXECUTIVE DIRECTOR

the date for responding, See: Accardi Doctrine  
D.D.C. 1998, The Accardi doctrine provides that the  
government agencies are bound to follow their own  
rules, even self imposed procedural rules that limit  
otherwise discretionary decisions.

Wilkinson v. Legal Services Corp, 27 Supp2d 32  
Admin Law 416.1

Wherefor Claimant prays Defendants be found in  
default; issue and order granting all benefits  
and find the defendants defaulted by fraud, and  
impose sanctions as the Commission/Court deems  
just and proper.

Date 4/5/16

S. Jerry McCell

Terry McCell 233236

R.C.T - C-A-32

P.O. Box 2039

Ridgeland, S.C.

29936

(4)

# Certificate of Service

I, Terry McCall have properly served the parties listed below with Motion For Default AND Default by Fraud by placing same in the U.S. Postal Mail Service At Ridgeland Correctional Inst. to be hand delivered personally to the Address below:

S.C. Workers Compensation Commission  
TO: JUDICIAL Dept.

Attention GARY M. CANNON.

1333 Main St, Suite 500

P.O. Box 1715

Columbia, S.C.

29202-1715

Dated 4/5/16

Dated 4/19/16

Resent

s. Terry McCall

Terry McCall 233236

R.C.I.F. - GA-32

P.O. Box 2039

Ridgeland, S.C.

29936

RECEIVED

APR-26-2016

S.C.W. COMP. COMM.  
EXECUTIVE DIRECTOR

Forward To: Gene McCaskill Commissioner

Dear Gene McCaskill, Wcc File # 1410083

I told you in my Motion for Reconsideration Ellen Adams forwarded their subpoena / Request for my medical records to the wrong Address, they sent the request to 10 Edgewood Dr. Greenville, S.C.

However you will see on the Health Port document where I sent for them, at 13 Edgewood where their office is located.

Also why you allowed a hearing on my form 50 June 30, 2014 injuries to be incorporated with July 4 injuries form 50 heard on 8-28-15 is beyond me.

Especially after Ellen Adams, the Employer / Carrier were in default for failing to respond with their denials on forms provided for this in a timely manner, where the enclosed letter from your Executive Director proves he received my form 50 June 30, 2014 for those injuries on November 20, 2014. And the Employer waived their rights to object and deny my claim on June 30, 14.

therefor I'm requesting you correct your order, or I will pursue a lawsuit and you will be named in it.

This was not my fault. You reviewed the form I was pro se and your procedure is to forward all documents for pro se litigants. Never the less, I have proof I served it as well. Awaiting your Reply.

Thank You  
Jerry McCall.

I'm owed benefits, from 2014 December and I want them

RECEIVED

APR 26 2016

S. C. WORKERS' COMP. COMM.  
EXECUTIVE DIRECTOR

URGENT

Jerry E. McCall 233236  
R.C.I. - B-A-5  
P.O. Box 2039  
Ridgeland, S.C.  
29936

10/19/15

WCC# 1410083

In Re: Medical Records To Be Submitted  
in APA File before written  
Order is signed off on

Dear Gene McCaskill,

Please understand I  
ordered these records to be sent to me  
after I found out the defense counsel  
refused to get them.

These documents are very critical  
to my case and my injuries.  
I need these entered in the APA  
file as evidence.

Or I am requesting a Re-hearing  
immediately if the defense objects.

**RECEIVED**

NOV 09 2015

S.C. WORKERS' COMP. COMM.  
OFFICE OF COMMISSIONER  
GENE MCCASKILL

I was written out of work  
On page 9-12 first visit to  
Orthopedic After fall in July  
And the Notes show June.

But also the Notes ARE in many  
areas mistakes, showing me as a  
female at the starting history on  
Page 9, But At the top of page  
it states Male: DOB etc.

I really hope you will understand  
I was discussing both June & July  
falls. But somehow he only wrote  
June. But I had injuries in July too  
Other Notes you have from New Horizon.  
Please let me know your decision  
on these being entered as evidence.

Or allow me a Re-hearing at  
your convenience. Because this will  
violate my Due Process.

