

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Hon. Alison R. Lee, Circuit Court Judge

Case No. 2011-CP-40-03561

RECEIVED

AUG 06 2015

SC Court of Appeals

Gertrude Shiver,.....Claimant, Appellant,

v.

Palmetto Health Richland, Employer,
Key Risk Management Services, Inc., TPA
Palmetto Hospital Trust Services, Carrier,
Trident Regional Medical Center, Employer,
Zurich American Insurance Company, Carrier,.....Respondents,

RECORD ON APPEAL
VOLUME VI

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Moore Orthopaedics
14 Medical Park, Suite 200
Columbia, South Carolina 29203
(803) 227-8000 Phone / (803) 227-8017 Fax

November 22, 2006

Gertrude Shiver 218248

Richland Office

PRESENT CONDITION:
is still not getting any better.

Ms. Shiver returns for both wrists and her right knee. She

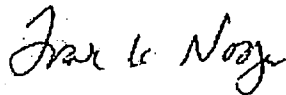
PHYSICAL EXAMINATION: On examination today, she has full range of motion in both wrists. No focal point of tenderness. Lachman test is negative. Snuffbox is nontender. Examination of the right knee reveals anterolateral patellar tenderness without effusion. Full range of motion. Stable knee.

RADIOGRAPHS: X-rays including two views of right knee obtained today were normal. X-rays of both wrists obtained today including scaphoid views shows no abnormalities.

IMPRESSION:

1. BILATERAL WRIST PAIN, IMPROVED
2. PATELLOFEMORAL SYNDROME, RIGHT KNEE

PLAN: She has tried a lot of treatments. I am going to recommend continued physical therapy. We will keep her on light duty, which would be mostly sedentary type work at this juncture. I will see her back in six weeks. I think she will be MMI at that time.



Frank K. Noojin, M.D.

FKN: rpg

DD: 11/22/06, DT: 11/23/06

1024

Bruce D. Filler, M.Ed., P.T.
Director



Columbia
Rehabilitation
Clinic, Inc.

2362 Two Notch Rd.
Columbia, SC 29204
799-7007 · Fax 256-8410

3000 Northeast Medical Park
Columbia, SC 29223
736-4845 · Fax 736-8674

4350 St. Andrews Rd.
Columbia, SC 29210
772-2735 · Fax 798-5514

1177 Sunset Blvd
W. Columbia, SC 29169
794-3440 · Fax 791-3862

PHYSICAL THERAPY PROGRESS UPDATE

PATIENT: Shivar, Gertrude DATE: 1-12-07

DIAGNOSIS: PFS (R Knee) PHYSICIAN: Dr. Nguyen

I. TREATMENT INFORMATION

A. Date of Evaluation 11/30/06 Last Summary _____
B. Number of Treatments to Date 12 Cancellations _____ No Shows _____
C. Treatment Techniques Stretching, Strengthening
D. Modalities Ice
E. Home Program ✓

II. SUBJECTIVE INFORMATION

A. Pain Intensity (0-10) _____
B. Symptoms chief 40 knee cap mal-tracking, popping

III. OBJECTIVE INFORMATION

A. ROM (R knee) ✓: 0° - 125°
B. MMT Strength 4-5 Quads / Hamstrings
C. Girth 1/4 mid patella Girth
D. Sensation Intact
E. Observation/Palpation (+) Medial / Lateral joint line pain
F. Other _____

IV. ASSESSMENT

Dr. Nguyen, pt has made fair progress & rx
still having some pain and popping
maybe due to quad weakness Please Advise

V. RECOMMENDATIONS / PLAN

A. Request to Continue P.T. ✓
(To Continue P.T. complete script on right and return)

B. Discharge from P.T. _____
Reasons for D/C _____

Marc D. Filler
Physical Therapist

PRESCRIPTION

Total Visits: _____ x / week _____ weeks

Continue P.T. _____

Area to be treated: _____

Any Changes: HGP

Contraindications: 13

MD

1/12/07
Date

Moore Orthopaedics
14 Medical Park, Suite 200
Columbia, South Carolina 29203
(803) 227-8000 Phone / (803) 227-8017 Fax

January 17, 2007

Gertrude Shiver 218248

Richland Office

PRESENT CONDITION:

Ms. Shiver returns for her right knee and both wrists. She is doing better. She still has some pain in the left wrist and the right knee. She has been to therapy.

REVIEW OF SYSTEMS:

The patient's medical history form is reviewed with the patient, signed, and is included in the chart.

PHYSICAL EXAMINATION:

On physical exam, she has 0 to 130 degrees knee range of motion bilaterally. There is no effusion. Patella is mildly apprehensive. Joint lines are nontender. Wrist has 70 degrees dorsiflexion and palmar flexion bilaterally.

IMPRESSION:

- 1 RESOLVING BILATERAL WRIST SPRAIN
- 2 PATELLOFEMORAL SYNDROME, RIGHT KNEE

PLAN:

At this point, I think she is at maximum medical improvement. She is seven months since her injury. She apparently got terminated from her previous employment. She has already completed course of physical therapy. I am going to go ahead and release her, and I will see her back as necessary.

Frank K. Noojin

Frank K. Noojin, M.D.

FKN:sps

cc: William K. Robinson, M.D.

DD: 01/17/07, DT: 01/18/07

Voice File: FKNO1349, 00:00

January 17, 2007

BCBS-SC: BCBS OF SC (PPO)[28671]
Piedmont Service Center
Greenville, SC 29606

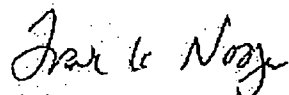
RE: Gertrude Shiver
EMPL:
DATE OF INJURY:

Dear Sir/Madam,

Regarding Gertrude Shiver's injury to the right knee, I believe Maximum Medical Improvement has been attained. The final diagnosis for Gertrude Shiver remains patellofemoral syndrome, right knee, and resolved bilateral wrist sprains. According to the 5th Edition of the American Medical Association's Guidelines to the Evaluation of Permanent Impairment, I think she is entitled to 10% impairment rating to the right lower extremity for patellofemoral disorder and 2% impairment rating to each upper extremity for wrist sprain that has resolved.

Gertrude Shiver is discharged from my care at this time. I would be happy to be of assistance in the future should this be necessary. Please do not hesitate to contact me should you have any further questions or require any additional information.

Sincerely,



Frank K. Noojin, III, MD

(1027)

9/7/2006 7:59:00 PM - DHM

Ms. Shiver came to HW on 9-1-06 reporting that she developed some moderate pain in her right wrist after using a hole puncher on 7-16-06 while working. She said that she had pain that night took pain medication when she went home and the next day she emailed Toni and told her that she developed pain in the right wrist from pressing the hole puncher and that she had other ortho problems and was going to have the MD check this. She stated that she saw Dr. Noojin on 7-21-06 but that he did not tell her anything. She said he gave her 2 wrist splints to wear. She was already taking Ultram for other problems. PT was ordered for her hand and she is still going. On 9-1-06 she had a F/U appt. with Dr. Noojin. She said that he told her the bones look good. "He checked the tendons and said they were ok.: The pain continued and he ordered continued PT. She said she has a F/U appt. in Oct. She did not have the date of the appt. She said on 8-29 she asked Mr. Wint if she was supposed to come to HW. He told her on Wed to check with HW. She was off Thurs. 8-31-06 and came to HW on Fri. 9-1-06. The HIM manager is Barrington Wint. Discussed with Sandy @ KR and advised Ms. Shiver that she had chosen to seek medical care with her own doctor, that she should continue as her doctor has instructed her and get a copy of her medical records regarding treatment and PT notes and bring to HW so that I could submit them with her paperwork to KR. That the insurance company would review everything and make a decision on the claim. She said that the doctor's office charges for the records and she was not sure if she would get them now or wait until she is completed with the doctor and get them once. Advised that she needs to get the records now to be submitted with her paperwork. Email to Sandy, Camille (HW) and Mike Chasr @ Turner Padget. See HIPAA. Discussed with Sandy & Elaine (HW) and entered information as non-WC for now. Awaiting copy of records from Ms. Shiver. Advised Mr. Wint that Ms. Shiver should continue with her doctor and submit her records to HW to send in to KR with her injury report.

(1428)

October 7, 2006

Re: Injury to right wrist on July 16, 2006

Dear Sir:

On July 16, 2006, around 11:15 p. m., I developed some moderate pain in my right wrist while I was using the hole puncher. Also, I started to drop things and I had difficult removing staples.

On Monday morning, July 17, 2006, I sent Toni Pait, my supervisor an e-mail about the pain in my right wrist. I communicated with her via e-mail and verbally from then on. Also, Barrington Wint, manager of the medical records department was aware of the problems with my right wrist. Around June 21, 2006, I had visited Dr. Jeffrey Hook's office where I had seen Jean Massey, Adult Nurse Practitioner about some continued pain in both knees and left wrist where I had fallen on May 20, 2006, on the steps of Red Hill Baptist Church Fellowship hall.

During the time that the pain started in my right wrist, Mrs. Massey was in the process of referring me to an orthopedic for the pain in my left wrist and knees. I was waiting on the girls from the office to call me and tell me when the appointment was.

I had notified Mrs. Pait that I was going to ask the orthopedic doctor to check my right wrist also when I went to visit him. I didn't see any sense in going to the Nurse Practitioner at Health Work for pain in the right wrist when the Nurse Practitioner in Dr. Hook's office was already sending me to an orthopedic for the pain in my left wrist and knees.

I am still under the care of Dr. Frank Noojin and I am still taking some physical therapy. My medical care has been being paid for by my private insurance. The Worker's compensation carrier has not paid any thing.

On October 6, 2006, I was terminated from my employment at Palmetto Health Richland by Barrington Wint and Annette Sullivan. They had found out about my book, "The Fall

SCWCC

OCT 11 '06

INSURANCE &

(1029)

1756
06/16

Page 2

of a Nurse" and that it was posted on Amazon.com. They were very angry with me because I had written a book. They accused me of having written a book with very derogatory, slanderous references to Palmetto Health, several employees and physicians. They had only picked out the part where I told about how Palmetto Health was treating me while I was under The Worker's Compensation Laws of South Carolina. He used the book as an excuse to fire me with this worker's compensation injury. This book mainly was a testimony to my faith in God and the trials and tribulations that I have gone through for about 12 years in the State of South Carolina.

Since they have fired me with a worker's compensation injury, I have no insurance to pay for my treatments. Annette Sullivan, Barrington Wint, and another employee from personnel had ganged up on me in her office. Annette Sullivan had tried to fire me before with a worker's compensation injury. I am filing this claim because I need some help with my medical bills. Thank you.

Sincerely,



Gertrude Shiver
1026 Congaree Church Rd.
Gadsden, S. C. 29052
(803) 353-3892

SCWCC

OCT 11 '06

INSURANCE &
MEDICAL SERVICE

(1030)

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1678

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Posted on Fri, Mar. 09, 2007

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S.C. jobless rate dips slightly

Applicants turn out for Wal-Mart hiring center at Columbia church

By JASON RYAN
jpryan@thestate.com

South Carolina's unemployment rate dropped in January — though at 6.4 percent, it's still second-highest in the nation.

The state lowered its jobless rate from 6.5 percent, lower than Michigan's 6.9 percent and tied with Alaska for second highest.

Nationally, the unemployment rate was 4.6 percent in January.

Those without a job include Regina Brown — a Columbia caterer and former food service supervisor who has been looking for jobs "on and off" for two years.

Her husband died last year. Missing the money he brought home as a landscaper, Brown applied for a job at Wal-Mart on Thursday, hoping to supplement the occasional catering jobs she takes.

"I don't want just any job, I want something I enjoy doing," said Brown, 47, who hopes to work in Wal-Mart's deli.

Wal-Mart plans to open five new Midlands stores this year, hiring 250 to 350 employees for each store.

For a store on Bush River Road, Wal-Mart set up a hiring center at Christian Life Assembly church.

Renee Rice stopped by for an interview, hopeful to make more money and better benefits than she receives at her job as a sales associate at Kmart.

Rice, a 19-year old art student at Benedict College, said she has applied for retail jobs on Harbison Boulevard, including Barnes & Noble bookstore, Lowes and Toys R Us.

"Most of them don't call back, Rice said.

In South Carolina, unemployment rates are typically much higher in rural areas of the

19

(1031)

state.

The Columbia metropolitan area had an unemployment rate of 5.8 percent. Lexington County maintained the lowest rate in the state, at 4.6 percent.

Allendale and Marion counties had the highest unemployment rates, with jobless numbers of 14 percent and 13.9 percent.

Gertrude Shiver of Gaston filled out a Wal-Mart application Thursday, aiming for a job selling clothes or working a cash register.

She said she has lingering injuries in her wrist, back and legs from falls at work.

After losing her job as a hospital medical records specialist in October, she found seasonal, part-time work at Target during the holidays.

Like an estimated 9,000 other retail employees, the 52-year-old was let go after Christmas.

"When the season was finished, work got slow," Shiver said.

Reach Ryan at (803) 771-8595.

JOBLESS GAP EASES

South Carolina's jobless rate fell to 6.4 percent in January, down from 6.5 percent in December.

Area	January	December	Change
South Carolina	6.4 percent	6.5 percent	-0.1
Columbia metro*	5.8 percent	5.3 percent	+0.5
Lexington	4.6 percent	4.3 percent	+0.3
Richland	6.2 percent	5.6 percent	+0.6
Kershaw	6.3 percent	6.1 percent	+0.2
Saluda	6.5 percent	6.6 percent	-0.1
Calhoun	7.1 percent	6.8 percent	+0.3
Fairfield	9.6 percent	8.7 percent	+0.9

NOTES: The Columbia metropolitan area covers Richland, Lexington, Calhoun, Fairfield, Kershaw and Saluda counties. Unemployment numbers for metro areas and counties are not seasonally adjusted.

SOURCES: S.C. Employment Security Commission

(1032)



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BEFORE THE

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

GERTRUDE SHIVER, EMPLOYEE,

CLAIMANT,

VS.

TRIDENT REGIONAL MEDICAL CENTER,

PALMETTO RICHLAND HOSPITAL,

PALMETTO HEALTH RICHLAND,

EMPLOYERS,

AND CONTINENTAL INSURANCE CO.,

PALMETTO HOSPITAL TRUST FUND,

SELF-INSURED INSURANCE CO.,

CARRIERS,

DEFENDANTS.

WCC #: 9503744

0126962

0217755

0227098

0321756

0322274

0616756

COPY

HEARING WAS HELD ON SEPTEMBER 4, 2007, IN
COLUMBIA, SOUTH CAROLINA, COMMENCING AT 9:20 A.M.
BEFORE COMMISSIONER DAVID W. HUFFSTETLER.

APPEARANCES

FOR THE CLAIMANT: GERTRUDE SHIVER, PRO SE'

FOR THE DEFENDANTS: ALLISON M. CARTER, ESQUIRE
CONTINENTAL MT. PLEASANT, SOUTH CAROLINA

FOR THE DEFENDANTS: MICHAEL A. CHASE, ESQUIRE
HOSP SELF-INSURANCE ELLEN H. GOODWIN, ESQUIRE
COLUMBIA, SOUTH CAROLINA

FOR THE DEFENDANTS: LANA H. SIMS, ESQUIRE
PHTS. COLUMBIA, SOUTH CAROLINA

SUBJECT OF HEARING

TO DETERMINE ISSUES AS SET FORTH ON FORMS 50, 52
AND BY OPERATION OF RULE 67-603 AND TO DETERMINE ALL
ISSUES PURSUANT TO RULE 67-601.

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(1039)

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EXHIBITS

(NONE) -

PROCEEDINGS

1
2
3 THE COURT: THIS CASE INVOLVES SEVEN
4 WORKERS' COMPENSATION FILES -- AND I'LL GET TO THOSE
5 IN JUST A MINUTE -- THE CASE OF THE CLAIMANT,
6 GERTRUDE SHIVER. AND THERE ARE SEVERAL EMPLOYERS,
7 SEVERAL INSURANCE CARRIERS. I SAID I'LL GET TO THOSE
8 IN A MINUTE. THERE ARE THREE COMPANION FILES THAT
9 ARE NOT SET FOR A HEARING TODAY. THEY ARE FILE NO..
10 9457677, FILE NO. 9558431 AND FILE NO. 0427856.

11 THE FIRST CASE FOR THE HEARING IS FILE NO.
12 9503744. IT IS SET ON A FORM 50 AND BY OPERATION OF
13 RULE 67-603. THE EMPLOYER IS TRIDENT REGIONAL
14 MEDICAL CENTER AND THE CARRIER IS CONTINENTAL
15 INSURANCE COMPANY. THE DATE OF THE ACCIDENT IS
16 JANUARY 23RD, 1995. THE DEFENSE IS REPRESENTED BY
17 ATTORNEY ALLISON M. CARTER. IN THAT CASE THE
18 CLAIMANT BRINGS A CLAIM FOR AN INJURY TO HER RIGHT
19 FOOT, HER RIGHT SHOULDER AND TAKES THE POSITION THIS
20 INJURY CAME BY A FALL. THERE'S ALSO A CONSENT ORDER
21 IN THAT FILE. THE FORM 50 HIGHLIGHTS BENEFITS FOR
22 TEMPORARY TOTAL DISABILITY TO BE DETERMINED. SHE
23 SEEKS ADDITIONAL MEDICAL TREATMENT FOR THE RIGHT ARM,
24 SHOULDER, CHEST, BACK AND FEET. THE AVERAGE WEEKLY
25 WAGE IS \$825.09 WITH A COMPENSATION RATE OF \$422.48.

1 THE DEFENSE TAKES THE POSITION THE CLAIM SHOULD BE
2 DENIED THROUGH THE THEORY OF LATCHES. THEY ALSO
3 HIGHLIGHT THE CONSENT ORDER TAKING THE POSITION THE
4 CLAIM IS LIMITED TO THE RIGHT FOOT AND THE RIGHT
5 SHOULDER AND THEY DENY ANY BENEFITS OUTSIDE OF THAT.

6 THE SECOND CASE IS FILE 0126962. THAT IS SET BY
7 OPERATION OF RULE 67-601. THE EMPLOYER IS PALMETTO
8 RICHLAND HOSPITAL. THE CARRIER IS PALMETTO HOSPITAL
9 TRUST FUND. THE ATTORNEY FOR THE DEFENSE IS ATTORNEY
10 LANA H. SIMS. THE DATE OF THE ACCIDENT IS
11 NOVEMBER 15, 2001. THE AVERAGE WEEKLY WAGE IS
12 \$455.11 WITH A COMPENSATION RATE OF \$303.42. THROUGH
13 HER FORM 50 THE CLAIMANT BRINGS A CLAIM FOR INJURIES
14 TO THE LEFT ACHILLES TENDON, HER HEEL, ANKLE AND
15 FOOT. SHE MAKES NO CLAIM FOR COMPENSATION FOR
16 TEMPORARY TOTAL DISABILITY. IT APPEARS THAT THERE IS
17 A CLAIM FOR COMPENSATION FOR PERMANENT PARTIAL
18 DISABILITY TO THE LEFT ACHILLES TENDON, HEEL, ANKLE
19 AND FOOT. THE DEFENSE ADMITS A MINOR INJURY BUT TAKE
20 THE POSITION THAT INJURY HAS RESOLVED WITHOUT ANY
21 PERMANENT DISABILITY.