(The Defense lied to me)

I was incarcerated and limited  
but I did all I could.

THANK YOU!

Jerry McCall

1410083

Emergency

Place These Records:

Before Commissioner  
Gene McCaskill who

handled my hearing 8-28-15

Today with all haste

Please get these to him

Jay McCall

WCC# 1410083

SCWCC

NOV 10 7 15

JUDICIAL

(2)

Envelopes sent  
out parts of  
same

State of South Carolina

1333 Main St, Suite 500  
P.O. Box 1715  
Columbia, S.C. 29202-1715



Tel: (803) 737-5700  
Fax: (803) 737-1281  
www.wcc.sc.gov

**Workers' Compensation Commission**

October 26, 2015

Terry McCall  
R.C.I. B-A-5  
PO Box 2039  
RIDGELAND, SC 29936

Re: WCC File No. 1410083  
Terry McCall v. Trojan Laror/Hire Quest, LLC  
Date of Injury: 07/04/2014

The enclosed Motion is being returned for the following reason(s):

Effective July 1, 2003, a \$25.00 filing fee must accompany each hearing request.

If you feel you are unable to pay the filing fee you may file the enclosed Form 32, Request to Waive Filing Fee.

Please complete and resubmit the pleading/form with the necessary changes.

Sincerely,

Judicial Department  
Judicial@wcc.sc.gov  
803-737-5675

Enclosure (Motion)



Claimant's Name: Terry McCall SSN: 25D234376 Employer's Name: Trojan Labor/Hire Quest  
Address: P.O. Box 2039 Address: 20 Kerens Ave  
City: Pidgeland State: SC Zip: 29136 City: Evile S.C. State: SC Zip: 29689  
Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Carrier: Acc. American Ins - Co  
Preparer's Name: Terry McCall Preparer's Phone #: \_\_\_\_\_

Please provide all of the information requested. Incomplete forms will delay the review process.

**REQUEST TO WAIVE APPEAL FILING FEE**

1. Are you presently employed?  Yes  No
  - a. If yes, state the name and address of your employer and wages below.  
\_\_\_\_\_
  - b. If no, where did you last work, when did you stop working, and what were your wages?  
Trojan Labor July 2014 9.00 hrs.
  - c. Is your spouse employed?  Yes  No If yes, where? \_\_\_\_\_  
What are your spouse's wages? \$ 0
  - d. What is the total income of all working members of your household?  
\_\_\_\_\_
2. How many people are dependent on you for their support (include children and relatives)? \_\_\_\_\_  
How much do you spend weekly for their support? \$ 0
3. List any money you have received in the past year other than that listed above and state from what source that money came (gift, inheritance, insurance, \_\_\_\_\_)
4. Do you have a checking or savings account?  Yes  No  
If yes, what is the balance in each account? Checking: \$ 0 Savings: \$ 0
5. Do you rent or own your home?  Rent  Own Owned Rent or mortgage payment: \$ 0
6. Do you own a car?  Yes  No Prison Payments: \$ 0
7. List the names of your creditors and amount of debt.  
Hospitals, Physicians

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my financial condition. I request that the filing fee be waived.

Signature Terry McCall

Date 11/2/15

For official use only.  Fee Waived  Waiver Rejected  Other Disposition

Chair, S.C. Workers' Compensation Commission

File this form with a Form 30, Application for Commission Review. Refer to R.67-701 through R.67-711 for additional information. File this form with a Form 50, 52, 54, Requests for Motions, Consents and Settlements. Refer to R.67-207, R.67-208, R.67-215, R.67-803 and R.67-805.

State of South Carolina  
County of Greenville

In The Workers Compensation  
Commissioners Court  
WCC#1410083

Terry McCall, ProSe  
claimant

Vs.

Trojan Labor,  
Hire Quest  
Defendant

Motion To Re-Open  
Hearing And Enter  
Medical Evidence That  
Defense Counsel Failed  
To Obtain  
As Promised

The Claimant named above brings this Motion  
before the Commissioner after a hearing held  
8-28-15 at 4444 Broad River Rd, Columbia, SC,  
while claimant is incarcerated.