22 FILE NO. 0217775 WAS SET UNDER RULE 67-601. THE
23 EMPLOYER IS PALMETTO RICHLAND HOSPITAL AND THE
24 CARRIER IS THE PALMETTO HOSPITAL TRUST FUND. FOR THE
25 DEFENSE IS ATTORNEY LANA H. SIMS. THE DATE OF

1 ACCIDENT IS MARCH 23RD, 2002. THE AVERAGE WEEKLY
2 WAGE IS \$526.11 WITH A COMPENSATION RATE OF \$350.76.

3 I THINK I MENTIONED THE DATE OF ACCIDENT IS
4 MARCH 23RD, 2002. THE CLAIMANT TAKES THE POSITION
5 SHE SUFFERED INJURIES TO HER LOW BACK AND RIGHT SIDE.
6 SHE SEEKS AN AWARD OF COMPENSATION FOR TEMPORARY
7 TOTAL DISABILITY FROM MARCH 23RD, 2002 THROUGH
8 APRIL 8TH, 2002. SHE DOES NOT SEEK AN AWARD OF
9 COMPENSATION FOR PERMANENT PARTIAL DISABILITY OR ANY
10 ADDITIONAL MEDICAL TREATMENT RELATED TO THAT CLAIM.
11 THE DEFENSE ADMITS A MINOR INJURY. TAKE THE POSITION
12 THAT IT'S RESOLVED WITHOUT ANY PERMANENT DISABILITY.

13 FILE NO. 0227098 SET UNDER RULE 67-601. THE
14 EMPLOYER IS PALMETTO RICHLAND HOSPITAL. THE CARRIER
15 IS THE PALMETTO HOSPITAL TRUST FUND. DEFENSE IS
16 REPRESENTED BY ATTORNEY LANA H. SIMS. THE DATE OF
17 ACCIDENT IS OCTOBER 24TH, 2002. THE AVERAGE WEEKLY
18 WAGE IS \$547 WITH A COMPENSATION RATE OF \$364.68.
19 THE CLAIMANT TAKES THE POSITION SHE SUFFERED INJURIES
20 TO HER -- THE LEFT SIDE OF HER NECK AND HER SHOULDER.
21 SHE DOES NOT SEEK AN AWARD OF COMPENSATION FOR
22 TEMPORARY TOTAL DISABILITY FOR PERMANENT PARTIAL
23 DISABILITY OR ANY ADDITIONAL MEDICAL TREATMENT. THE
24 DEFENSE ADMITS A MINOR INJURY TO THE LEFT SHOULDER
25 ONLY AND TAKES THE POSITION THAT INJURY HAS RESOLVED.

1 FILE NO. 0321756 IS SET UNDER REGULATION 67-601.
2 THE EMPLOYER IS PALMETTO HEALTH RICHLAND. THE
3 CARRIER IS PALMETTO HOSPITAL TRUST FUND. THE DEFENSE
4 IS REPRESENTED BY ATTORNEY MICHAEL E. CHASE. THE
5 DATE OF THE ACCIDENT IS OCTOBER 23RD, 2003. THE
6 AVERAGE WEEKLY WAGE IS \$409.99 WITH A COMPENSATION
7 RATE OF \$273.34. THE CLAIMANT TAKES THE POSITION SHE
8 SUFFERED INJURIES TO HER BACK, HER LEFT SIDE AND BOTH
9 KNEES. SHE IS NOT SEEKING AN AWARD OF COMPENSATION
10 FOR TEMPORARY TOTAL DISABILITY OR FOR PERMANENT
11 PARTIAL DISABILITY. SHE SEEKS ADDITIONAL MEDICAL
12 TREATMENT FOR HER BACK, LEFT SIDE AND BOTH KNEES.
13 THE DEFENSE TAKES THE POSITION THE CLAIMANT WAS NOT
14 INJURED BY AN ACCIDENT ARISING OUT OF/IN THE COURSE
15 OF HER EMPLOYMENT. THEY TAKE AN ALTERNATE POSITION
16 THAT THE CLAIMANT REFUSED TO ATTEND TREATMENT WITH AN
17 AUTHORIZED PHYSICIAN.

18 FILE NO. 0322274 IS SET UNDER RULE 67-601. THE
19 EMPLOYER IS PALMETTO HEALTH RICHLAND. THE CARRIER IS
20 PALMETTO HOSPITAL TRUST FUND. THE DATE OF THE
21 ACCIDENT IS JANUARY 20TH, 2003. THE DEFENSE IS
22 REPRESENTED BY ATTORNEY LANA H. SIMS. THE AVERAGE
23 WEEKLY WAGE IS \$488.77 WITH A COMPENSATION RATE OF
24 \$325.86. THE CLAIMANT TAKES THE POSITION SHE
25 SUFFERED INJURIES TO HER NECK, HER BACK, HER SIDE AND

1 ALL BODY PARTS INCLUDING THE LEFT LEG, WRIST AND
2 FEET. SHE DOES NOT SEEK AN AWARD OF COMPENSATION FOR
3 TEMPORARY TOTAL DISABILITY OR PERMANENT PARTIAL
4 DISABILITY AND SHE DOES NOT SEEK ADDITIONAL MEDICAL
5 TREATMENT. THE DEFENSE TAKES THE POSITION THE
6 CLAIMANT WAS NOT INJURED BY AN ACCIDENT ARISING OUT
7 OF AND IN THE COURSE OF HER EMPLOYMENT.

8 FILE NO. 0616756 IS SET UNDER RULE 67-601. THE
9 EMPLOYER IS PALMETTO HEALTH RICHLAND. THE CARRIER IS
10 PALMETTO HEALTH -- THE PALMETTO HOSPITAL TRUST FUND.
11 THE DEFENSE IS REPRESENTED BY ATTORNEY MICHAEL E.
12 CHASE. DATE OF THE ACCIDENT IS JULY 16TH, 2006. THE
13 AVERAGE WEEKLY WAGE IS \$730.43 WITH A COMPENSATION
14 RATE OF \$486.92. THE CLAIMANT TAKES THE POSITION SHE
15 SUFFERED INJURY TO HER RIGHT WRIST AND SHE SEEKS
16 ADDITIONAL MEDICAL TREATMENT FOR THE RIGHT WRIST.
17 SHE DID NOT SEEK AN AWARD OF COMPENSATION FOR
18 TEMPORARY TOTAL DISABILITY OR PERMANENT PARTIAL
19 DISABILITY. THE DEFENSE TAKES THE POSITION THE
20 CLAIMANT WAS NOT INJURED BY AN ACCIDENT ARISING OUT
21 AND IN THE COURSE OF HER EMPLOYMENT.

22 HAVE I STATED ALL YOUR POSITIONS CORRECTLY?

23 MS. SHIVER: NO. I WASN'T SEEKING
24 ADDITIONAL MEDICAL.

25 COURT REPORTER: I'M SORRY. I LITTLER

1 LOUDER.

2 THE COURT: CAN'T HEAR YOU.

3 MS. SHIVER: I WASN'T SEEKING ANY
4 ADDITIONAL MEDICAL BECAUSE I THINK I WAS FINISHED, I
5 THINK.

6 THE COURT: SO YOU'RE NOT SEEKING
7 ADDITIONAL MEDICAL OF ANY OF THE CASES?

8 MS. SHIVER: I MEAN THE DOCTOR TOLD ME IF
9 HAD SOME MORE PROBLEM TO COME BACK. BUT RIGHT NOW
10 I -- I MEAN I'M STABILIZED.

11 THE COURT: OKAY.

12 MS. SHIVER: BUT IT CAN FLARE UP. THAT'S
13 WHAT I'M SAYING.

14 THE COURT: OKAY. BUT YOU'RE NOT SEEKING
15 ANY ADDITIONAL MEDICAL TREATMENT?

16 MS. SHIVER: NOT AT THIS MOMENT.

17 THE COURT: ON ANY OF THESE CASES?

18 MS. SHIVER: NO, SIR, NOT AT THIS MOMENT.

19 THE COURT: OKAY. THANK YOU, MA'AM.

20 IS THERE ANY OBJECTIONS TO JURISDICTION, VENUE
21 OR ANY OF THE APA SUBMISSIONS?

22 MR. CHASE: COMMISSIONER, I MAY POINT OUT,
23 I MAY NOT HAVE UNDERSTOOD YOU CORRECTLY. ON THE
24 FIRST ONE THAT I'M ON, WHICH IS THE OCTOBER 23RD,
25 2003 DATE OF THE ACCIDENT, THE HOSPITAL WAS

1 SELF-INSURED AT THAT POINT. AND IT SEEMS LIKE I
2 HEARD YOU SAY THAT MIGHT HAVE BEEN UNDER PHTS.

3 THE COURT: I HAVE IT AS PHTS.

4 MR. CHASE: THAT'S ACTUALLY UNDER THE
5 HOSPITAL SELF-INSURANCE AT THAT POINT WITH KEY RISK
6 AS A TPA. AND THAT'S LIKEWISE, OF COURSE, FOR THE --
7 FOR THE VERY LAST CLAIM THAT YOU'LL HEAR TODAY.

8 THE COURT: THANK YOU. WITHOUT OBJECTION
9 THE COMMISSION FILE BECOMES A PART OF THE RECORD WITH
10 THE EXCEPTION OF SELF-SERVING DECLARATIONS AND
11 UNSTIPULATED MEDICAL REPORTS.

12 I HAVE A BOOK HERE IN THE FILE. HAS THAT EVER
13 BEEN MADE PART OF THE EVIDENCE?

14 MR. CHASE: I CAN ANSWER FOR OUR CLAIMS,
15 COMMISSIONER. MR. SHIVER DID ATTACH TO -- WITH HER
16 ERRATA SHEET TO HER DEPOSITION. AND WE WOULD MOVE IT
17 INTO EVIDENCE BECAUSE SHE ACTUALLY SUBMITTED IT AND
18 ASKED THAT IT BE MADE PART OF THE EVIDENCE. SO FOR
19 OUR TWO CASES WE WOULD LIKE IT TO BE PART OF THE
20 RECORD.

21 THE COURT: OKAY. ANY OBJECTION?

22 MS. SHIVER: YES, SIR. BECAUSE THAT'S
23 WHERE I HAD CHRONOLOGED THE THINGS THAT WOULD HAPPEN
24 TO ME.

25 THE COURT: OKAY. DO YOU OBJECT TO THAT?

1 MS. SHIVER: NO, SIR. I GAVE IT TO HIM
2 HAD STUFF BEEN -- BECAUSE I COULDN'T REMEMBER
3 EVERYTHING.

4 THE COURT: I JUST DIDN'T WANT SOMETHING
5 IN THE FILE THAT WASN'T A PART OF THE RECORD.

6 MS. SHIVER: SO I HAD WROTE IT DOWN SO YOU
7 COULD SEE WHAT IT WAS I WAS TALKING ABOUT.

8 THE COURT: OKAY. AND WITHOUT OBJECTION
9 WE'LL MAKE THAT PART OF THE RECORD.

10 MS. SHIVER, WOULD YOU RAISE YOUR RIGHT HAND.

11 GERTRUDE SHIVER,
12 HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

13 THE WITNESS: TO THE BEST OF MY KNOWLEDGE
14 RIGHT NOW.

15 THE COURT: MA'AM, PLEASE STATE YOUR FULL
16 NAME, PLEASE.

17 THE WITNESS: GERTRUDE SHIVER.

18 THE COURT: I MENTIONED SOME THINGS TO YOU
19 BEFORE WE WENT ON THE RECORD I JUST NEED TO COVER
20 AGAIN.

21 THE WITNESS: UH-HUH.

22 THE COURT: AND YOU'VE HAD AN ATTORNEY IN
23 THE PAST, SO YOU OBVIOUSLY KNOW YOUR RIGHT TO THAT.

24 THE WITNESS: YEAH. BUT I COULDN'T FIND
25 NOBODY HELP ME AND I HAD -- THE ONE I HAD I HAD TO

1 LET GO.

2 THE COURT: SO YOU'RE REPRESENTING
3 YOURSELF TODAY. I TALKED TO YOU ABOUT YOUR APPEALS
4 RIGHTS. AND YOU UNDERSTAND THAT ONCE YOU RECEIVE MY
5 ORDER --

6 THE WITNESS: UH-HUH.

7 THE COURT: -- YOU'VE GOT THE RIGHT TO
8 APPEAL THAT, BUT YOU'VE GOT TO FILE THAT APPEAL
9 WITHIN 14 DAYS OF THE DATE YOU RECEIVE THAT ORDER --

10 THE WITNESS: OKAY.

11 THE COURT: -- OR YOU LOSE YOUR RIGHT TO
12 APPEAL?

13 THE WITNESS: ALL RIGHT, THEN.

14 THE COURT: OKAY. AND YOU UNDERSTAND
15 THAT?

16 THE WITNESS: YES, SIR.

17 E X A M I N A T I O N

18 BY THE COURT:

19 Q. OKAY. MA'AM, LET ME FIRST GET SOME
20 BACKGROUND INFORMATION FROM YOU. HOW OLD ARE YOU
21 NOW?

22 A. FIFTY -- 1944. FIFTY-THREE.

23 Q. FIFTY-THREE YEARS OLD?

24 A. YEAH.

25 Q. HOW FAR DID YOU GO IN SCHOOL, MA'AM?

(1099)

1 A. WELL, I WENT -- FINISHED COLLEGE AND I GOT
2 SOME TECHNICAL COLLEGE. I HADN'T GO BACK GET MY
3 MASTERS. I GOT MY BACHELORS.

4 Q. YOU HAVE A BACHELOR'S DEGREE?

5 A. UH-HUH. AND THEN SOME ASSOCIATES.

6 Q. IS IT A BACHELOR OF SCIENCE?

7 A. YES, SIR.

8 Q. AND WHAT IS IT IN?

9 A. NURSING.

10 Q. OKAY. AND YOU HAVE AN ASSOCIATE'S DEGREE?

11 A. YES, SIR.

12 Q. AND WHAT IS THAT IN?

13 A. I GOT ONE IN HEALTH INFORMATION
14 MANAGEMENT. THEN I ALSO WENT TO TECH AND I TOOK
15 PARALEGAL CERTIFICATE COURSE. AND I HAD ONE A LONG
16 TIME AGO IN SECRETARIAL SCIENCE AND I TOOK SOME OTHER
17 COURSES. AND RIGHT NOW I'M GOING -- I'M TAKING
18 MEDICAL ADMINISTRATION.

19 Q. SO YOU'RE BACK IN COLLEGE NOW?

20 A. YES, SIR.

21 Q. AND WHAT HAS YOUR WORK HISTORY BEEN IN
22 GENERAL? WHAT TYPES OF JOBS HAVE YOU DONE?

23 A. NURSING MOSTLY AND THEN I WORK IN HEALTH
24 INFORMATION MANAGEMENT. AND NOW I'M JUST WORKING AT
25 DEPARTMENTS AT K-MART AS A CASHIER.

(1045)

1 Q. OKAY. SO YOU'RE NOW WORKING AT K-MART?

2 A. YES, SIR.

3 MS. CARTER: COMMISSIONER, WE'D JUST ASK
4 HER TO SPEAK UP AS LOUDLY AS POSSIBLE. IT'S KIND OF
5 HARD TO HEAR DOWN ON THIS END.
6 BY THE COURT:

7 Q. BEAR WITH ME JUST A MINUTE. GET MY NOTES
8 BACK OUT. MA'AM, THE FIRST CASE I HAVE IS FROM 1995.

9 A. UH-HUH.

10 Q. IT'S FILE 9503774. YOU WERE WORKING WITH
11 TRIDENT REGIONAL MEDICAL CENTER. THE DATE OF THE
12 ACCIDENT IS JANUARY 23RD, 2005 [SIC].

13 A. YES, SIR.

14 MS. CARTER: '95. 1995.

15 THE COURT: I THOUGHT THAT'S WHAT I SAID.

16 MS. CARTER: YOU SAID 2005.

17 BY THE COURT:

18 Q. I'M SORRY. 1995.

19 A. YES, SIR.

20 Q. OKAY. MA'AM, TELL ME HOW YOU GOT HURT.

21 A. THAT I FELL WHEN I WAS -- AFTER I WENT
22 DOWN TO THE PHARMACY TO GET SOME MEDICATION FOR A
23 PATIENT, I STOPPED BY TO GET A SANDWICH. AND THEY
24 THE FLOOR -- THE HOUSEKEEPER HAD -- THE SIGN WAS OVER
25 NEAR THE BATHROOM DOOR AND I FELL IN THE AREA OF THE

(1046)

1 FLOOR.

2 Q. OKAY. WHAT PARTS OF YOUR BODY DID YOU
3 INJURE?

4 A. I HAVE TO LOOK ON MY THING HERE.

5 Q. ACCORDING TO YOUR FORM 50 IT SAYS YOUR
6 RIGHT FOOT AND RIGHT SHOULDER. THERE'S A CONSENT
7 ORDER ON THIS ONE THAT SAYS --

8 A. NO. I'M SORRY. I DIDN'T MEAN TO
9 INTERRUPT YOU. GO AHEAD.

10 Q. THE FILE SEEMS TO INDICATE THERE'S A
11 CONSENT ORDER THAT LIMITS THE CASE TO THE RIGHT FOOT
12 AND THE RIGHT SHOULDER.

13 MS. CARTER: COMMISSIONER, DO YOU WANT
14 MY -- THE CONSENT ORDER IS IN MY BRIEF.

15 THE WITNESS: THAT WAS -- I THINK THAT'S
16 SOMETHING THAT ILLEGAL WITH THOMAS AND DOUGLAS HAD
17 DID TO ME, SIR.

18 THE COURT: I'M SORRY. CAN I STOP. I
19 DON'T THINK I GOT THE APA SUBMISSIONS FROM THE OTHER
20 FOLKS. I'M SORRY.

21 MS. GOODWIN: DO YOU WANT ALL OF THEM OR
22 ONE AT A TIME?

23 THE COURT: LET ME TAKE THEM ONE AT A
24 TIME. SO JUST HELP REMIND ME AS WE GET TO EACH CASE.
25 I HAVE MS. CARTER'S APA SUBMISSIONS.

(1092)

1 BY THE COURT:

2 Q. GO AHEAD, MA'AM.

3 A. THAT WAS SOMETHING ILLEGAL THOMAS AND
4 DOUGLAS HAD DID AGAINST ME WITH THAT CONSENT ORDER.
5 AND ALSO WITH THE OTHER -- THE ONE FROM 1994
6 BECAUSE --

7 Q. SO YOU BELIEVE THE DEFENSE ATTORNEY IN
8 THAT CASE DID SOMETHING ILLEGAL?

9 A. YES, SIR. YES, SIR. THOMAS AND DOUGLAS.
10 THEY...

11 Q. EXACTLY WHAT IS THAT?

12 A. WELL, THEY -- THOMAS HAD FORCED ME TO SIGN
13 THAT -- THAT FORM. AND I JUST FIND OUT WHEN I WAS
14 TALKING WHAT HAD HAPPENED. THEY HAD PUT ALL THE LUMP
15 ORDER CASES UP UNDER 1994. BECAUSE AFTER I HAD MY --
16 MY HEARING WITH COMMISSIONER ATKINS, SHE HAD TOLD ME
17 TO REFILE MY 1995 CASE. SHE DIDN'T TELL ME WHY. SO
18 WHEN I WENT -- WENT AND REFILED IT, DOUGLAS AND
19 COMMISSIONER MICKLE WAS PUTTING ON THE SHOW. HE SAID
20 HE HAD THOUGHT HE HAD GOT RID OF ALL OF MY CLAIMS.
21 BUT I DON'T KNOW. SHE WAS VERY ANGRY AT ME AND
22 FUSSING AND CARRYING ON. THEN SHE HAD TOLD ME I HAD
23 TO WITHDRAW IT. AND THEN SHE GAVE ME -- SENT AN
24 ORDER TO ME AND TOLD ME, WELL, I COULD BRING THE CASE
25 UP ANY TIME I WANTED. SHE SENT A COPY TO DOUGLAS

1 ALSO. BUT THEN THE ATTORNEYS AT DOUGLAS DESTROY THE
2 FILE. BUT HE DIDN'T SUPPOSED HAD DESTROY IT. BUT
3 THEY --

4 Q. WHAT DOES --

5 A. NEITHER COMMISSIONER WOULD TELL ME WHAT
6 WAS WRONG.

7 Q. YOU'RE TALKING ABOUT E. PRATT-THOMAS?

8 A. YEAH.

9 Q. OKAY. EXACTLY WHAT IS IT THAT YOU BELIEVE
10 HE DID THAT WAS ILLEGAL ON THAT CONSENT ORDER?

11 A. WHEN I WAS CALLED UP HERE -- I WAS TRYING
12 TO FIND OUT IN MARCH, TRYING TO FIND OUT IF -- I
13 TALKED TO ONE OF THE GIRLS AND SHE SAID EACH ONE OF
14 THE CLAIMS SUPPOSED TO HAVE THEIR OWN NUMBER. BUT HE
15 HAD TOOK ALL OF MY CLAIMS, '95, AND PUT ALL OF THEM
16 UNDER '94 AND GOT -- COMMISSIONER BRYAN LYNDON GOT
17 RID OF THEM. SAID I DIDN'T HAVE NO INJURIES OR
18 ANYTHING. BUT I DON'T KNOW.

19 Q. MA'AM, IF I COULD --

20 A. COMMISSIONER ATKINS DIDN'T TELL ME. SHE
21 JUST TOLD ME TO REFILE MY 1995.

22 Q. YOU SAID HE FORCED YOU TO SIGN THE CONSENT
23 ORDER?

24 A. YEAH, THOMAS.

25 Q. HOW DID HE DO THAT?

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1 A. HE WOULDN'T EXPLAIN NOTHING AND BE HAVING
2 ME UP IN THAT ROOM. BECAUSE I WAS AFRAID I HAD
3 SOME -- SOME KIND OF MENTAL CONDITION I HAVE. I
4 DON'T KNOW WHAT THE NAME OF IT. DURING THAT TIME I
5 WAS SICK. AND HE JUST VERBAL ABUSED ME AND STUFF.
6 AND I DON'T KNOW. HE WAS ANGRY WITH MY DOCTOR. AND
7 HE WAS -- HE DID ALL KIND -- I MEAN THOMAS JUST
8 REALLY TALKED TO ME AND THEN ONE TIME HAD ME UP IN
9 THE ROOM.

10 Q. WHEN YOU SAY VERBAL ABUSE, DID HE SCREAM
11 AT YOU?

12 A. NO. HE JUST WAS TALKING NASTY TO ME.
13 BECAUSE HE WAS ANGRY WITH MY DOCTOR ABOUT SOMETHING.
14 I DON'T KNOW WHAT IT WAS GOING ON.

15 MS. CARTER: AND, COMMISSIONER, I THINK
16 SHE'S TALKING ABOUT THOMAS WHITE THERE JUST SO YOU
17 DON'T GET CONFUSED. BECAUSE THERE'S DOUGLAS
18 PRATT-THOMAS WHO WAS THE DEFENSE ATTORNEY AND THOMAS
19 WHITE WAS HER ATTORNEY.
20 BY THE COURT:

21 Q. OKAY. SO YOU'RE SAYING YOUR LAWYER TALKED
22 NASTY TO YOU AND FORCED YOU TO SIGN --

23 A. YES. AND ONE TIME HE HAD ME UP IN THAT
24 ROOM AND HE -- WHEN I GOT THE MONEY FROM THE
25 HOSPITAL, HE THREW A CHECK AT ME AND HAD ME SQUEEZE

61050

1 MYSELF IN BETWEEN THE CHAIR TO GET UP IN THE CHAIR
2 AND SEEMED LIKE THE CHAIR WAS GLUED TO THE FLOOR.
3 AND HE WAS JUST DOING -- HE WAS DOING A LOT OF STUFF
4 TO ME DOWN TO CHARLESTON DURING THAT TIME. AND I WAS
5 SICK. I -- YOU KNOW, AND I COULDN'T GET -- REALLY
6 GET AWAY FROM HIM.

7 THE COURT: ONE THING I SHOULD POINT OUT
8 TO YOU, IF -- I WANTED TO GET YOUR TESTIMONY ABOUT
9 THE CONSENT ORDER.

10 THE WITNESS: UH-HUH.

11 THE COURT: BECAUSE THAT IS BEFORE ME, THE
12 CONSENT ORDER. WHATEVER RELATIONSHIP YOU HAVE WITH
13 YOUR PRIOR ATTORNEY, I DON'T HAVE JURISDICTION ON
14 THAT. IF YOU HAVE A GRIEVANCE WITH HIM, THAT WOULD
15 BE AT THE BAR ASSOCIATION.

16 THE WITNESS: I DID BUT THEY DISMISSED IT.
17 THEY DID NOTHING WITH HIM.

18 BY THE COURT:

19 Q. OKAY. TELL ME HOW YOU GOT HURT. OH, YOU
20 TOLD ME THAT YOU FELL.

21 A. AND HE DIDN'T EXPLAIN THAT -- WHAT IS
22 THAT? PUT WITHOUT PREJUDICE ON THERE. AND THAT'S
23 THE ONE THAT DOUGLAS PUT ON THERE. USED FOR A
24 DEFENSE AGAINST ME WITH MY CLAIM.

25 Q. OKAY. BUT YOU'RE CLAIMING INJURIES --

4050

1 OUTSIDE OF THE CONSENT ORDER, YOU'RE CLAIMING
2 INJURIES TO YOUR RIGHT ARM, YOUR SHOULDER, YOUR
3 CHEST, YOUR BACK AND BOTH FEET?

4 A. THEY -- THAT'S HOW IT WAS. THEY TOOK THEM
5 OUT. DOUGLAS AND THOMAS DID THAT. THOMAS AND
6 DOUGLAS. THEY TOOK THEM OUT AND DREW UP THAT -- THE
7 ORDER AND GOT COMMISSIONER BRYAN LYNDON TO SIGN IT.
8 BUT --

9 Q. SO YOU'RE SAYING THEY DID SOMETHING
10 ILLEGAL AND WHAT YOU'RE CLAIMING TODAY IS ALL THOSE
11 OTHER BODY PARTS; RIGHT?

12 A. THAT'S WHAT -- COMMISSIONER ATKINS TOLD ME
13 TO REFILE WHEN I HAD THE 1995 THING WITH HER. SHE
14 TOLD ME TO REFILE MY 1995 CLAIM. THAT'S WHAT SHE
15 TOLD ME TO DO.

16 Q. SO YOU HAD A FALL AT WORK?

17 A. UH-HUH.

18 Q. AND WHAT KIND OF MEDICAL TREATMENT DID YOU
19 RECEIVE AS A RESULT OF THAT FALL?

20 A. THEY SEND ME TO TRIDENT INDUSTRIAL
21 MEDICINE, THEN ONE OF THE OTHER FOR PHYSICAL THERAPY.
22 AND LET ME SEE. I THINK I WENT TO TWO PHYSICAL
23 THERAPY. AND THEN AFTER THEN WHEN INSURANCE COMPANY
24 HAD KICKED ME OUT OF -- OFF THE -- SENT A LETTER AND
25 KICKED ME OUT UNDER WORKMEN'S COMP. SAID I HAD TO GO

1 TO MY OWN DOCTOR. AND THEN THOMAS AND DOUGLAS WHEN
2 THEY GOT TOGETHER AND GOT THAT -- DRAW UP THAT
3 CONSENT ORDER, THEY TOOK ME AWAY FROM MY DOCTOR AND
4 SENT TO DR. MCCOY. BUT DR. MCCOY DIDN'T DO NOTHING.
5 HE TOOK MY ARM AND TWISTED UP BEHIND MY BACK. AND HE
6 DIDN'T DO -- DIDN'T REALLY DO NOTHING FOR ME. AND
7 THEN THOMAS DIDN'T TELL ME WHAT ELSE TO DO AND STUFF.
8 SO I HAD TO GO -- END UP GOING BACK UNDER MY OWN
9 DOCTOR. AND I KEPT HAVING PAIN AND SPASM AND STUFF
10 IN MY ARM AND MY HAND. AND I HAD HAD A BREAST
11 REDUCTION DONE TO TRY TO RELIEVE SOME OF THE PRESSURE
12 ON MY SHOULDERS AND STUFF. AND IN THE MEANTIME WHILE
13 I EMPTY SOLELY ON ONE PATIENT, I GOT URINE IN MY FACE
14 TWICE. THE ONE TIME I GOT IT ALL IN MY EYES AND I
15 GOT INFECTION AND EVERYTHING FROM THE SPASM AND PAIN
16 AND STUFF I HAD IN ARM AND MY SHOULDER, RIGHT
17 SHOULDER. BUT I HAD THOSE OTHER AND HE TOOK THEM
18 OUT. I THINK I GOT THEM. BUT THOMAS AT FIRST HAD
19 FILED THEM.

20 Q. MA'AM, BUT ON THAT CASE -- WHAT I HAVE
21 FROM YOUR FORM 50 WHICH IS YOUR PLEADINGS IN THE
22 CASE.

23 A. UH-HUH.

24 Q. AND I UNDERSTAND YOU DISAGREE WITH THE
25 CONSENT ORDER.

1 A. YES, SIR.

2 Q. IN YOUR FORM 50 IN YOUR FILINGS YOU SAID
3 YOUR RIGHT ARM, SHOULDER, CHEST BACK AND FEET.
4 AND --

5 A. NO. WHICH ONE YOU GOT? THAT'S THE OLD
6 ONE.

7 Q. 9503744.

8 A. DID I PUT ALL OF THEM ON THERE?

9 Q. THAT'S YOUR FILING. THAT'S WHAT YOUR
10 CLAIM IS TODAY. THAT'S WHAT YOU FILED OFFICIALLY.
11 WHAT I NEED TO ASK YOU --

12 A. THE RIGHT CHEST AREA. THESE WAS --

13 Q. MA'AM, YOU NEED TO LET ME FINISH MY
14 QUESTION.

15 A. OH, I'M SORRY.

16 Q. WHAT I WANT TO ASK IS -- YOU'VE ALREADY
17 TOLD ME YOU'RE NOT SEEKING ADDITIONAL MEDICAL
18 TREATMENT FOR ANY OF THESE CASES. YOUR FORM 50 SAID
19 THAT TEMPORARY TOTAL DISABILITY BENEFITS -- THAT'S
20 THE TIME YOU WOULD BE OUT OF WORK DUE TO AN INJURY --
21 YOU HAVE THAT AS TO BE DETERMINED. ARE YOU CLAIMING
22 ANY LOST WAGES?

23 A. I DIDN'T -- I DIDN'T FILE A FORM 50 WITH
24 THIS ONE HERE. I NEVER FILED A FORM 50. WHEN I
25 REFILED IT, I DIDN'T FILE A FORM 50.

(1059)

1 Q. YES, MA'AM. I HAVE A FORM 50.

2 A. THAT'S THE OLD ONE HERE.

3 Q. THE 1995 CASE IS SET ON A FORM 50. BUT,
4 MA'AM, IT SAYS THAT ANY LOST WAGES ARE TO BE
5 DETERMINED. ARE YOU CLAIMING ANY LOST WAGES WITH
6 THAT CASE?

7 A. WHICH NUMBER IS THAT?

8 Q. 9503744.

9 A. I MEAN WHICH NUMBER ON THE FORM 50.

10 MS. CARTER: SEVEN. NO. 7.

11 THE WITNESS: BECAUSE THEY PAID TEMPORARY.
12 TOLD I WAS PAID THAT. BUT I WAS WORKING AT
13 CHARLESTON MEMORIAL HOSPITAL AT THE TIME AND I DON'T
14 THINK THAT WAS FIGURED IN THERE. BECAUSE I WAS
15 WORKING TWO JOBS AT THE TIME WHEN I HAD THE ACCIDENT.
16 BY THE COURT:

17 Q. WELL, THE AVERAGE WEEKLY WAGE IN THE FILE
18 IS \$825.09. THAT WOULD BE BOTH JOBS?

19 A. I DON'T THINK SO. I THINK THIS WAS THE
20 ONE FROM TRIDENT. I DON'T THINK FIGURE THE ONE
21 FROM...

22 Q. DID YOU BRING ANY EVIDENCE TODAY ON YOUR
23 OTHER INCOME?

24 A. NO, SIR, I DIDN'T BRING -- I DIDN'T BRING
25 THE CHECK STUBS.

(1055)

1 Q. OKAY.

2 A. I DIDN'T KNOW I WAS SUPPOSED TO BRING
3 THEM.

4 Q. OKAY. YOU'RE SAYING YOU WERE PAID FOR
5 YOUR LOST TIME OTHER THAN YOU BELIEVE YOU HAD A
6 SECOND JOB AT --

7 A. YEAH. I HAD A SECOND JOB WORKING AT --

8 Q. AND YOU'RE NOT SEEKING ANY ADDITIONAL
9 MEDICAL TREATMENT?

10 A. I DON'T KNOW WHAT ELSE CAN BE DONE TO MY
11 SHOULDER AT THIS TIME. BUT LIKE I SAY, I HAD THE
12 SECOND JOB. I DON'T THINK THAT WAS FIGURED INTO
13 THE -- MY AMOUNT THAT I GOT. BECAUSE I THINK ISN'T
14 SOMEBODY SUPPOSED TO FILL OUT A FORM 20? I NEVER
15 TOOK ONE. I DON'T THINK I NEVER GOT ONE FROM THOMAS.
16 THAT HE FILLED OUT ONE.

17 THE COURT: OKAY. I'M GOING TO GIVE
18 MS. CARTER A CHANCE TO ASK YOU SOME QUESTIONS ON THIS
19 CASE.

20 MS. CARTER: THANK YOU.

21 C R O S S - E X A M I N A T I O N

22 BY MS. CARTER:

23 Q. MS. SHIVER, THE CONSENT ORDER HAS BEEN
24 ATTACHED AS EXHIBIT "A" TO MY APA STARTING ON
25 PAGE 39.

61056

1 A. YEAH. THAT'S THE ONE. BUT LIKE I TOLD
2 YOU. I TOLD YOU WHAT HAPPENED WITH THE TWO PRIOR
3 COMMISSIONERS.

4 Q. WELL, I WANT TO MAKE SURE WHAT I
5 UNDERSTAND. THIS ONE ONLY HAS THIS WORKERS'
6 COMPENSATION FILE NUMBER ON IT FOR THE ONE WE'RE HERE
7 ABOUT TODAY --

8 A. UH-HUH.

9 Q. -- FROM JANUARY 25TH OF 1995. I'M SORRY.
10 JANUARY 23RD.

11 A. I GOT THE OTHER ONE. BUT THE -- WHEN I
12 CALL UP THERE AND TALK TO THE GIRL UP HERE IN THIS
13 OFFICE -- SHE WAS TRYING TO FIND OUT WHAT HAD
14 HAPPENED. AND THEN SHE TOLD ME IT SUPPOSED TO
15 BEEN -- EACH ONE SUPPOSED TO FILE UPON THEIR OWN
16 NUMBER. BUT HE TOOK ALL OF THEM AND PUT UP UNDER ONE
17 FOR NINE---ON THE OTHER NUMBER.

18 Q. WELL, YOU SAID THAT. BUT THIS ONE IS ONLY
19 ON ONE FILE, JANUARY 23RD OF 1995; CORRECT?

20 A. ALL MY INJURIES WAS PUT UP UNDER OTHER --
21 THAT'S WHAT I'M TRYING TO EXPLAIN TO YOU.

22 Q. WELL, LET ME ASK YOU ABOUT THIS CONSENT
23 ORDER. YOU SIGNED THIS CONSENT ORDER; IS THAT
24 CORRECT?

25 A. THAT'S THE ONE I TOLD YOU THOMAS HAD MAKE

(1052)

1 ME SIGN AND DIDN'T EXPLAIN NOTHING TO ME HOW HE WAS
2 TREATING ME DOWN IN CHARLESTON.

3 Q. THOMAS MEANING THOMAS WHITE YOUR ATTORNEY?

4 A. THOMAS WHITE. THOMAS WHITE.

5 Q. AND HE FORCED YOU TO SIGN THIS CONSENT
6 ORDER?

7 A. YES, HE DID.

8 Q. AND I BELIEVE YOU SAID HE WAS -- YOU TOLD
9 HIM HE WAS --

10 A. AND I WAS ASKING -- AND I WAS ASKING HIM
11 ABOUT THAT AND HE DIDN'T EXPLAIN NONE OF THEM THINGS
12 THERE TO ME.

13 Q. AND WHEN I TALKED TO YOU IN YOUR
14 DEPOSITION ABOUT IT, YOU SAID HE WAS YELLING AT YOU
15 AND --

16 THE COURT: WAIT. WAIT.

17 THE WITNESS: YES. AND THEN I TOLD --

18 THE COURT: WAIT. WAIT. IF YOU WOULDN'T
19 MIND MOVING THOSE PAPERS OFF THE MICROPHONE.

20 THE WITNESS: OH.

21 THE COURT: THANK YOU.

22 THE WITNESS: AND I ALSO TOLD YOU GIVE HIM
23 A CHANCE TO GO BACK AND CORRECT THEM THINGS ON THERE,
24 BUT YOU CAN SEE THAT I HADN'T GOTTEN IT YET.