The Claimant alleges the inability to obtain  
Medical records was burdensome to him. And at  
his request defense counsel with Collins @ Lacy  
Ellen Adams promised to get them for him, but  
failed to obtain the main records.

The Claimant moves to re-open hearing and  
enter these records that have been incorporated  
and attached before written order is  
signed by hearing Commissioner.

The Medical records need to be part of the record and reviewed: The actual Ellen Adams was the Attorney who appeared at the initial hearing in Greenville, S.C. But was not the same Attorney who did appear for Collins@Lacy at ~~4444~~ Broad River Rd 8-28-15.

The Claimant prays the Commissioner Re-Opens the Hearing to allow the Claimant the proper due process being the Motion was filed before the written order was signed and mailed as to the decision of 8-28-15 hearing.

Greenville, S.C.  
Dated 10/19/15

Sincerely,  
Jenny E. McCall, Pro Se  
R.C.P. B-A-5  
P.O. Box 2039  
Ridgeland, S.C.  
29936

(2)

## Certificate of Service

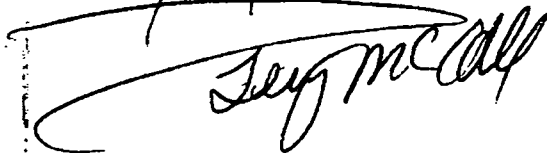
I, Terry McCall have properly served the S.C. Workers Comp. Commissioner with a Motion To Re-Open Hearing by placing same in U.S. Postal Service Postage Prepaid Affixed mailed to Address below:

S.C. Workers Compensation Commissioner  
To: Gene McCaskill  
1333 Main St. Suite 500  
P.O. Box 1715  
Columbia, S.C.  
29202-1715

Date 10/19/15

Remailed

11/2/15



Terry McCall, Pro Se  
R.C.I. - B-A-S  
P.O. Box 2039  
Ridgeland, S.C.  
29936

HealthPort  
P.O. Box 409900,  
Allanta, GA 30384-9900  
Fed Tax ID 58 - 2659941  
1-877-595-9900

Date
10/13/2015
Request ID #
0178564150

Ship to:

TERRY MCCALL  
PO BOX 2039  
RIDGELAND, SC 29936-2039

Requested By: TERRY MCCALL  
Patient Name: MCCALL TERRY E  
SSN: \*\*\*\*\*  
DOB: 080859

Records from:

SURGERY TRAUMA  
13 EDGEWOOD DR  
GREENVILLE, SC 29605-4235

*Not 10 Edgewood But  
13 Edgewood*

HealthPort is the largest provider of release of information(ROI) services and technology. We ensure the compliant exchange of protected health information for over 10,000 healthcare facilities nationwide. To learn more about our flexible ROI solutions, go to [www.healthport.com/facilityassist](http://www.healthport.com/facilityassist)

*Ellen Adams requested my records from wrong Address*

RECEIVED

APR 26 2016

S. C. WORKERS COMP. COMML  
EXECUTIVE DIRECTOR

1 it.

2 THE COURT: Average weekly wage of \$558.75  
3 with a corresponding compensation rate of \$372.52.

4 All right. Are there objections to  
5 jurisdiction, venue, APA submissions, or any other  
6 items?

7 MR. MCCALL: No.

8 MR. BOESL: I have no objections to the  
9 extent that I have not received any APAs from him. To  
10 the extent that he tries to introduce APAs --

11 THE COURT: You will be given an opportunity  
12 to review those before they are accepted.

13 MR. BOESL: So with that caveat.

14 THE COURT: All right. The Commission file  
15 becomes a part of the record with the exception of  
16 self-serving declarations and unstipulated medical  
17 reports.

18 All right. Mr. Boesl, in the interest of  
19 time, if you would just help me conceptually understand  
20 why we are here today.