25 BY MS. CARTER:

1 Q. DID THOMAS WHITE HAVE YOU IN A CORNER OF A
2 ROOM YELLING AT YOU AND SCREAMED AT YOU?

3 A. HE HAD ME IN THE ROOM.

4 Q. WAS HE YELLING AT YOU?

5 A. YES, HE WAS. AND THEN AGAIN WHEN I GOT
6 THE MONEY HE HAD ME DOWNTOWN -- UP -- DOWNTOWN IN
7 CHARLESTON UP IN THAT OFFICE UP THERE.

8 Q. OKAY. AND --

9 A. AND THAT'S WHEN HE HAD ME SQUEEZE -- THREW
10 THAT CHECK AT ME.

11 Q. AND WHEN YOU SIGNED THIS, YOU HAD READ THE
12 CONSENT ORDER; IS THAT CORRECT?

13 A. NO. I HAD READ -- I HAD IT AND I WAS
14 ASKING HIM AND HE DIDN'T EXPLAIN NOTHING TO ME ABOUT
15 THEM THINGS THAT WRITTEN ON THERE.

16 Q. MY QUESTION WAS DID YOU READ IT --

17 A. I LOOKED AT IT.

18 Q. -- BEFORE YOU SIGNED IT?

19 A. I LOOKED AT IT BUT I DIDN'T UNDERSTAND
20 WHAT I LOOKING AT. AND HE DIDN'T EXPLAIN NOTHING.
21 HE FORCED ME TO SIGN THOSE PAPERS.

22 Q. SO YOU DID READ IT BEFORE YOU SIGNED IT?

23 A. I LOOKED AT IT.

24 Q. WHEN YOU LOOK AT IT, ARE YOU READING IT?

25 A. I LOOKED AT IT AND DURING THAT TIME I TOLD

C1059

1 YOU I WAS SICK. I DON'T KNOW WHAT KIND OF MENTAL
2 CONDITION I HAD, BUT I HAD SOMETHING. I DON'T KNOW
3 WHAT'S THE NAME OF IT.

4 Q. DO YOU HAVE ANY MEDICAL RECORDS THAT
5 YOU'VE SUBMITTED TO THE COMMISSION TODAY TO TALK
6 ABOUT WHAT KIND OF MENTAL CONDITION YOU HAD AT THAT
7 TIME?

8 A. NO. I JUST -- SOMETHING THAT HAPPENED TO
9 ME IN MY CHILDHOOD. AND THIS IS -- WHEN I GET
10 CERTAIN AGE, THE STUFF CAME BACK. I DON'T KNOW WHAT
11 THE NAME OF IT.

12 Q. ALL RIGHT.

13 A. I DON'T KNOW WHETHER POSTTRAUMATIC STRESS
14 ON THE JOB OR WHAT. I DIDN'T GO TO A DOCTOR ABOUT
15 IT.

16 Q. NOW, AS PART OF THIS CLAIM WHEN IT WAS
17 GOING -- BACK IN 1995 THEY SENT YOU TO SEE DR. MCCOY;
18 IS THAT CORRECT?

19 A. DR. MCCOY.

20 Q. AND YOU SAW DR. MCCOY ON AUGUST THE 10TH
21 OF 1995?

22 A. ONE DAY. ONLY ONE DAY.

23 Q. AND THAT WAS BEFORE YOU SIGNED THIS
24 CONSENT ORDER; IS THAT CORRECT?

25 A. BEFORE? I THINK IT WAS -- I SAW

(1060)

1 DR. MCCOY. NO. I THINK THE CONSENT ORDER WAS SIGNED
2 BEFORE -- CONSENT ORDER WAS SIGNED BEFORE I WENT TO
3 DR. MCCOY BECAUSE IT WROTE IN THERE FOR ME TO GO TO
4 DR. MCCOY.

5 Q. ALL RIGHT. AND DR. MCCOY SAW YOU ONE
6 TIME?

7 A. ONLY ONCE.

8 Q. AND HE DIDN'T RECOMMEND SEEING YOU ANYMORE
9 AFTER THAT, DID HE?

10 A. HE TOLD ME NOT TO EVER COME BACK TO HIS
11 OFFICE. THAT'S WHAT HE TOLD ME.

12 Q. AND DO YOU HAVE ANYTHING SHOWING THAT YOU
13 ASKED FOR ADDITIONAL MEDICAL TREATMENT FROM TRIDENT
14 HOSPITAL FOR THAT INJURY AFTER THAT DATE?

15 A. I DIDN'T KNOW WHAT TO DO AND THOMAS DIDN'T
16 TELL ME WHAT TO DO EITHER.

17 Q. MY QUESTION IS DID YOU EVER ASK FOR ANY
18 ADDITIONAL MEDICAL TREATMENT AFTER THAT DATE?

19 A. NO. BECAUSE THEY HAD HIM KICK ME OUT --
20 OFF -- TWICE OFF THE -- OFF UNDER -- OFF THE
21 WORKMEN'S COMP.

22 Q. WELL, YOU CONTINUED WORKING AT TRIDENT
23 HOSPITAL UNTIL WHEN? 1998, I BELIEVE?

24 A. I WORKED THERE UNTIL I HAD THE OTHER
25 ACCIDENT. THEY TERMINATE ME. THE NURSES MADE UP

(1060)

1 LIES ON ME. SAY I MISTREAT THE PATIENTS WHICH WASN'T
2 TRUE.

3 Q. SO YOU HAD ANOTHER ACCIDENT IN OCTOBER OF
4 1997; IS THAT CORRECT?

5 A. WHILE I WAS HELPING A PATIENT UP INTO
6 BED -- HE WAS (INAUDIBLE), I END UP HAVING -- FIND
7 OUT I HAD A DISC IN MY BACK.

8 Q. AND THAT WAS IN OCTOBER OF 1997?

9 A. YEAH.

10 Q. SO WE KNOW YOU WORKED UP TO TRIDENT FOR AT
11 LEAST TWO YEARS AFTER THIS ACCIDENT IN 1995?

12 A. YEAH. I WAS STILL WORKING BECAUSE I
13 WASN'T FIRED THEN.

14 Q. AND AFTER YOU LEFT TRIDENT YOU CAME UP TO
15 COLUMBIA?

16 A. NO. I WENT TO HER MINI TRIAGE NURSING
17 HOME AND I DIDN'T WORK FOR TWO DAYS BECAUSE I WAS
18 HAVING A LOT OF PAIN AND STUFF IN MY NECK A COUPLE
19 DAYS. TOLD THEM I COULDN'T WORK THERE.

20 THE COURT: MA'AM, IF I COULD HELP A
21 LITTLE BIT WITH THIS. SO YOU'RE NOT CLAIMING ANY
22 ADDITIONAL TEMPORARY TOTAL DISABILITY BENEFITS. ONLY
23 CLAIMING THAT HER AVERAGE WEEKLY WAGE SHOULD HAVE
24 BEEN HIGHER. SHE'S NOT CLAIMING ANY ADDITIONAL
25 MEDICAL TREATMENT.

C1062

1 MS. CARTER: WELL, I'M TRYING TO SHOW THAT
2 SHE WORKED AFTERWARDS TO --

3 THE COURT: SHE'S NOT CLAIMING ANY
4 BENEFITS AFTER WORKING. THE ONLY CLAIM --

5 THE WITNESS: I ONLY WORKED TWO DAYS.

6 THE COURT: MA'AM, IF YOU WOULD LET ME
7 FINISH.

8 THE WITNESS: I'M SORRY. I DIDN'T MEAN TO
9 INTERRUPT.

10 THE COURT: I'M JUST TRYING TO KEEP THINGS
11 ORDERLY.

12 MS. CARTER: I MEAN FOR DISABILITY
13 PURPOSES.

14 THE COURT: SHE'S NOT CLAIMING ANY
15 PERMANENT PARTIAL DISABILITY. THERE'S NOTHING IN HER
16 FORM 50 CLAIMING THAT.

17 MS. CARTER: OKAY.
18 BY MS. CARTER:

19 Q. I JUST WANT TO ASK YOU ONE QUESTION ABOUT
20 YOUR FAMILY DOCTOR. IS THAT DR. HOOK, JEFFREY HOOK?

21 A. YEAH. THAT'S -- THAT'S MY DOCTOR NOW.

22 Q. AND WE'VE GOT MEDICAL RECORDS FROM HIM
23 FROM 2003 CONTINUING ON THAT YEAR. I DIDN'T SEE ANY
24 COMPLAINTS IN ANY OF THOSE RECORDS OF ANY PROBLEM
25 WITH YOUR RIGHT SHOULDER OR YOUR RIGHT FOOT. ARE YOU

(1063)

1 AWARE -- HAVE YOU EVER SAW HIM FOR THOSE TWO
2 SPECIFICS?

3 A. I DIDN'T SAW HIM FOR THAT. HE'S MY FAMILY
4 DOCTOR. AFTER I CAME UP HERE I HAD TO FIND A DOCTOR.
5 AFTER I WENT TO DR. PATEL AND DR. PATEL DID TO ME
6 WHAT HE DID WITH THE CAR ACCIDENT, I HAD TO FIND -- I
7 DIDN'T GO BACK TO HIM NO MORE.

8 MS. CARTER: THAT'S ALL THE QUESTIONS I
9 HAVE.

10 THE COURT: MA'AM, YOUR NEXT CASE IS
11 0126962. THIS IS THE ACCIDENT DATE OF NOVEMBER 15TH,
12 2001 AT PALMETTO RICHLAND HOSPITAL.

13 E X A M I N A T I O N

14 BY THE COURT:

15 Q. TELL ME, MA'AM, HOW YOU GOT HURT.

16 A. I WAS GETTING OFF THE ELEVATOR GOING TO
17 WORK AND ONE THE EMPLOYEES HAD PUSHED A METAL SUPPLY
18 CART IN THE BACK OF MY FOOT. BACK OF THE LEG AND THE
19 FOOT THERE.

20 Q. THAT'S YOUR LEFT LEG?

21 A. YES, SIR.

22 Q. WAS IT A CART?

23 A. A METAL SUPPLY CART WE HAD SUPPLIES AND
24 STUFF ON.

25 Q. WHAT MEDICAL TREATMENT, IF ANY, DID YOU

Q869

1 RECEIVE AS A RESULT OF THAT?

2 A. WELL, BARRINGTON WINT SENT ME OVER TO
3 HEALTHWORKS AND I WAS -- ON THE FIRST DAY I SAW MS.
4 BARBARA GRIFFIN THE OCCUPATIONAL HEALTH NURSE. AND
5 FROM THEN I WAS UP UNDER THE CARE OF MS. COLLEEN
6 COLLINS THE NURSE PRACTITION.

7 Q. DID YOU GET MEDICATION OR PHYSICAL THERAPY
8 OR?

9 A. I DIDN'T GET NO MEDICATION. I DIDN'T GET
10 NO MEDICATION UNTIL DR. DURKIN TOOK OFFICE. AND I
11 DIDN'T GET NO PHYSICAL THERAPY UNTIL DR. DURKIN TOOK
12 OVER. BUT HE'S --

13 Q. SO DR. DURKIN TOOK OVER MEDICAL CARE?

14 A. YEAH. HE'S THE MEDICAL DIRECTOR AND ALSO
15 NEUROLOGIST.

16 Q. SO HE SENT YOU FOR PHYSICAL THERAPY?

17 A. YEAH. HE'S THE ONE. I HAD BEGGED TO SEE
18 AN ORTHOPEDIC, BUT SHE DIDN'T SEND ME TO ONE.

19 Q. ON THIS CASE YOU'RE NOT CLAIMING ANY LOST
20 WAGES, BUT YOU ARE CLAIMING AN AWARD FOR PERMANENT
21 DISABILITY TO YOUR LEFT LEG?

22 A. BECAUSE I DIDN'T MISS NO DAYS BECAUSE SHE
23 TOLD ME -- THEY HAD TOLD ME ON THE THING THAT I HAD
24 TO GO BACK TO WORK.

25 Q. OKAY. BUT YOU'RE CLAIMING PERMANENCY TO

(1065)

1 YOUR LEFT LEG. WHAT PROBLEMS, IF ANY, ARE YOU HAVING
2 WITH YOUR LEFT LEG NOW?

3 A. I'M STILL HAVING PAIN AND I GOT TO WEAR MY
4 ANKLE BRACE AND ALSO GOT MY INSTEPS. I HAD TO GET
5 SOME SPECIAL MADE AND I HAVE TO WEAR ORTHOPEDIC
6 SHOES.

7 Q. AND WHAT DOCTOR ORDERED THE ORTHOPEDIC
8 SHOES?

9 A. DOC---LET ME SEE. UP THE MILLER
10 ORTHOPEDIC CLINIC TOLD ME TO GET ORTHOPEDIC --
11 ORTHOPEDIC SHOES. AND DR. MINTER PUT THE BRACE ON
12 ME.

13 MR. SIMS: I'M SORRY, COMMISSIONER. WHAT
14 DOCTOR WAS THAT?

15 THE COURT: MINTER.

16 MR. SIMS: MINTER?

17 THE WITNESS: AND DOCTOR I GOT FROM THE
18 MILLER ORTHOPEDIC CLINIC, THEY GAVE ME PRESCRIPTION
19 TO GET THE SPECIAL INSTEPS MADE.
20 BY THE COURT:

21 Q. AND ARE THOSE DOCTORS -- ARE THOSE DOCTORS
22 THE INSURANCE COMPANY SENT YOU TO?

23 A. NO, SIR. THE TWO DOCTORS THEY SENT ME TO
24 DIDN'T DO ANYTHING FOR ME. ONE OF THEM, DR. MCBRYDE,
25 DID AN MRI, BUT HE DIDN'T DO NOTHING ELSE.

(1066)

1 Q. DID YOU HAVE GO BACK TO THE EMPLOYER OR
2 THE INSURANCE COMPANY, SEND THEM A LETTER OR
3 SOMETHING SAYING YOU WANTED ORTHOPEDIC TREATMENT?

4 A. WHEN I WENT TO DR. MINTER, HE TOLD ME TO
5 GO BACK TO DR. MCBRYDE.

6 MR. SIMS: OBJECTION, COMMISSIONER, TO
7 WHAT THE DOCTOR TOLD HER.

8 THE COURT: MA'AM, YOU CAN'T TESTIFY TO
9 WHAT A DOCTOR SAID. THAT'S HEARSAY. YOU CAN TESTIFY
10 TO WHAT SOMEONE SAID IF THEY'RE A PARTY TO THE
11 HEARING.

12 THE WITNESS: OH. I WAS TELLING WHAT HE
13 HAD TOLD ME TO DO.

14 THE COURT: OKAY. BUT LET ME FINISH.
15 THIS MAY HELP US THROUGH THE REST OF THE HEARING.

16 THE WITNESS: OKAY.

17 THE COURT: YOU CAN TESTIFY TO WHAT SAID
18 SOMEONE SAID IF THEY'RE A PARTY TO THE HEARING. YOU
19 ARE A PARTY, THE EMPLOYERS ARE PARTIES AND THE
20 INSURANCE COMPANIES ARE PARTIES.

21 THE WITNESS: UH-HUH.

22 THE COURT: SO YOU CAN TESTIFY TO WHAT
23 YOUR SUPERVISOR SAID, WHAT AN ADJUSTER OR THE
24 INSURANCE COMPANY SAID AND FOLKS CAN TESTIFY TO WHAT
25 YOU SAID.

(1067)

1 THE WITNESS: UH-HUH.

2 THE COURT: BUT DOCTORS AND FOLKS LIKE
3 THAT ARE NOT PARTIES. I HAVE TO RELY ON THEIR
4 REPORTS.

5 THE WITNESS: BUT WHAT THE QUESTION --
6 BY THE COURT:

7 Q. WHAT I WAS ASKING WAS DID YOU SUBMIT
8 ANYTHING TODAY OR DO YOU HAVE ANYTHING TO SHOW WHERE
9 YOU ASKED THE INSURANCE COMPANY TO SEND YOU TO AN
10 ORTHOPEDIC SPECIALIST?

11 A. NO, BECAUSE THEY -- MY -- THE DOCTORS I
12 WENT TO TURNED ME LOOSE. HE JUST TOLD ME TO COME
13 BACK. AND I DIDN'T GO BACK BECAUSE I DIDN'T WANT
14 THAT -- WHAT YOU CALL IT? HAD TO DO ARTHROSCOPY DONE
15 ON ME. SO I DIDN'T -- I DIDN'T GO BACK.

16 Q. DID YOU BRING ANY MEDICAL REPORTS? I
17 HAVEN'T LOOKED THROUGH EVERYTHING. I'VE GOT A LOT OF
18 THINGS TO LOOK THROUGH IN THE APA SUBMISSIONS.

19 A. UH-HUH. I DON'T HAVE ALL OF MY MEDICALS.

20 Q. MA'AM, IF YOU'LL LET ME FINISH MY
21 QUESTION.

22 A. OKAY.

23 Q. DID YOU BRING ANY REPORT FROM A DOCTOR
24 WHICH ASSIGNED AN IMPAIRMENT RATING TO YOUR LEG?

25 A. THEY DIDN'T GIVE ME A RATING.

C1068

1 THE COURT: OKAY. AND THAT IS MR. SIMS'
2 CASE. I'M GOING TO GIVE HIM A CHANCE TO ASK YOU SOME
3 QUESTIONS NOW.

4 MR. SIMS: SO THAT I'M CLEAR ON THIS
5 RECORD FOR THIS PARTICULAR CASE, COMMISSIONER, IT'S
6 MY UNDERSTANDING THAT THERE'S NO TEMPORARY TOTAL
7 DISABILITY BEING CLAIMED?

8 THE COURT: THE FORM 50 MAKES NO CLAIM FOR
9 COMPENSATION OF TEMPORARY TOTAL DISABILITY. AND
10 MS. SHIVER TESTIFIED IF I -- THAT SHE WAS NOT
11 CLAIMING ANY TEMPORARY TOTAL DISABILITY BENEFITS.

12 THE WITNESS: BECAUSE I HAD TO WORK. I
13 WASN'T OUT. I HAD TO GO BACK TO WORK.

14 C R O S S - E X A M I N A T I O N

15 BY MR. SIMS:

16 Q. THE ORTHOPEDIST THAT DR. DURKIN GOT YOU TO
17 WAS DR. BELDING?

18 A. UH-HUH.

19 Q. YOU RECALL THAT?

20 A. YEAH.

21 Q. AND THEN LATER YOU WERE ALLOWED TO SEE
22 DR. MCBRYDE FOR YOUR FOOT AS WELL?

23 A. UH-HUH.

24 THE COURT: MA'AM, IF YOU'D GIVE --

25 BY MR. SIMS:

21069

1 Q. DO YOU RECALL SEEING DR. MCBRYDE?

2 A. YEAH. I WENT TO HIM. I WENT TO HIM
3 TWICE.

4 Q. AND WHATEVER PROBLEMS YOU WERE HAVING
5 THEN -- AND THIS WOULD HAVE BEEN BACK IN 2002 AND
6 2003 -- WITH REGARD TO YOUR FOOT, YOU TOLD
7 DR. BELDING AND DR. MCBRYDE EXACTLY WHAT WAS
8 BOTHERING YOU AT THE TIME?

9 A. YES. I TOLD THEM BUT THEY DIDN'T WRITE --
10 DR. BELDING DIDN'T WRITE -- TOLD ME I CAME IN THERE
11 WITHOUT ANY LIMP AND I DID HAD A LIMP. AND WHEN I
12 TOLD HIM ABOUT THE OTHER -- ASKED ME IF I HAD A PRIOR
13 INJURY WHICH I TOLD HIM I DID. AND THEN WHEN I TOLD
14 HIM ABOUT I HAD GOT HURT AT THE HOSPITAL, HIS
15 POSITION CHANGED TOWARD ME AND THEN HE WOULDN'T TAKE
16 CARE OF ME.

17 Q. NOW, THIS ACCIDENT TO YOUR LEFT HEEL
18 HAPPENED BACK IN 2001?

19 A. UH-HUH..

20 THE COURT: MA'AM --

21 BY MR. SIMS:

22 Q. YOU RECALL THAT ACCIDENT?

23 A. YES, SIR.

24 THE COURT: IF I COULD ASK YOU WHEN YOU
25 GIVE AN ANSWER, IF YOU'D GIVE A YES OR A NO.

1 THE WITNESS: OH, YES.

2 THE COURT: WE ALL HAVE THAT HABIT OF SAY
3 "UH-HUH." IT JUST DOESN'T MAKE A GOOD RECORD.

4 THE WITNESS: OKAY. I'M SORRY.

5 BY MR. SIMS:

6 Q. I KNOW THAT THERE ARE A LOT OF THINGS THAT
7 HAVE HAPPENED TO YOU THROUGH THE YEARS. AND MY
8 SPECIFIC QUESTION IS HAVE YOU HAD ANY NEW ACCIDENT TO
9 YOUR FOOT SINCE 2001?

10 A. IT WAS A CONTINUATION OF WHEN I WAS
11 FALLING. BUT I NEVER -- I MEAN NOBODY ELSE END UP
12 HITTING ME WITH ANYTHING.

13 Q. NO NEW FALLS, NO SOMETHING ELSE TO YOUR
14 FOOT?

15 A. I FALL AT THE HOUSE BUT I DIDN'T HURT MY
16 FOOT. I HURT MY LEFT ELBOW AND A NEEDLE -- NOT A
17 NEEDLE. THE NURSE PRACTITIONER PUT IN THERE HURT MY
18 FOOT. BUT I DIDN'T HURT MY FOOT. THAT WAS MY LEFT
19 ELBOW.

20 Q. YES, MA'AM. ARE YOU TALKING ABOUT THE
21 VERY NEXT DAY --

22 A. YEAH.

23 Q. -- WHEN YOU FELL AT HOME?

24 A. WHEN I WAS GOING UP THE STEP. NO. I
25 DIDN'T FALL DOWN. I WAS GOING UP THE STEP.

(1071)

1 MR. SIMS: I DON'T HAVE ANY OTHER
2 QUESTIONS.

3 THE COURT: OKAY. MA'AM, WE'RE GOING TO
4 MOVE TO YOUR CASE 0217775. THIS IS THE DATE OF
5 INJURY OF MARCH 23RD, 2002. YOU WERE WORKING AT
6 PALMETTO RICHLAND HOSPITAL.

7 THE WITNESS: WHICH ONE NOW?

8 THE COURT: THIS IS THE INJURY DATE OF
9 MARCH 23RD, 2002. AND THE FILE SHOWS A CLAIM FOR AN
10 INJURY TO THE LOW BACK AND THE RIGHT SIDE. BUT
11 YOU'RE CLAIMING COMPENSATION FOR LOST WORK FROM
12 MARCH 23RD, 2002 THROUGH APRIL 8TH, 2002. YOU'RE NOT
13 CLAIMING ANY PERMANENCY OR ANY ADDITIONAL MEDICAL
14 TREATMENT. THEY ADMIT THE INJURY. THE INSURANCE
15 COMPANY AND MR. SIMS IS ON THIS CASE. THEY ADMIT YOU
16 HAD THE INJURY.

17 THE WITNESS: UH-HUH.

18 THE COURT: BUT THEY BELIEVE THAT IT IS
19 NOW RESOLVED.

20 MR. SIMS, IS THERE A DISPUTE ABOUT THE PERIOD OF
21 TIME FOR THE LOST WAGES?

22 MR. SIMS: I WILL NOT DISPUTE THAT FOR
23 TODAY'S PURPOSES, COMMISSIONER.

24 THE COURT: OKAY.

25 THE WITNESS: AND I JUST WANTED TO SAY

(1072)

1 SOMETHING ELSE.

2 THE COURT: WELL, THEY -- JUST TO LET YOU
3 KNOW, THEY'RE ADMITTING WHAT YOU'RE CLAIMING FOR THAT
4 TIME OF COMPENSATION FOR TEMPORARY TOTAL DISABILITY.

5 THE WITNESS: UH-HUH.

6 THE COURT: THEY AGREE TO THAT. THEY'RE
7 GOING TO PAY THAT.

8 THE WITNESS: AND I JUST WANTED TO SAY
9 SOMETHING ELSE. THAT WHEN I WENT AND HAD THE MRI
10 DONE, THEY HAD SAW SOME MORE DISCS DOWN INTO MY BACK
11 AFTER THIS AND I HAD SOME SCIATICA. BUT THE DOCTOR
12 DIDN'T GIVE ME ANY MORE RATING OR NOTHING FOR THAT.
13 THIS HAPPENED AFTER THIS WHEN I FELL OUT THE CHAIR
14 AND CHAIR FELL ON TOP OF ME.

15 THE COURT: SO WHAT WE -- WHAT YOU HAVE
16 NOW, YOU TOLD ME EARLIER YOU'RE NOT SEEKING ANY
17 ADDITIONAL MEDICAL TREATMENT. THEY'VE AGREED TO PAY
18 THE LOST WAGES AND THEY ADMIT YOU HAD THE INJURY.
19 YOUR FORM 50 DOES NOT MAKE A CLAIM FOR PERMANENT
20 DISABILITY.

21 THE WITNESS: THE DOCTOR DIDN'T ADD
22 ANYMORE ONTO IT. DR. JONES DIDN'T ADD ANYMORE ONTO
23 WHAT I ALREADY HAD DOWN THERE. BUT I DID -- I GOT
24 SOME MORE DISCS DOWN THERE THAT HE FOUND ON THE MRI.
25 AND I HAD SOME SCIATICA THAT DEVELOPED FROM THE

1 FALL -- FROM THE CHAIR FALLING ON TOP OF ME.

2 THE COURT: MA'AM, IN YOUR PLEADINGS THAT
3 YOU FILED YOU DID NOT CLAIM ANY PERMANENT DISABILITY.

4 THE WITNESS: BECAUSE HE SAID HE WASN'T
5 GOING TO ADD NO MORE ONTO IT. SO THAT'S WHY I DIDN'T
6 PUT IT ON THERE, SO.

7 E X A M I N A T I O N

8 BY THE COURT:

9 Q. WELL, TELL ME HOW YOU GOT HURT IN THAT
10 ACCIDENT. THEY ADMIT THE ACCIDENT, BUT JUST TELL ME
11 BRIEFLY HOW YOU GOT HURT.

12 A. I WAS UP THERE WORKING THE NIGHT. I HAD
13 DROPPED MY PEN. I WENT TO PICK IT AND THE CHAIR -- I
14 FELL OUT AND THE CHAIR FLIP OVER ON TOP ME. THE
15 REASONS WHY I DIDN'T ASK BECAUSE I DIDN'T KNOW --
16 SINCE THE DOCTOR DIDN'T PUT IN FOR ME WHAT I WAS
17 SUPPOSED TO GET IN OR NOT. HE DIDN'T ADD ANYMORE FOR
18 THE OTHER DISCS IN MY BACK IN THE SACRAL AREA. I
19 THINK HE SAID IT WAS TWO OF THEM, I THINK. BUT HE
20 DIDN'T ADD ANYMORE TO THEM, SO I DON'T KNOW...

21 Q. BUT IN ESSENCE IF I UNDERSTAND IT CORRECT,
22 EVERYTHING YOU ASKED FOR IN YOUR REQUEST --

23 A. UH-HUH.

24 Q. -- THEY'VE AGREED TO PAY? THEY'VE AGREED
25 TO PAY ALL THE AUTHORIZED MEDICAL TREATMENT. THEY'VE

(1074)

1 AGREED TO PAY THE COMPENSATION YOU REQUESTED FOR
2 TEMPORARY TOTAL DISABILITY FROM MARCH 23RD THROUGH
3 APRIL 8TH, 2002. SO THEY'VE AGREED TO PAY EVERYTHING
4 THAT YOU ASKED FOR IN YOUR BRIEFS.

5 A. AND MY MEDICAL CARE.

6 MR. SIMS: AND THAT'S IN OUR EXHIBIT "A",
7 COMMISSIONER, AS PAYMENT PROFILE SHOWING ALL THE
8 PAYMENTS TO DR. GREGORY JONES RELATED TO THIS CLAIM.
9 THEY HAVE HIM -- THIS IS THE DOCUMENTARY PROOF OF THE
10 FACT THAT THOSE --

11 THE COURT: BUT THEY ARE AGREEING -- AND
12 YOU TELL IF I'M WRONG.

13 MR. SIMS: IT'S BEEN PAID FOR.

14 THE COURT: TELL ME IF I'M WRONG. BUT THE
15 DEFENSE IS AGREEING ANY AUTHORIZED MEDICAL TREATMENT
16 RELATED TO THAT CLAIM THEY'LL PAY FOR IT. IF IT HAS
17 NOT ALREADY BEEN PAID, THEY'LL PAY FOR IT.

18 THE WITNESS: BUT HOW --

19 THE COURT: AND THEY'RE PAYING THE
20 COMPENSATION FOR THE LOST TIME THAT YOU CLAIMED.

21 THE WITNESS: WHAT I JUST WANTED TO
22 KNOW -- BECAUSE I DIDN'T KNOW WHETHER I SUPPOSED HAD
23 ASKED FOR THOSE OTHER DISCS SINCE MY DOCTOR DIDN'T
24 GIVE ME A RATING ON IT. THAT'S WHY I DIDN'T ASK.
25 BUT HE DID FIND SOME MORE DISCS BACK THERE AND SOME

(1075)

1 SCIATICA. AND I DIDN'T KNOW WHETHER THEY SUPPOSED
2 HAD PAY ME FOR THAT. BUT IT WAS FOUND AND I TOLD HIM
3 THAT BEFORE.

4 THE COURT: SO ARE YOU CLAIMING PERMANENT
5 DISABILITY TODAY TO YOUR BACK?

6 THE WITNESS: WELL, I WANTED TO KNOW --
7 I'M NOT AN ATTORNEY, SO I THOUGHT YOU HAD TO GO BY
8 WHAT THE DOCTOR PUT DOWN. THAT'S WHAT I THOUGHT YOU
9 HAD TO DO.

10 THE COURT: WE CAN ALSO ESTABLISH
11 DISABILITY BY TESTIMONY.

12 THE WITNESS: OKAY. WELL, I SHOULD --
13 SHOULD GET SOME SINCE HE FIND SOME MORE DISCS BACK
14 THERE. AND I GOT SOME SCIATICA.

15 THE COURT: I'M GOING TO TAKE YOUR
16 TESTIMONY ON THAT ON WHAT PROBLEMS YOU'RE HAVING.
17 KEEP IT IN MIND, YOU DID NOT MAKE A CLAIM FOR THAT.
18 OKAY?

19 THE WITNESS: OKAY.
20 BY THE COURT:

21 Q. WHAT PROBLEMS, IF ANY, ARE YOU HAVING NOW?

22 A. I STILL HAVE SOME PAIN BACK THERE AND
23 RIGHT NOW I GOT SOME SCIATICA. I DON'T KNOW. IT
24 STARTED HURTING AGAIN. BUT I JUST WAS TRYING TO TAKE
25 CARE OF MYSELF. I DIDN'T GO BACK TO THE DOCTOR. I

0076

1 HAVE SOME PAIN MEDICINE AND STUFF MYSELF THAT I WAS
2 TAKING.

3 Q. OKAY. SO YOU'RE HAVING PAIN IN YOUR BACK
4 AND YOU SAID SCIATICA. IS THAT --

5 A. YEAH.

6 Q. -- IN YOUR LEFT LEG?

7 A. NO. NO. IN HERE (INDICATING.)

8 Q. OKAY. RUNNING DOWN YOUR LEFT LEG?

9 A. UH-HUH. AND NOT DOWN TO THE LEG. JUST --

10 Q. IN THE HIP?

11 A. IN THE HIP, YEAH.

12 Q. BACK?

13 A. IN THE HIP PART, YEAH.

14 THE COURT: OKAY, MA'AM. FILE NO.
15 0322274. THIS IS THE DATE OF ACCIDENT OF
16 JANUARY 20TH, 2003 WITH PALMETTO HEALTH RICHLAND.
17 AND AGAIN MR. SIMS IS THE ATTORNEY FOR THIS.

18 MR. SIMS: COMMISSIONER, WITH ALL DUE
19 RESPECT, ARE WE TAKING EACH ONE OF THESE
20 INDIVIDUALLY? BECAUSE IF SHE -- IF SHE'S PUT
21 TESTIMONY IN THE RECORD ON THE PERMANENCY ISSUE ON
22 THE '02 CLAIM, I JUST WANT TO ESTABLISH AT LEAST
23 BRIEFLY THAT SHE'S -- IN MY CROSS-EXAMINATION THAT
24 SHE HAS IN FACT HAD SUBSEQUENT ACCIDENTS TO HER BACK.

25 THE COURT: WELL, WE'RE MAKING ONE RECORD.

(1077)

1 MR. SIMS: OKAY.

2 THE COURT: AND THAT'S WHY IT'S ONE
3 HEARING. BUT I'M TAKING EACH CASE INDIV---EACH CASE
4 WILL STAND ON ITS OWN MERIT.

5 MR. SIMS: OKAY.

6 THE COURT: I WOULD EXPECT TO ISSUE SEVEN
7 ORDERS --

8 MR. SIMS: ALL RIGHT.

9 THE COURT: -- WHEN THIS CASE IS OVER.

10 THE WITNESS: AND COULD I SAY SOMETHING?
11 BUT THE MRI HE DONE AFTER WHERE I HAD FELL, THAT'S
12 WHEN HE SAW THOSE DISCS IN MY -- IN MY SACRAL AREA.
13 IT SHOWED UP AFTER ONE MRI.

14 THE COURT: MA'AM, IN THIS FILE, 0322274,
15 THE DATE OF THE ACCIDENT IS JANUARY 20TH, 2003. YOU
16 FILED A CLAIM FOR INJURIES TO YOUR NECK, YOUR BACK,
17 YOUR SIDE, ALL BODY, LEFT LEG, BOTH WRISTS AND YOUR
18 FEET.

19 THE WITNESS: WHICH ONE NOW?

20 THE COURT: THIS IS 0322274.

21 THE WITNESS: OKAY.

22 THE COURT: THE DATE OF ACCIDENT IS
23 JANUARY 20TH, 2003. NOW, IN THAT CASE YOU DID NOT
24 REQUEST ANY COMPENSATION FOR LOST WORK, YOU DID NOT
25 REQUEST ANY PERMANENCY AWARD AND YOU'RE NOT

(1078)

1 REQUESTING ANY ADDITIONAL MEDICAL TREATMENT. THE
2 DEFENSE DENIES THIS INJURY. SO I ASSUME FROM THAT
3 YOU'RE ASKING FOR THE PAST MEDICAL TREATMENT TO BE
4 PAID?

5 THE WITNESS: I'VE GOT -- I DON'T KNOW HOW
6 YOU SAY PERMANENT PAIN IN THE VAGINAL AREA AND THE
7 PERINEUM. BECAUSE I -- I DON'T KNOW HOW YOU ASK FOR
8 PERMANENCY ON THAT.

9 THE COURT: SO YOU'RE ASKING FOR
10 PERMANENCY TODAY?

11 THE WITNESS: I SAID I DON'T KNOW HOW YOU
12 WOULD ASK FOR PAIN IN THE PERINEUM AND VAGINAL AREA?

13 THE COURT: OKAY. MA'AM, WHAT BENEFITS,
14 IF ANY, ARE YOU REQUESTING TODAY RELATED TO THIS
15 CASE?

16 THE WITNESS: I WANT THEM TO HELP ME WITH
17 MY MEDICAL BILLS. BECAUSE ON THIS CASE THAT'S WHERE
18 WHEN THE NURSE -- THE SUPERVISOR DIDN'T SEND ME TO
19 THE E.R. AND WHEN I FINALLY CALLED THERE FRIDAY --
20 BECAUSE THE NURSING SUPERVISOR TOLD ME TO TALK TO
21 MS. PARHAM.

22 EXAMINATION
23 BY THE COURT:

24 Q. LET ME BACK UP A LITTLE. I SHOULD HAVE
25 ASKED YOU EARLIER. HOW DID YOU GET HURT?

(1079)

1 A. WHEN THIS -- THIS WAS A SLIP AND FALL.
2 THEY HAD A WET FLOOR. THE FLOOR WAS WET AND THEY HAD
3 THE SIGN ON ONE SIDE. AND I WENT ON THE OTHER SIDE,
4 BUT IT WAS WET ON THERE TOO.

5 Q. OKAY. DID YOU ASK FOR MEDICAL TREATMENT?

6 A. THIS --

7 Q. WHO DID YOU ASK?

8 A. WHEN I CALLED OVER THAT FRIDAY TO TALK --
9 BECAUSE THEY TOLD ME TALK TO MS. PARHAM. BECAUSE
10 SINCE I HAD BEEN HAVING TROUBLE WITH DR. DURKIN AND
11 THE OTHER NURSE PRACTITIONERS OVER THERE.