21 MR. BOESL: Okay. I'm going to do my best,  
22 Your Honor. ~~On November 18, 2014, a Form 50 was filed~~  
23 ~~requesting a hearing by Mr. McCall.~~ He was previously  
24 represented by counsel with the Joel Beiber Law Firm  
25 who in an Order signed by Commissioner Beck has been

1 relieved as counsel in this case. [The Form 50 alleges]  
2 [that on July 4, 2014,] Mr. McCall injured his neck,  
3 right shoulder, back, right hand, wrist, chipped teeth.

4 THE COURT: All right. You're going to have  
5 to slow down.

6 MR. BOESL: I'm sorry.

7 THE COURT: Neck, right shoulder, back,  
8 right hand. What?

9 MR. BOESL: Chipped teeth or just teeth.

10 MR. MCCALL: I had a tooth. It was a tooth.

11 MR. BOESL: Tooth. And neck.

12 THE COURT: Did you say something about the  
13 wrist?

14 MR. BOESL: Yes. Right wrist and right  
15 shoulder.

16 THE COURT: I got the shoulder and the neck.  
17 I got the neck, right shoulder, back, right hand,  
18 chipped tooth, and right wrist?

19 MR. BOESL: Yes, sir.

20 THE COURT: All right. And, of course, I'm  
21 going to have an opportunity for you to comment, sir.

22 MR. BOESL: And this is all coming from his  
23 [Form\_50? It alleges in the description that he tripped  
24 over a wire and fell by other workers. More recently  
25 he has filed -- he has requested a motion to file an

1 amended 50 as of August 18, 2015 of which we have  
2 acknowledged receiving notice of that where he now  
3 alleges that he had an injury on June 30, 2014, that  
4 injured his hernia or resulted in a hernia, and it  
5 appears that he is also alleging that he has repetitive  
6 trauma injuries to the body parts that were listed, I'm  
7 assuming, in his Form 50 which included the previous  
8 body parts. It appears that he's also making a claim  
9 now on Page 4 for depression, anxiety, and insomnia.  
10 If I could add one other thing. On February 7, 2015,  
11 it's unclear if he amended another 50 to bring in the  
12 right elbow as well as the left foot.

13 Those are the allegations that we understand  
14 them from the claimant. The defendants' position is  
15 very simple. We deny that he got injured in the course  
16 and scope of his employment. We deny that injury  
17 occurred on our job site. We deny any evidence under  
18 42-1-172 as designated medical evidence of repetitive  
19 injury or trauma.

20 It's our position that the evidence does not  
21 support a claim for hernia under 49-9-40. And,  
22 finally, there's no evidence under 42-9-35 that any  
23 pre-existing conditions were aggravated.

24 The record will show or evidence that  
25 Mr. McCall has been to the emergency room 32 times from

1 January 5, 2012 through June 28, 2014.

2 THE COURT: January 5, 2012 through what?

3 MR. BOESL: June 28, 2014. The evidence  
4 will also show that he had been to the ER 19 times  
5 during that period of time seeking narcotic medication.  
6 And, finally, he has filed 13 prior workers'  
7 compensation and/or insurance motor vehicle claims  
8 prior to this claim.

9 THE COURT: What else, sir?

10 MR. BOESL: We deny that he has -- or we  
11 assert that he lacks credibility, which is obviously a  
12 finding of the Commissioner. But it's our position  
13 that he lacks credibility to sustain his claims for  
14 compensability. I think at this point, that's all I  
15 have.

16 And I just was unclear, and this was before  
17 we went on the record before, but I just wanted to note  
18 there was a previous Order from Commissioner Wilkerson  
19 that did provide him -- I know he's here pro se. But  
20 in the anticipation that there's an appeal later on  
21 saying I didn't have time, I just wanted --

22 THE COURT: Right. There's an earlier Order  
23 from Commissioner Wilkerson that is a part of the file  
24 and the Commission file is part of the record.

25 MR. BOESL: And we're here to proceed and we

1 have no objections to his amendment of his 50 at the  
2 last minute either.

3 THE COURT: Okay. No objection to the  
4 amendment.

5 MR. BOESL: We're ready to proceed.

6 THE COURT: That is accepted. Specifically  
7 on the frame work, because I like to organize these so  
8 we can move along fairly quickly.