12 Q. AND WHO DID YOU ASK?

13 A. THE NURSING SUPERVISOR TOLD ME TO CALL
14 OVER THERE AND TALK TO THEM. AND WHEN I WAS TRYING
15 TO TALK TO HER SHE GOT UPSET WITH ME BECAUSE I WAS
16 ASKING HER ABOUT PAIN MEDICINE AND STUFF. SHE TOLD
17 ME ANYTHING I -- WRONG WITH ME, GO TO MY OWN DOCTOR.
18 AND THEN SHE CALLED --

19 Q. OKAY. AND WHO TOLD YOU THAT?

20 A. MS. PARHAM. AND THEN SHE CALLED -- I
21 DON'T KNOW THE NEXT --

22 Q. WHO WAS SHE?

23 A. SHE WAS THE NURSE PRACTITION. AND THE
24 NEXT THING I KNEW, ANNETTE SULLIVAN CALLED ME AND
25 TOLD ME TO COME TO THE HOSPITAL. AND THAT'S WHEN

1 THEY TOOK ME OVER TO -- BACK TO HEALTHWORKS. I HAD
2 TO GO THROUGH A URINE TEST BECAUSE THEY ACCUSED ME OF
3 SEEKING DRUGS. I SENT A PAPER WHERE THEY HAD WROTE
4 ME UP, ACCUSED ME OF SEEKING DRUGS AND I HAD TO TRY
5 TO BLOW IN A BREATHALYZER. BUT I COULDN'T DO IT
6 BECAUSE I HAD PROBLEMS WITH MY THROAT WHERE THE
7 CHART -- A THICK HEAVY CHART HAD DROPPED ON MY NECK.
8 AND I DON'T HAVE THE NOTES FROM DR. GOINGS. SHE ENT
9 DOCTOR. I HAD TO GO TO HER. I HAD SOME KIND OF
10 DYSTONIA SHE WROTE. BUT I HAD -- I WROTE IN THE
11 NOTES THAT I SEND FOR HER RECORDS BECAUSE I DIDN'T
12 KNOW I SUPPOSED TO SEND GET THEM.

13 Q. DID YOU BRING ANYTHING ON THE BILLS THAT
14 YOU WANT PAID?

15 A. I JUST HAD --

16 Q. DO YOU HAVE ANY DOCUMENTS ON WHAT BILLS
17 THAT ARE OUTSTANDING THAT YOU WOULD LIKE TO HAVE THEM
18 PAY?

19 A. I WANTED TO HELP WITH MY MEDICAL BILLS.
20 BUT I DON'T KNOW HOW THAT WORK BECAUSE SINCE I HAD --
21 THEY SAID THEY WASN'T PAYING FOR MY OWN DOCTOR AND --
22 BUT MS. PARHAM HAD TOLD ME TO DO THAT. AND AFTER
23 THEY HAD WROTE ME UP I WAS -- I HAD TO BE HOME FOR A
24 WHOLE --

25 Q. WHO'S THE DOCTOR THAT TREATED YOU ON THIS

1 CASE?

2 A. I WENT TO -- I WENT TO MY OWN DOCTOR
3 DR. HOOK. AND I HAD -- HAD TO GET A -- I THINK IT
4 WAS AN MRI. NO. CT SCAN HE SENT ME FOR. TO CHECK
5 DOWN IN MY PELVIS AND STUFF FOR SOMETHING TO MAKE
6 SURE I DIDN'T HAD BROKE NOTHING DOWN UP IN THERE
7 WHERE I HAD FALL.

8 Q. SO YOU WANT THEM TO PAY THE BILLS THAT
9 WERE INCURRED FROM DOCTOR --

10 A. YES. AND --

11 Q. FROM DR. HOOK?

12 A. AND MY MEDICAL BILLS THAT I HAD TO DO.
13 BUT I STILL GOT PAIN IN MY PERINEUM AREA AND MY
14 VAGINAL AREA. AND I DON'T KNOW HOW YOU ASK FOR
15 PERMANENCY ON THAT. THAT'S THE PROBLEM I'M STILL
16 HAVING DOWN IN THERE.

17 Q. AND YOU UNDERSTAND, MA'AM, IN THE
18 PLEADINGS IN THE FILE YOU DID NOT ASK FOR A
19 PERMANENCY AWARD?

20 A. BUT I DIDN'T KNOW --

21 Q. I UNDERSTAND YOU'RE SAYING THAT TODAY.

22 A. YEAH. YEAH.

23 Q. BUT YOU DIDN'T FILE FOR THAT?

24 A. BUT I DIDN'T KNOW YOU GET PERMANENCY ON
25 VAGINAL -- I MEAN HOW YOU GET PERMANENCY ON THAT?

(1082)

1 IT'S TOO LATE TO ADD THAT IN NOW?

2 Q. THE PARTIES HAVE A RIGHT TO KNOW WHAT THE
3 PLEADINGS ARE BEFORE THEY COME TO A HEARING.

4 A. I THINK I --

5 Q. I'M JUST TRYING TO LET YOU KNOW WHAT'S IN
6 THE FILE. BUT YOU HAVE THE RIGHT TO GIVE YOUR
7 TESTIMONY AND TO MAKE CLAIMS.

8 A. OKAY. YEAH. I THOUGHT I HAD PUT ON THERE
9 ABOUT STILL HAVING -- ON ONE OF THOSE FORMS I
10 ANSWERED TO HIM I WAS STILL HAVING PAIN IN THE
11 PERINEUM AREA AND THE VAGINAL AREA.

12 Q. OKAY. BUT IF I UNDERSTAND IT, YOU'RE
13 SAYING THAT MS. CARTER TOLD YOU GO TO YOUR OWN
14 DOCTOR?

15 A. NO, NOT MS. CARTER. MS. PARHAM. SHE'S
16 THE NURSE PRACTITIONER.

17 MR. SIMS: PARHAM, COMMISSIONER.

18 THE WITNESS: P-A-R-H-A-M.

19 THE COURT: OKAY. THANK YOU.

20 BY THE COURT:

21 Q. YOU'RE SAYING SHE TOLD YOU TO GO TO YOUR
22 OWN DOCTOR?

23 A. YES, SIR, WHEN I CALLED THAT MORNING.

24 Q. AND YOU WANT THEM -- AND YOU WANT THEM TO
25 PAY THOSE MEDICAL BILLS?

1 A. YEAH. SHE TOLD ME GO TO MY OWN DOCTOR.
2 THE COURT: MR. SIMS, DO YOU HAVE
3 QUESTIONS?

4 MR. SIMS: YES. THANK YOU, COMMISSIONER.
5 C R O S S - E X A M I N A T I O N
6 BY MR. SIMS:

7 Q. IN OUR APA SUBMISSIONS, MS. SHIVER, WE'VE
8 SUBMITTED A REPORT FROM MS. PARHAM DATED
9 JANUARY 24TH, 2003.

10 THE COURT: WHAT PAGE ARE YOU ON?

11 MR. SIMS: THIS IS PAGE 2 OF THE APA'S OF
12 THIS PARTICULAR CASE, COMMISSIONER.

13 BY MR. SIMS:

14 Q. IN THAT REPORT SHE WRITES, "MS. SHIVER
15 CALLED IN TODAY TO HEALTHWORKS AND REFUSED TO COME IN
16 IN PERSON TO BE EXAMINED. SHE STATED THAT SHE DID
17 NOT WANT TO COME TO HEALTHWORKS BECAUSE SHE DID NOT
18 LIKE DR. DURKIN."

19 A. NO. I DIDN'T SAY THAT.

20 Q. "SHE ALSO STATED SHE DID NOT WANT TO SEE
21 ANY NURSE PRACTITIONERS BECAUSE WE WERE UNDER
22 DR. DURKIN." DO YOU RECALL, MS. SHIVER, HAVING SOME
23 CONTROVERSY OR ISSUES ABOUT NOT WANTING TO BE SEEN
24 BY THE HEALTHWORKS DOCTORS THAT WERE BEING OFFERED TO
25 YOU AT OR NEAR THE TIME OF THIS ALLEGED ACCIDENT IN

1 JANUARY OF 2003?

2 A. NO, SIR. WHEN I -- WHEN I WENT TO THE
3 NURSING SUPERVISOR AND I HAD TOLD THEM, THEY KNEW
4 ABOUT THE PROBLEMS I WAS HAVING. THEY TOLD ME TO
5 CALL OVER TO MS. PARHAM AND TALK TO HER FIRST. AND
6 WHEN I CALLED MUST BE THAT WEDNESDAY OR WHATEVER, THE
7 GIRL TOLD ME -- WHOEVER ANSWERED THE PHONE TOLD ME
8 SHE WASN'T COMING IN THERE UNTIL THAT FRIDAY. SO
9 THAT FRIDAY WHEN I CALLED THERE AND I WAS ASKED -- I
10 GOT -- I WROTE MY VERSION OF WHAT HAPPENED. AND
11 THAT'S WHEN SHE WAS -- GOT UPSET WITH ME BECAUSE I
12 WAS ASKING ABOUT GETTING SOME NARCOTICS AND STUFF FOR
13 MY PAIN. BECAUSE SHE DIDN'T HAVE NO NARCOTICS AND
14 SOMETHING. SHE SAID THE FACT THAT SHE WOULD TELL --
15 NO. SHE -- WHEN I ASKED HER SHE WAS THE -- I THINK
16 INDEPENDENT NURSE PRACTITION. AND SO SHE'S THE ONE
17 THAT TOLD ME THAT DR. DURKIN WAS JUST THE MEDICAL
18 DIRECTOR. AND SHE WOULD TELL MR. LATHAN THAT. I
19 WROTE DOWN EXACTLY WHAT SHE SAY.

20 AND THEN AFTER THEN SHE CALLED TO -- I DON'T
21 KNOW WHAT HAPPENED. ANNETTE CALLED TO THE HOUSE AND
22 I WAS IN THE BED AND TOLD ME TO COME. AND THAT'S
23 WHEN THEY WROTE ME UP AND SENT ME OVER THERE AND DID
24 THE NARCOTICS SCREEN AND HAD ME BLOW -- TRYING TO DO
25 THE BREATHALYZER. AND I COULDN'T DO IT BECAUSE

1 SOMETHING WAS WRONG WITH MY THROAT AND I COULDN'T DO
2 IT. AND I WAS SENT HOME FOR A WHOLE WEEK. AND THEN
3 ANNETTE FINALLY CALLED THAT FRIDAY AND TOLD ME I
4 COULD COME BACK TO WORK. BUT I WAS STILL SICK BUT I
5 WAS SCARED THEY WAS GOING TO WRITE ME UP BECAUSE SHE
6 HAD DONE WROTE ME UP.

7 Q. YES, MA'AM.

8 A. AND I HAD THAT IN MY RESPONSE.

9 Q. YES, MA'AM. MY SPECIFIC QUESTION TO YOU
10 IS WHETHER OR NOT YOU REMEMBER THAT MEDICAL TREATMENT
11 WAS OFFERED TO YOU THROUGH HEALTHWORKS AT THE TIME
12 YOU ALLEGE YOU HAD THIS ACCIDENT IN JANUARY OF TWO
13 THOUSAND --

14 A. SHE WOULDN'T OFFER -- WHEN I WAS TELLING
15 HER SHE ASKED ME WHAT WAS WRONG AND I TOLD HER WHAT
16 WAS WRONG. SHE TOLD ME TO GO TO MY OWN DOCTOR.
17 THAT'S WHAT SHE TOLD ME.

18 Q. YOU IN FACT WENT TO YOUR OWN DOCTOR --

19 A. BECAUSE SHE TOLD ME THAT. GO -- AND GO TO
20 MY OWN DOCTOR. MS. PARHAM TOLD ME THAT THAT MORNING.

21 Q. MS. SHIVER --

22 A. AND THEN SHE TURNED AROUND AND GOT --
23 WHAT'S HER NAME CALLED ME TO THE HOSPITAL TO WRITE ME
24 UP AND STUFF.

25 Q. WE HAVE OBTAINED THROUGH SUBPOENA THE

1 MEDICAL RECORDS FROM YOUR DOCTOR DR. HOOK AND THOSE
2 ARE ATTACHED AS EXHIBITS --

3 A. YEAH. I WENT TO DOCTOR --

4 Q. -- IN THIS CASE.

5 A. I WENT TO DR. HOOK.

6 Q. YES, MA'AM.

7 A. THAT WHAT SHE TOLD ME TO DO. GO TO MY OWN
8 DOCTOR.

9 Q. IT LOOKS LIKE YOU DID IN FACT GET A CT
10 SCAN OF THE PELVIS WHICH WAS NORMAL. DO YOU REMEMBER
11 HIM TELLING YOU THAT?

12 A. YEAH. BUT I HAD TO GO TO GET THE C -- I
13 WAS HAVING PELVIC PAIN AND VAGINAL PAIN. THAT'S WHY
14 HE SENT ME OVER THERE.

15 Q. YES, MA'AM.

16 A. TO MAKE SURE I WAS ALL RIGHT.

17 Q. AND THAT WAS A ONETIME VISIT TO YOUR
18 DOCTOR, YOUR PERSONAL DOCTOR DR. HOOK IN APRIL OF
19 2003. AND --

20 A. I DON'T HAVE ALL OF DR. HOOK'S ORDERS. I
21 JUST WROTE FOR HIS NOTES.

22 Q. YES, MA'AM. WE SUBMITTED THOSE.

23 A. BECAUSE I DON'T KNOW WHETHER SOME OF THEM
24 MISSING OR WHAT OUT OF THERE. I DON'T HAVE ALL. I
25 JUST SENT FOR THEM.

4082

1 Q. YES, MA'AM.

2 A. AND THEY HADN'T GOTTEN HERE YET.

3 Q. WE SUBMITTED ALL OF DR. HOOK'S RECORDS
4 FROM APRIL THROUGH AUGUST OF 2003.

5 A. IS THAT ALL THAT CAME -- CAME FROM HIM?

6 Q. YES, MA'AM. AND THOSE ARE IN THE RECORDS,
7 IN THE APA RECORDS THAT I SENT YOU A COPY OF. AND BY
8 AUGUST OF 2003 IT WAS THE --

9 A. BECAUSE I GO BY THE DATES -- APPOINTMENTS
10 THAT HE GIVE ME TO COME.

11 Q. YES, MA'AM. BY AUGUST OF 2003 DR. HOOK
12 WRITES IN HIS NOTES, "AUGUST 14TH. MS. SHIVER IS A
13 PATIENT OF DR. HOOK." THIS IS THE NURSE PRACTITIONER
14 IN HIS OFFICE. "SHE WAS AT A HOTEL YESTERDAY. SHE
15 GOT UP TO TAKE A BREAK AND SHE TRIPPED OVER A CHAIR.
16 SHE CAUGHT HER LEFT FOOT ON THE CHAIR AND THEN SHE
17 FELL BACK ON THE FLOOR."

18 A. NO, THAT'S NOT WHAT HAPPENED.

19 Q. IF YOU'LL ALLOW ME TO FINISH.

20 A. THAT'S NOT WHAT HAPPENED.

21 Q. "SHE SAID SHE HIT HER BUTTOCKS FIRST AND
22 THEN HER LEGS FELL. SHE CAUGHT HERSELF WITH HER
23 HANDS. SHE DID NOT HIT HER HEAD. SHE SAID SHE WAS
24 ABLE TO GET UP AND MOVE OKAY." AND THEN LASTLY,
25 MS. SHIVER, THE SEPTEMBER 3RD '03 OFFICE VISIT, AND

1 THIS TIME IT'S WITH DR. HOOK. HIS NOTES IN THE FILE
2 ARE, "THE PATIENT APPARENTLY SLIPPED ON A CARPET AT A
3 CONFERENCE AND LANDED QUITE VIOLENTLY ON HER
4 BUTTOCKS. SINCE THAT TIME SHE HAS HAD A MODERATE
5 AMOUNT OF LOW BACK PAIN. SHE CLAIMS THAT SHE HAS
6 RECENTLY BEGUN TO FEEL A POP IN HER BACK." DO YOU
7 RECALL TELLING YOUR PERSONAL DOCTOR ABOUT YOUR
8 FALL --

9 A. YEAH, I DID SLIP.

10 Q. -- IN AUGUST?

11 A. YEAH, I SLIPPED. SLIDE ON THE FLOOR. I
12 THINK IT WAS A WET STEP. (INAUDIBLE) ON THE FLOOR.
13 AND SOME OF THE PEOPLE -- MISS -- I DON'T KNOW
14 WHETHER SHE WOULD TELL THE TRUTH OR NOT.

15 Q. WELL, DID THAT FALL BOTHER THE PARTS OF A
16 BODY THAT YOU'RE TALKING ABOUT IN THIS CLAIM WHEN YOU
17 FELL LIKE THAT?

18 A. IT HURTS -- HURT THE BACK WHEN I FELL.
19 BUT THEN I -- I FELL AGAIN.

20 MR. SIMS: YES, MA'AM. THAT'S ALL THE
21 QUESTIONS I HAVE, COMMISSIONER.

22 THE WITNESS: AND THAT WAS -- I HAD
23 ALREADY DID THE CT SCAN. I WENT WHEN THE DOCTOR GAVE
24 ME AN APPOINTMENT TO COME.

25 THE COURT: MA'AM, I'M GOING TO BACK UP A

(1089)

1 LITTLE BIT AND GET THE CASE THAT INVOLVED MR. CHASE.
2 I HAVE THOSE AS FILE 0321756. THIS IS THE INJURY
3 FROM OCTOBER 23RD, 2003 WITH PALMETTO HEALTH
4 RICHLAND. AND YOU ARE CLAIMING IN THAT ONE INJURIES
5 TO YOUR BACK, LEFT SIDE AND KNEES. YOU'RE NOT
6 CLAIMING ANY COMPENSATION FOR TEMPORARY TOTAL
7 DISABILITY AND YOU DID NOT MAKE A CLAIM FOR
8 PERMANENCY. YOU'RE NOT REQUESTING ANY MEDICAL
9 TREATMENT TODAY YOU'VE ALREADY TOLD ME. SO IF --
10 THEY DENY THE INJURY OCCURRED.

11 E X A M I N A T I O N

12 BY THE COURT:

13 Q. SO, MA'AM, IF YOU WOULD, TELL ME HOW YOU
14 GOT HURT THAT DAY.

15 A. WELL, I WAS GOING -- NO. I DIDN'T HEAD TO
16 CHARLESTON. I WAS GOING BACK TO MY DESK AND MY RIGHT
17 FOOT GOT CAUGHT IN THE TELEPHONE CORD. I DON'T KNOW
18 WHO DID IT. IT WAS -- GOT A CORD THAT WAS STRETCHED
19 FROM ONE THE CODERS. JUST STRETCHED THE CORD FROM
20 ONE AREA TO THE CUBICLE TO THE OTHER ONE. AND THEY
21 HAD LEFT IT OUT. I WASN'T LOOKING DOWN AND MY RIGHT
22 FOOT GOT CAUGHT IN IT.

23 Q. AND YOU FELL?

24 A. YES, SIR.

25 Q. DO YOU HAVE ANY OUTSTANDING MEDICAL BILLS

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1 THAT HAVE NOT BEEN PAID RELATED TO THAT?

2 A. I GOT MY MEDICAL BILL. BUT HE SAID HE
3 WASN'T GOING TO PAY SINCE I WENT TO MY OWN DOCTOR.
4 BUT THE E.R. DOCTOR HAD TOLD ME TO FOLLOW UP WITH MY
5 OWN DOCTOR. AND THEY HAD TOLD ME NOT TO GO BACK OVER
6 TO HEALTHWORKS.

7 Q. DID YOU ASK YOUR EMPLOYER OR THE INSURANCE
8 CARRIER -- THIS IS A SELF-INSURED CARRIER, I THINK.

9 A. UH-HUH.

10 Q. DID YOU ASK YOUR EMPLOYER TO SEND YOU TO
11 THE DOCTOR?

12 A. NO. BECAUSE THE E.R. DOCTOR TOLD ME TO GO
13 TO MY OWN DOCTOR, SO I DIDN'T -- E.R. AT THE
14 HOSPITAL, THEY SENT ME TO -- TOLD ME TO FOLLOW UP
15 WITH MY OWN DOCTOR BECAUSE THEY WAS -- THEY HAD TOLD
16 ME NOT TO GO BACK OVER TO HEALTHWORKS.

17 Q. SO IF I UNDERSTAND, YOU DID NOT ASK YOUR
18 EMPLOYER TO SEND YOU TO A DOCTOR?

19 A. THE E.R. DOCTOR TOLD ME GO TO MY OWN
20 DOCTOR, SIR. SO THAT'S WHY I DID WHAT THEY HAD TOLD
21 ME.

22 Q. YES, MA'AM. I KNOW THAT.

23 A. YEAH.

24 Q. I UNDERSTAND THAT. BUT DID YOU ASK YOUR
25 EMPLOYER TO SEND YOU TO A DOCTOR?

1 A. NO, SIR. BECAUSE THE ONLY THING, THEY
2 TOLD ME TO GO TO HEALTHWORKS AND NO DOCTOR WORK AT
3 HEALTHWORKS. NOTHING BUT THE NURSE PRACTITION.

4 Q. SO YOU'RE ASKING FOR PAYMENT OF YOUR
5 MEDICAL BILLS?

6 A. YES, SIR. THEY DON'T HAVE NO DOCTOR OVER
7 AT HEALTHWORKS. NOTHING BUT NURSE PRACTITIONERS.

8 Q. DID YOU BRING ANY DOCUMENTS TODAY ON WHAT
9 THE MEDICAL BILLS ARE THAT YOU WANT PAID?

10 A. NO. I JUST HAD WROTE THEM DOWN WHEN I HAD
11 WRITE HOW MUCH TO PAY. I DIDN'T BRING MY PAPERS
12 BECAUSE I HAVE TO GET THEM FROM BLUE CROSS AND BLUE
13 SHIELD. I DON'T KNOW. BECAUSE HE'S SUPPOSED -- HE
14 HAD -- MR. LANA SIMS HAD TOLD ME BEFORE I HAD TO SIGN
15 THAT FORM FOR THEM TO GET MY EOB STATEMENTS. BUT I
16 DON'T KNOW WHAT HAPPENED WITH THAT WHEN I CAME TO SEE
17 YOU IN DECEMBER.

18 Q. SO YOU'RE ASKING FOR THOSE BILLS TO BE
19 PAID?

20 A. YEAH.

21 THE COURT: I'M GOING TO GIVE MR. CHASE A
22 CHANCE TO ASK YOU SOME QUESTIONS.

23 MR. CHASE: THANK YOU, COMMISSIONER.

24 C R O S S - E X A M I N A T I O N

25 BY MR. CHASE:

1 Q. MS. SHIVER, YOU DO REMEMBER, THOUGH, THAT
2 HEALTHWORKS HAD ADVISED YOU THAT YOU NEEDED TO GO
3 THERE AND GET EVALUATED AFTER YOU CLAIM THIS INJURY
4 OF OCTOBER THE 23RD OF 2003?

5 A. I WENT TO THE E.R. DOCTOR. I DIDN'T GO TO
6 NO HEALTHWORKS. THE E.R. DOCTOR TOLD ME TO FOLLOW UP
7 WITH MY OWN DOCTOR.

8 Q. WELL, YOU TALKED TO A COUPLE OF PEOPLE,
9 THOUGH, ONE OF WHOM IS LIBBY MELROSE, NOW LIBBY
10 HOLLAND, AND SHE'S PART OF HEALTHWORKS. AND THEN YOU
11 ALSO SPOKE WITH SANDY SULLIVAN WHO'S IN THE ROOM
12 TODAY WITH KEY RISK AND SHE'S A CLAIMS HANDLER
13 BECAUSE SHE WAS INVESTIGATING YOUR CLAIM. AND
14 CERTAINLY -- AND, COMMISSIONER, THIS IS APA NUMBER
15 SIXTY---

16 THE WITNESS: THAT'S WHEN THEY CALLED ME
17 AT THE HOUSE.

18 BY MR. CHASE:

19 Q. IF I COULD FINISH, MA'AM, I'LL LET YOU
20 RESPOND.

21 A. YEAH. WAIT A MINUTE.

22 MR. CHASE: COMMISSIONER, FOR YOUR
23 CONVENIENCE THIS IS APA PAGE 64.

24 BY MR. CHASE:

25 Q. AND, MS. SHIVER, LET ME HAND YOU A COPY OF

(1093)

1 THAT DOCUMENT. THAT'S AN E-MAIL -- IF YOU READ IT
2 FROM THE BOTTOM TO THE TOP -- FROM MS. SANDY SULLIVAN
3 WHO AGAIN IS THE CLAIMS HANDLER WITH KEY RISK WHO WAS
4 INVESTIGATING YOUR CLAIM. AND SHE'S ASKING YOU TO
5 SUBMIT TO HEALTHWORKS -- AND THIS IS AGAIN BECAUSE
6 THEY HAD ASKED YOU TO COME TO HEALTHWORKS. LIBBY
7 HOLLAND DID. BUT YOU ACTUALLY RESPONDED TO
8 MS. SULLIVAN THAT YOU WERE NOT PLANNING TO GO
9 TO HEALTHWORKS; ISN'T THAT RIGHT?

10 A. NO. HOW IT HAPPENED, I WAS AT HOME AND I
11 DIDN'T KNOW WHO THIS WAS CALLED AND GOT -- ASKED FOR
12 MY MEDICAL RECORDS. BECAUSE I THOUGHT PALMETTO
13 HEALTH WAS STILL UP UNDER PHTS. AND AFTER I HAD
14 TOLD -- ASKED ME ABOUT MY PAST AND I TOLD HER ABOUT
15 IT. AND THEN EVERY TIME I WENT TO WORK LIBBY
16 HOLLANDS TOOK MY E-MAIL AND GAVE IT TO HER AND Y'ALL
17 SENT E-MAIL UPSETTING ME AT THE JOB WHEN I CAME TO
18 WORK. AND I TOLD Y'ALL THE E.R. DOCTOR HAD TOLD ME
19 TO FOLLOW UP WITH MY OWN DOCTOR, SO I TOLD YOU I WAS
20 GOING THERE. AND THEN -- BECAUSE NO DOCTOR IS OVER
21 AT HEALTHWORKS. ONLY NURSE PRACTITIONERS.

22 THE COURT: MA'AM, YOU NEED TO LISTEN TO
23 HIS QUESTION.

24 THE WITNESS: YEAH.

25 THE COURT: STAY WITHIN HIS QUESTION.

1 BY MR. CHASE:

2 Q. NOW, MS. SHIVER, YOU ALSO REFUSED A
3 RECORDED STATEMENT THAT MS. SULLIVAN WANTED TO TAKE.
4 SHE WANTED TO TAKE YOUR RECORDED STATEMENT TO
5 INVESTIGATE YOUR CLAIM, DIDN'T SHE?

6 A. IS THAT THE TIME SHE CALLED TO THE HOUSE?
7 SHE CALLED THE HOUSE TO FIND OUT ABOUT INFORMATION
8 ABOUT MY HEALTH. AND THAT'S WHEN I HAD TOLD -- WHEN
9 I FIND OUT WHO SHE WAS, THEN I HAD CALLED BACK AND
10 TOLD THEM NOT TO DO. BECAUSE I DIDN'T KNOW WHO SHE
11 WAS WHEN SHE CALLED TO THE HOUSE.

12 Q. WELL, I MEAN THE ANSWER IS, YES OR NO, DID
13 YOU REFUSE YOUR RECORDED STATEMENT AND THE ANSWER IS
14 THAT YOU REFUSED IT?

15 A. WHERE THE THINGS, THE RECORDED STATEMENT?
16 SHOW ME THAT WHERE SHE ACTUALLY RECORD THE STATEMENT.

17 Q. WELL, I'M ASKING YOU THE QUESTION. DID
18 YOU NOT REFUSE YOUR RECORDED STATEMENT THAT SHE
19 WANTED TO TAKE?

20 A. SHE CALLED ME AT THE HOUSE AND I DID DO
21 THE RECORDED -- SHE ASKED ME ABOUT MY HEALTH AND SHE
22 TOLD ME SHE WAS RECORDING IT.

23 THE COURT: MA'AM, IF I COULD STOP YOU.

24 THE WITNESS: AND THAT'S WHAT I DID.

25 THE COURT: THING OFF THE MICROPHONE.

(1095)

1 THE WITNESS: AND WHEN I FIND OUT WHO SHE
2 WAS, I CALLED AND TOLD NOT TO GO BACK. BECAUSE I
3 DIDN'T KNOW WHO SHE WAS AND SHE CALLED AND GOT
4 SOME -- MY HEALTH INFORMATION.
5 BY MR. CHASE:

6 Q. OKAY. BUT THE BOTTOM LINE IS YOU REFUSED
7 TO GIVE A RECORDED STATEMENT THAT SHE WANTED TO TAKE?

8 A. I DID GIVE HER A RECORDED STATEMENT.
9 BECAUSE I CALLED AND ASKED HER TO TEAR IT -- NOT TO
10 DESTROY IT. IT CAME FROM THE HOUSE.

11 Q. OKAY. IF I COULD SEE THAT PAGE AGAIN THAT
12 I HANDED YOU.

13 A. AND I WROTE IN THERE I TOLD HER DESTROY
14 THE TAPE. OR DESTROY THE HEALTH THING BECAUSE I
15 DIDN'T KNOW WHO IT WAS.

16 Q. AND YOU REFUSED TO GO OVER TO HEALTHWORKS,
17 DIDN'T YOU? YOU PUT THAT IN THIS E-MAIL ON PAGE 64
18 OF THE APA?

19 A. YEAH. BECAUSE I WAS ALREADY GOING TO MY
20 DOCTOR AND THAT WHAT THE E.R. DOCTOR TOLD ME TO DO.
21 AND I ALREADY GOING TO MY DOCTOR. YOU WOULD LEAVE
22 YOUR OWN DOCTOR AND GO TO A NURSE PRACTITION.

23 Q. WHATEVER YOUR REASON WAS, THE ANSWER IS
24 THAT YES, YOU REFUSED TO GO TO HEALTHWORKS?

25 A. NO. I SAID I WASN'T GOING TO HEALTHWORKS

(1096)

1 AND I WAS ALREADY UNDER MY OWN DOCTOR.

2 Q. OKAY. MA'AM, LET ME ASK YOU, YES OR NO,
3 DID YOU GO TO HEALTHWORKS AFTER THIS DATE OF ACCIDENT
4 OF 10/23/03?

5 A. I WENT LATER ON CONCERNING SOMETHING ELSE.
6 BUT IT WASN'T WITH THAT ACCIDENT THERE.

7 Q. OKAY. THAT'S ALL I'M ASKING. I'M ASKING
8 WHETHER YOU WENT TO HEALTHWORKS WHICH IS THE FIRST
9 PLACE YOU'D GO FOR A WORKERS' COMP INJURY. YOU KNOW
10 THAT FROM WORKING THERE ALL THAT TIME.

11 A. WELL, I TALKED TO E.R. E.R. DOCTOR TOLD
12 ME NOT TO GO BACK OVER THERE. AND THEY TOLD ME TO
13 FOLLOW UP WITH MY OWN DOCTOR. SO I DON'T KNOW WHAT
14 THE PROCEDURE, BUT THAT'S WHAT THEY TOLD ME TO DO
15 WHEN THEY FIND OUT I WAS HAVING TROUBLE WITH MY 2001
16 ACCIDENT. TOLD NOT TO GO BACK OVER THERE.

17 Q. NOW, JUST BEFORE -- JUST BEFORE YOU WENT
18 TO DR. HOOK IN NOVEMBER OF 2003 WHICH IS YOUR OWN
19 DOCTOR, YOU WENT TO HIM IN NOVEMBER OF 2003?

20 A. IN NOVEMBER OF 2003.

21 Q. JUST BEFORE THE DATE OF ACCIDENT IN THIS
22 CLAIM WE'RE TALKING ABOUT RIGHT NOW, YOU HAD ALREADY
23 BEEN TREATING WITH DR. HOOK FROM FALLING AT A
24 CONFERENCE; RIGHT?

25 A. YES. I DID FELL AT THE CONFERENCE. IT

(1092)

1 WAS -- I SLIDE ON THE CARPET.

2 MR. CHASE: AND, COMMISSIONER, I'M LOOKING
3 AT APA PAGE 33.

4 BY MR. CHASE:

5 Q. IN FACT, MA'AM, YOU HAD JUST BEEN IN TO
6 SEE DR. HOOK, THAT'S YOUR DOCTOR, ON SEPTEMBER THE
7 3RD OF 2003; RIGHT?

8 A. IF IT'S THERE, THE DATE RIGHT, THEN I HAD
9 BEEN THERE.

10 Q. ALL RIGHT. AND YOU SAW HIM -- IT'S APA
11 PAGE 35. THE FIRST TIME YOU SAW HIM AFTER THIS
12 CLAIMED INJURY OF OCTOBER 23RD OF 2003 WAS ON
13 NOVEMBER THE 25TH OF 2003. THAT'S ON APA PAGE --

14 A. I THINK THAT'S WHEN THEY GIVE MY
15 APPOINTMENT.

16 Q. -- THIRTY-FIVE; RIGHT?

17 A. WHEN THEY GIVE THE APPOINTMENT TO COME.

18 Q. YEAH. THAT'S YOUR OWN DOCTOR; RIGHT?

19 A. YEAH.

20 THE COURT: I NEED TO STOP Y'ALL.

21 THE WITNESS: BECAUSE THAT'S THE RIGHT
22 PAPERS.

23 THE COURT: I NEED TO STOP YOU. WHEN YOU
24 BOTH TALK AT THE SAME TIME, WE CAN'T MAKE A GOOD
25 RECORD. I'LL ASK EACH OF YOU TO WAIT ON THE OTHER

(1098)

1 ONE TO FINISH AND THEN ANSWER. DO YOU HAVE ANOTHER
2 QUESTION?

3 THE WITNESS: IS THAT ALL -- Y'ALL GOT ALL
4 OF THE RIGHT PAPERS? IF HE GAVE Y'ALL EVERYTHING,
5 THEN THAT'S WHAT IT IS. BUT I DON'T HAVE THE RECORD
6 TO GO BACK THROUGH TO MAKE SURE THAT'S THE RIGHT
7 DATES.

8 BY MR. CHASE:

9 Q. OKAY. AND YOUR OWN DOCTOR HALFWAY DOWN ON
10 THIS APA PAGE 35, HE INDICATED THAT THIS WAS NOT A
11 POSTTRAUMATIC PROBLEM, DIDN'T HE? AND THIS IS YOUR
12 OWN DOCTOR.

13 A. IT'S HOWEVER AN MRI WAS IT TO REVIEW WITH
14 DR. MCBRYDE BECAUSE THAT'S NOT THE CASE. HE WAS
15 TALKING ABOUT MY FOOT WHEN THEY HAD DID THE MRI AND
16 SAID I HAD A TEAR IN ONE OF MY TENDONS OR SOMETHING.
17 THAT'S WHAT HE WAS TALKING ABOUT, DR. MCBRYDE.

18 Q. OKAY. THE WORD IS HIGHLIGHTED. HE SAID
19 IT'S NOT A POSTTRAUMATIC PROBLEM THAT YOU'RE THERE
20 FOR?

21 A. THAT -- IT WASN'T TALKING ABOUT -- IT'S
22 TALKING ABOUT MY LEFT FOOT WHEN I HAD TOLD HIM ABOUT
23 THE MRI THAT DR. MYBRYDE HAD -- HAD DONE. AND THAT'S
24 WHAT HE'S SAYING ABOUT THE MRI THAT DR. MCBRYDE HAD
25 ORDERED ON MY FOOT AND WAS -- HE AND ONE OF THE

1 OTHER -- HE HAD A CONTROVERSY WITH THE DOCTOR THAT
2 READ THE MRI ABOUT THE TEAR IN MY -- IN ONE THE
3 TENDONS OR LIGAMENTS, SOMETHING IN THE FOOT. BUT
4 THEY WAS ARGUING ABOUT THAT, THE ONE AT THE HOSPITAL.

5 Q. NOW, THE SAME BODY PARTS THAT YOU'RE
6 CLAIMING IN THIS CLAIM WE'RE HERE ON NOW FOR OCTOBER
7 THE 23RD OF 2003, YOU HAD INJURED THOSE AREAS BEFORE
8 THROUGH VARIOUS CLAIMED ON-THE-JOB INJURIES IN CAR
9 ACCIDENTS?

10 A. I HAD NUMEROUS OF FALLS AND STUFF.

11 Q. SO THE ANSWER IS YES?

12 A. YEAH. I HAD HAD NUMEROUS FALLS.

13 Q. OKAY. THANK YOU.

14 A. I TELL YOU THEY WERE HURT BEFORE. IT
15 WASN'T THE FIRST TIME THEY WAS HURT.

16 Q. AND THEN AFTER -- AFTER THIS DATE OF
17 OCTOBER THE 23RD OF 2003, YOU HAD ANOTHER FALL AT
18 YOUR CHURCH, REDHILL BAPTIST CHURCH?

19 A. ON MAY THE 20TH OF LAST YEAR.

20 Q. MAY THE 20TH OF 2006; CORRECT?

21 A. YES, SIR.

22 Q. AND HAVE YOU INSTITUTED THE LEGAL ACTION
23 YOU WERE TELLING ME ABOUT THAT YOU WERE CONTEMPLATING
24 WHEN I TOOK YOUR DEPOSITION?

25 A. I HAD TO GO TALK TO MY DEACONS YESTERDAY,

1 AND THEY SAID THEY WAS GOING -- I HAVE TO FILL OUT
2 THE FORM AND THEY'RE GOING TO SUBMIT IT TO THEIR
3 INSURANCE COMPANY. BUT I WAS WAITING UNTIL I GET MY
4 PAPERWORK DONE. IT WAS HELD UP WITH THE PHYSICAL
5 THERAPY. THE GIRLS UP THERE WOULDN'T GET -- HAD MESS
6 UP THE PAYMENT. SO I WENT AND TALKED TO THE DEACONS
7 YESTERDAY AT CHURCH AND THEY SAID THEY HAD TO SUBMIT
8 A FORM TO THEIR INSURANCE COMPANY. I JUST HAVE TO
9 FINISH FILLING IT OUT.