9 MR. MCCALL: Right. I understand.

10 THE COURT: Because yours is the first of  
11 several cases. As Mr. Boesl has outlined injured body  
12 parts, do you agree with his recitation of what he  
13 believes to be the facts or are there other body parts  
14 that he did not -- that you have already alleged in  
15 filings?

16 MR. MCCALL: No. He said it right. What  
17 happened was the earlier June 30th, I had filed that  
18 when it happened. Okay. Somehow -- I don't know how  
19 <sup>?</sup> ~~SE~~ it got turned around with this attorney that I had,  
20 Joel Beiber, it was -- we had a little problem. He  
21 didn't get my medical records. So I guess there was  
22 never anything going to happen on it. So at that point  
23 in time my other injury had done occurred five, six  
24 days later, whenever it was, the 4th. It was like four  
25 days later. Then that's when I filed the July 4th

1 claim.

2 THE COURT: So these are two different  
3 claims?

4 MR. MCCALL: Yes, sir. Yes, sir.

5 THE COURT: Do you have any objection in the  
6 interest of judicial economy that they both be combined  
7 for the purpose of the hearing?

8 MR. MCCALL: No, sir, I don't.

9 THE COURT: And how do you feel about that,  
10 Mr. Boesl?

11 MR. BOESL: We would like it all heard at  
12 the same time, Your Honor. To the extent there is  
13 another --

14 THE COURT: Of course, what I will have to  
15 do, you understand, Mr. McCall, is I will have to  
16 research the record to seek out the filing on June  
17 30th. And provided that it was filed with the  
18 Commission, then they both can be addressed in my Order  
19 and -- because it will have a separate file number, and  
20 I will cite both injuries in the file number that  
21 corresponds and we'll issue an Order. Do you have --

22 MR. MCCALL: I'm sorry I don't have it with  
23 me because I was trying to get a copy of it, but some  
24 of my stuff got misplaced during my incarceration.

25 MR. BOESL: To the extent there's not

1 actually a claim filed for the June 30th. But he's  
2 alleging two separate injuries, I would like, if you  
3 could, in your Order to address both of them.

4 THE COURT: Yes, yes.

5 MR. BOESL: Okay. Thank you, Your Honor.

6 THE COURT: Yes. And let me just chat with  
7 you a little bit about -- well, I'll come back to that.  
8 I don't want to get off this track or I'll be dragging  
9 it out. So we will look to see if it's filed; and if  
10 it's filed, I can address it in my Order. Okay?

11 MR. MCCALL: Uh-huh.

12 THE COURT: Now, other than that, you would  
13 agree with the recitation of the facts by Mr. Boesl?

14 MR. MCCALL: Yeah, yeah. All this stuff,  
15 body parts alleged he's talked about, that's true.

16 THE COURT: All right.

17 MR. MCCALL: I did -- I did, I think, put in  
18 that motion to amend that I withdrew my tooth because I  
19 had a tooth that was already fractured at one point in  
20 time. And I believe that when I did fall it chipped  
21 some, but I went and took the bite on that one because  
22 it's right here.

23 THE COURT: So you withdraw the tooth?

24 MR. MCCALL: I did. I just -- because I  
25 know that my teeth right now are on top of each other.



WCC File #: 1410083  
Carrier File #: C494C3994793  
Carrier Code #: 461  
Employer FEIN #: \_\_\_\_\_

Claimant's Name: Terry McCall SSN: 250-23-9376 Employer's Name: Hire Quest, LLC  
Address: 24 Bruce Road Address: 4560 Great Oak Drive  
City: Greenville State: SC Zip: 29605 City: Charleston State: SC Zip: 29418  
Home Phone: \_\_\_\_\_ Work Phone: ( ) - Insurance Carrier: ACE American Ins. Co.  
Date of Injury: 7/4/2014 Preparer's Name: Ellen M. Adams, Esquire Law Firm: Collins & Lacy, P.C. Preparer's Phone #: 803.256.2660

Date of Injury or Illness: 7/4/2014 Estimated time for hearing: 30 minutes.

Complete each information blank. Clearly specify when contentions are admitted in part and denied in part. The Employer/Carrier in answer to the claim, respectfully shows:

- It is  Admitted  Denied the employee sustained an injury or illness on or about the date set forth in the Form 50. The reasons for denial are: Deny that claimant suffered an injury by accident arising out of the course and scope of his employment; Claimant has a very long history of treatment for his back, neck, right shoulder and right hand. Claimant has a significant history of claims for injuries to the alleged body parts including 12 prior personal injury claims. Deny that Claimant is entitled to any benefits under the Act. Specifically deny new allegations of injury to the right elbow, left foot and hernia.
- It is  Admitted  Denied both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are: Deny that any problems of which the Claimant complains arose during his very brief history of employment with Hire Quest. Employer is informed and believes these are longstanding problems for which the Claimant has continuously treated and often sought recovery from alleged at fault parties.
- It is  Admitted  Denied the relationship of employer and employee existed at the time in question. The reasons for denial are: Deny that any problems of which the Claimant complains arose during his very brief history of employment with Hire Quest. Employer is informed and believes these are longstanding problems for which the Claimant has continuously treated.
- It is  Admitted  Denied at the time in question the employee was performing services arising out of and in the course of employment. The reasons for denial are: Deny that any problems of which the Claimant complains arose during his very brief history of employment with Hire Quest. Employer is informed and believes these are longstanding problems for which the Claimant has continuously treated and for which the Claimant has sought recovery from alleged at fault parties.
- It is  Admitted  Denied notice of injury was given the employer. The reasons for denial are: Employer's first notice was the Form 50 originally received by the Commission on August 8, 2014. Claimant was already separated from his employment at that time as the project on which he was working was completed.
- It is  Admitted  Denied the employee  Needs  Is Entitled to Additional medical care as a result of injury or illness. The reasons for denial are: See numbers 1-5. Although the Carrier has obtained Claimant's extensive medical records, Carrier is unaware of any recommendation for additional medical treatment.
- It is  Admitted  Denied the employee is entitled to temporary total disability for the period(s) of: Claimant worked at the job site until the work was completed. He never reported any work related injury to the employer until the job ended and he retained counsel to file a notice of claim.
- It is  Admitted  Denied the employee is permanently disabled. The reasons for denial are: No proof of any injury by accident. No proof of any disability greater than that of when the Claimant entered the job site.
- It is  Admitted  Denied the employee has serious disfigurement.
- It is contended that an average weekly wage of \$ See Form 20 applies, according to attached Form 20 as provided by law.
- Further contentions, grounds of defense, or unusual aspects are: Counsel for the Employer/Carrier has been contacted by the pro se Claimant who advised he is incarcerated and would need an Order of Transport to appear at the hearing on this case. Claimant's original counsel has been relieved and claimant is proceeding pro se.

Mediation

- a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- b. Mediation is required pursuant to Reg. 67-1802.
- c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
- d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to [mediation@wcc.sc.gov](mailto:mediation@wcc.sc.gov).

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

Ellen M. Adams  
Preparer's Signature

skirkham@collinsandlacy.com  
Attorney Title

skirkham@collinsandlacy.com  
Email

February 23, 2015  
Date

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Refer to R. 67-1801 for mediation. Questions about the use of this form may be directed to the Commission's Judicial Department at 803-737-5675 or [judicial@wcc.sc.gov](mailto:judicial@wcc.sc.gov) or [mediation@wcc.sc.gov](mailto:mediation@wcc.sc.gov). Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.


## CERTIFICATE OF SERVICE

The undersigned employee of Collins & Lacy, P.C., does hereby certify that she has served the following named individual(s) with a copy of the pleading indicated below by mailing a copy of same in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

**COUNSEL SERVED:** Amy Bracy, Director  
Judicial Department  
SC Worker's Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202-1715

Terry E. McCall #0477  
G.C.D.C  
20 McGee Street  
Greenville, SC 29601

**PLEADING(S):** SC WCC Form 51

  
\_\_\_\_\_  
Christie M. Cobb

Columbia, South Carolina

February 23, 2015.