10 Q. LET ME ASK YOU, MS. SHIVER. WHY WOULDN'T
11 YOU GO TO HEALTHWORKS WHICH IS THE COMPANY DOCTORS
12 AFTER YOUR CLAIMED INJURY THAT WE'RE TALKING ABOUT?

13 A. AIN'T LISTEN -- HE AIN'T LISTENING TO
14 NOTHING I WAS TELLING YOU. IS NO COMPETENT DOCTORS
15 OVER THERE. ONLY THE NURSE PRACTITIONERS. AND I HAD
16 THE PROBLEMS WITH -- WAS CAUSED WITH MY FOOT. SHE
17 WAS TAKING CARE OF MY FOOT UNTIL DECEMBER I THINK IT
18 WAS 11TH. AND SHE TURNED ME LOOSE AND I HAD TO END
19 UP GOING RIGHT BACK OVER THERE. AND THAT'S WHEN SHE
20 SAID SEND ME TO -- GOT DR. DURKIN INTO MY CARE. BUT
21 SHE WAS TAKING CARE OF ME. AND I HAD DONE BEG HER TO
22 SEND ME TO AN ORTHOPEDIC, BUT SHE WOULDN'T DO IT.

23 Q. MS. SHIVER, ARE YOU AWARE THAT HEALTHWORKS
24 HAS AN OCCUPATIONAL HEALTH PHYSICIAN THERE IN THAT
25 GROUP?

(11/81)

1 A. IT WASN'T -- WASN'T THERE THEN. THE ONLY
2 TIME I WAS THERE WITH DR. DURKIN AND HE JUST WAS
3 THE -- THE NEUROLOGIST AND HE ONLY HAD COME THERE ON
4 WEDNESDAY. HE WAS THE MEDICAL DIRECTOR. AT THE TIME
5 WHEN THE ACCIDENT HAPPENED THEY DIDN'T HAVE NO
6 DOCTOR. I DON'T KNOW WHAT THEY GOT OVER THERE NOW.
7 BUT AT THE TIME THEY DIDN'T HAVE NO DOCTOR OVER
8 THERE. AND I STILL DON'T KNOW. BECAUSE I DON'T
9 KNOW. I HADN'T BEEN BACK OVER TO PALMETTO HEALTH.
10 OR OVER TO HEALTHWORKS. SO I DON'T KNOW WHAT THEY
11 GOT OVER THERE NOW.

12 Q. HOW MANY PERSONAL INJURY CLAIMS,
13 MS. SHIVER, HAVE YOU RECOVERED MONEY ON IN THE PAST?

14 A. MONEY?

15 Q. YES, MA'AM.

16 A. DO YOU THINK I WAS -- THIS ACTUALLY
17 HAPPENS TO BE ABOUT MONEY?

18 Q. IF YOU COULD JUST ANSWER THE QUESTION,
19 PLEASE.

20 A. ON MONEY? THE CAR ACCIDENT. TWO CAR
21 ACCIDENTS I HAD AND ONLY ONE WORKMEN'S COMP TO
22 TRIDENT HOSPITAL THAT I RECOVERED ON, THE ONE FROM
23 1997.

24 Q. AND HOW MUCH DID YOU GET ON THE TRIDENT
25 ONE?

(1102)

1 A. I THINK MS. ATKINS -- I THINK SHE HAD
2 AWARD ME \$10,000. I THINK. AND THEN --

3 Q. IT WASN'T \$13,000?

4 A. NO. THEN HE -- SHE TOLD DOUGLAS HAD TO
5 PAY FOR MY MRI.

6 Q. OKAY. AND THEN YOU RECOVERED FROM TWO
7 DIFFERENT CAR ACCIDENTS; RIGHT?

8 A. YES.

9 Q. ONE WAS IN 1997?

10 A. I HAD TO REPRESENT MYSELF BECAUSE
11 ATTORNEY -- FIRST -- OH, LORD, WHAT'S THE BLACK
12 DOCTOR'S NAME DOWN THERE? HE MESSED ME UP WITH MY
13 CASE AND THEN I COULDN'T GET NOBODY ELSE TO HELP ME,
14 ANOTHER ATTORNEY.

15 Q. DID YOU RECOVER \$7,000 FROM THE 1997 CAR
16 ACCIDENT?

17 A. I THINK IT WAS SEVEN THOUSAND -- 7,500, I
18 THINK THAT'S WHAT IT WAS.

19 Q. AND THEN IN 2000 OR 2001 YOU TOLD ME YOU
20 HAD RECOVERED ABOUT 13,000?

21 A. YEAH. BARRY GEORGE WAS HANDLING THAT. I
22 DON'T KNOW EXACTLY. I CAN'T REMEMBER EXACTLY HOW
23 MUCH IT WAS.

24 Q. AND THAT WAS FOR YOUR NECK AND BACK?

25 A. YEAH, FOR THE NECK AND THE BACK.

1 Q. AND HE GOT YOU ANOTHER \$1,000 AS SOME
2 OTHER PART OF THAT SETTLEMENT?

3 A. THAT CAME FROM MY -- MY IN--- MY OWN
4 INSURANCE COMPANY. HE SAID I HAD -- SINCE I HAD THAT
5 UNINSURED MOTORIST COVERAGE. THAT'S WHAT THAT CAME
6 FROM. BUT AT THE TIME I DIDN'T KNOW BECAUSE HE HAD
7 MISLEAD ME INTO SIGNING THAT FORM AND COMING TO THE
8 OFFICE.

9 Q. HAVE YOU BEEN FIRED FROM ANY JOBS IN THE
10 PAST?

11 A. YES.. I WAS FIRED FROM TRIDENT. BECAUSE
12 THE NURSES HAD LIED AND TOLD I WAS MISTREATING
13 PATIENTS, BUT THE NURSING BOARD THREW THAT OUT. AND
14 NOW I GOT FIRED THE OTHER -- FROM RICHLAND MEMORIAL
15 BECAUSE OF MY BOOK THAT I WROTE THAT YOU GAVE TO THEM
16 AND HE FIRED ME FOR THAT.

17 Q. AND YOU WERE FIRED DOWN IN BEAUFORT TOO;
18 RIGHT?

19 A. YEAH. BECAUSE IF SOMETHING HAPPENED, THEY
20 SAID I WAS RESPONSIBLE FOR SOME MEDICATION SOMETHING.
21 I DON'T KNOW WHAT HAPPENED. BUT I HAD STAYED LATE
22 OVER TRYING TO CATCH UP, SOME WORK. ANOTHER NURSE HAD
23 LEFT OVER. AND WHEN I CAME IN THAT DAY THEY HAD
24 TERMINATE ME.

25 Q. ALL RIGHT. AND YOU WERE FIRED AT

(1109)

1 CHARLESTON MEMORIAL AND PROVIDENCE AS WELL, WEREN'T
2 YOU?

3 A. I WASN'T FIRED AT -- REALLY BECAUSE AT
4 CHARLESTON MEMORIAL I COULDN'T GO BACK AFTER I HAD
5 HURT MYSELF AT -- AT TRIDENT HOSPITAL. I WASN'T ABLE
6 TO DO TWO JOBS NO MORE.

7 Q. AND WHERE ARE YOU WORKING NOW, MS. SHIVER?

8 A. I'M WORKING AT K-MART. A CASHIER.

9 Q. HOW LONG HAVE YOU BEEN WORKING AT K-MART?

10 A. STARTED IT IN MAY.

11 Q. AND WHAT'S YOUR RATE OF PAY THERE?

12 A. SIX-FIFTY AN HOUR.

13 Q. AND HOW MANY HOURS A WEEK ON AVERAGE ARE
14 YOU NOW WORKING?

15 A. THEY USUALLY SOME -- GIVE ME -- CAN'T GET
16 NO MORE THAN 15. SOMETIME WHEN SOMEONE CALL IN THEY
17 LET ME WORK A COUPLE OF HOURS OVER.

18 Q. FIFTEEN DID YOU SAY?

19 A. FIFTEEN HOURS. BECAUSE I COULDN'T GET THE
20 PART TIME. THAT'S ALL THEY GIVE ME. BECAUSE I GUESS
21 THE ECONOMY OR WHATEVER.

22 Q. AND YOUR JOB IS JUST A CASHIER? YOU DON'T
23 DO ANY INVENTORY OR STOCKING OR ANYTHING LIKE THAT?

24 A. SOMETIME I HELP PUT BACK STUFF THAT
25 CLIENT -- PATIENTS COME -- CLIENTS COME IN AND THEY

(1105)

1 DON'T WANT, I HAVE TO PUT THEM BACK IN THE AREA THAT
2 THEY COME FROM. BUT MY -- SHE HIRED ME AS A CASHIER.

3 Q. YOU MENTIONED EARLIER ON IN THE TESTIMONY
4 ABOUT SOME PRIOR MENTAL HEALTH CONDITION. DO YOU
5 HAVE ANY MENTAL HEALTH CONDITION CURRENTLY PRESENTLY?

6 A. I DON'T KNOW. IT'S -- IT MIGHT NOT BE A
7 MENTAL THING. I DON'T KNOW WHAT. I TOLD YOU
8 SOMETHING HAS TO DO WITH MY CHILDHOOD. AND ONE OF
9 THE PSYCHOLOGISTS AT SCHOOL TOLD ME THINGS THAT
10 HAPPENED WHEN YOUR CHILDHOOD COMES BACK WHEN YOU GET
11 A CERTAIN AGE. BUT HE DIDN'T TELL ME WHAT THE NAME
12 OF IT. AND I TOLD -- WROTE ABOUT IT IN MY BOOK. I
13 KNOW YOU DONE READ IT.

14 Q. ARE YOU ON ANY MEDICATIONS FOR ANY MENTAL
15 HEALTH CONDITION?

16 A. NO, I'M NOT ON NO -- I DON'T KNOW WHETHER
17 IT'S EXACTLY A MENTAL. HE DIDN'T TELL ME WHAT THE
18 NAME OF IT. I'M NOT TAKING NO MEDICATION.

19 Q. MS. SHIVER, ARE YOU ON ANY KIND OF
20 PRESCRIPTION MEDICATIONS RIGHT NOW?

21 A. JUST PAIN MEDICINE.

22 Q. WHAT ARE YOU TAKING?

23 A. I TAKE MY -- OH, LORD. CAN'T REMEMBER
24 THINGS RIGHT NOW. WITH DR. BRANDT PUT ME ON. AND
25 THEN DR. HOOK HAD HAD ME ON SOME TOO. I GOT THEM OUT

1 IN THE CAR. I DIDN'T BRING ALL OF THEM IN HERE. AND
2 THEN I TAKE A NERVE PILL SOMETIME. AND I HAVE SOME
3 OLD LORTAB AT THE HOUSE. BUT OLD MEDICATION, WHEN IT
4 HURTS REAL BAD I GO AHEAD AND TAKE ONE OF THEM. I
5 MEAN THERE'S OLD PRESCRIPTION I HAD AT THE HOUSE AND
6 I TAKE THAT.

7 Q. NOW, MS. SHIVER --

8 A. AND I ALSO TAKE MY MOBIC.

9 Q. PART OF MY SUBMISSION WAS YOUR LETTER TO
10 THE COURT REPORTER. DO YOU REMEMBER THAT WHERE YOU
11 ATTACHED WHAT THEY CALL AN ERRATA SHEET?

12 A. YEAH. THOSE SHEETS WHAT -- THOSE SHEETS
13 SHE TOLD ME -- I TOLD HER I HAD CORRECT -- GIVE
14 CORRECT -- CORRECTION.

15 Q. AND YOUR ERRATA SHEETS YOU TURNED IN --
16 LET ME MAKE SURE I HAVE IT RIGHT. 161 PAGES OF
17 ERRATA SHEETS TO YOUR DEPOSITION THAT I TOOK OF YOU;
18 RIGHT?

19 A. YEAH.

20 Q. OKAY. SO THESE ARE THINGS THAT YOU THINK
21 THE COURT REPORTER TOOK DOWN WRONG?

22 A. SOME OF THE THINGS ON THERE DIDN'T SOUND
23 LIKE WHAT -- BECAUSE I DON'T TALK LIKE NO STREET
24 PERSON. SHE -- HOW SHE HAD WROTE THINGS ON THERE. I
25 KNOW I DIDN'T TELL HER THAT, TALK LIKE THAT.

1 MR. CHASE: IF I COULD HAVE THAT BACK,
2 PLEASE. THANK YOU. I DON'T HAVE ANYTHING FURTHER.

3 THE COURT: OKAY. MA'AM, WE'LL GO TO THE
4 LAST CASE WHICH IS 0616756. THE DATE OF THE ACCIDENT
5 IS JULY 16TH, 2006 WITH PALMETTO HEALTH RICHLAND. IN
6 THIS CASE YOU'VE MADE A CLAIM FOR AN INJURY TO YOUR
7 RIGHT WRIST. YOU ARE NOT CLAIMING ANY COMPENSATION
8 FOR LOST WAGES, YOU ARE NOT CLAIMING ANY AWARD FOR
9 PERMANENCY AND YOU'VE TOLD ME TODAY YOU'RE NOT
10 CLAIMING ANY ADDITIONAL MEDICAL TREATMENT.

11 E X A M I N A T I O N

12 BY THE COURT:

13 Q. TELL ME --

14 A. I NEED TO MAKE CORRECTION ON THAT. I
15 DIDN'T KNOW I HAD ANY PERMANENCY UNTIL I LOOKED BACK
16 THROUGH THE NOTES THAT DR. NOOJIN HAD SENT. HE DID
17 PUT SOME --

18 Q. SO YOU'RE CLAIMING PERMANENCY TODAY?

19 A. HE PUT SOME DISABILITY ON -- ON THERE. I
20 SAW IT LAST NIGHT. I WAS LOOKING THROUGH THE NOTES
21 THAT DR. NOOJIN WROTE. BECAUSE I THOUGHT HE DIDN'T
22 HAD WROTE DOWN ANYTHING.

23 Q. YOU'RE CLAIMING DISABILITY TO YOUR RIGHT
24 ARM?

25 A. NO, SIR. HE GAVE ME -- I THINK IT'S TO

1 THE WRIST. I THINK.

2 Q. YES. THAT'S WHAT I MEAN. THE RIGHT WRIST
3 OR RIGHT ARM.

4 A. THAT'S TO THE WRIST -- IT'S IN DR. NOOJIN
5 NOTES. I THOUGHT I WROTE. TRYING TO FIND IT. I
6 HAVE TO FIND IT. I THOUGHT I HAD WROTE...

7 COURT REPORTER: I'M SORRY. A LITTLE
8 LOUDER, MA'AM.

9 THE WITNESS: THIS WHAT I GOT FROM
10 DR. NOOJIN. AND HE PUT --

11 THE COURT: YOU NEED TO LET THEM SEE IT.

12 THE WITNESS: HE PUT A TWO PERCENT DOWN ON
13 THERE. THAT'S WHAT THE PAPER I GOT OUT OF YOUR FORM.
14 WHEN I WAS LOOKING THROUGH IT LAST NIGHT I -- I'M
15 SORRY.

16 THE COURT: THAT'S ALL RIGHT. HE'S GOT
17 THE RIGHT TO SEE SOMETHING THAT YOU'RE GOING TO
18 SUBMIT.

19 THE WITNESS: OKAY.

20 THE COURT: DO YOU HAVE ANY OBJECTION TO
21 THAT?

22 MR. CHASE: IT'S ALREADY BEEN PART OF
23 THE...

24 THE COURT: IT'S ALREADY IN THE APA'S?

25 MR. CHASE: YES, COMMISSIONER.

1 BY THE COURT:

2 Q. SO YOU'RE CLAIMING DISABILITY TO YOUR
3 RIGHT WRIST?

4 A. YEAH. HE GOT...

5 Q. YES, MA'AM. THEY DENY YOU GOT HURT.
6 THAT'S ALREADY IN THE RECORD.

7 A. OH, OKAY.

8 Q. TELL ME HOW YOU GOT HURT.

9 A. I WAS USING THE HOLE PUNCHER PUNCHING
10 PAPERS LIKE I ALWAYS BEEN DOING FOR SIX YEARS. I
11 DEVELOPED SOME PAIN IN THE RIGHT WRIST.

12 Q. MA'AM, HOW OFTEN DID YOU USE THE HOLE
13 PUNCH?

14 A. I USE IT ALL THE TIME. I BE USING IT EVER
15 SINCE I STARTED WORKING THERE.

16 Q. I DIDN'T ASK THAT WELL. HOW MANY TIMES
17 PER HOUR OR PER DAY WOULD YOU USE THE HOLE PUNCH?

18 A. IT'S STEADY BECAUSE I -- I WORK IN MEDICAL
19 RECORDS WITH THE PAPERS. AND I HAVE TO PUNCH EACH
20 CHART WHEN I DO PUNCH HOLES IN THE PAPERS.

21 Q. OKAY. HOW MANY --

22 A. SO STEADY.

23 Q. HOW MANY TIMES PER MINUTE OR PER HOUR
24 WOULD YOU PUNCH? AS BEST YOU REMEMBER.

25 A. IT'S A LOT. BECAUSE I -- I DO -- I DO

(11/10)

1 PUNCH HOLES IN THE PAPERS TO PUT THEM IN THE CHART.

2 Q. YES, MA'AM. BUT THAT WOULD BE -- WOULD
3 THAT BE ONCE A MINUTE, TEN TIMES AN HOUR? HOW MANY
4 TIMES DO YOU THINK?

5 A. I HAVE NO IDEA HOW...

6 Q. BUT IT'S A LOT?

7 A. YEAH. IT'S A LOT OF WORK. COULDN'T TELL
8 YOU BECAUSE I DIDN'T COUNT THEM. BUT I STAYED STEADY
9 WORK.

10 Q. AND I ASSUME WHAT IS -- YOU DIDN'T CLAIM
11 ANY LOST WAGES OR PERMANENCY IN YOUR FORM. I
12 UNDERSTAND YOU'RE CLAIMING PERMANENCY TODAY. BUT I
13 ASSUME YOU'RE CLAIMING PAYMENT OF YOUR OUTSTANDING
14 MEDICAL BILLS?

15 A. YES, SIR.

16 Q. AND WHO ARE THOSE TO? WHO GAVE YOU
17 TREATMENT?

18 A. I HAD -- TO DR. NOOJIN I HAD TO GET
19 PHYSICAL THERAPY. BUT, SEE, AT THE TIME WHEN I HURT
20 MYSELF I ALREADY SCHEDULED DOC---THE NURSE
21 PRACTITIONER OUT OF DR. HOOK'S OFFICE ALWAYS SEND ME
22 TO THE ORTHOPEDIC DOCTOR BECAUSE OF MY INJURIES AT
23 THE CHURCH.

24 Q. DID YOU ASK YOUR EMPLOYER TO SEND YOU TO A
25 DOCTOR FOR YOUR WRIST?

(1111D)

1 A. NO. I JUST TOLD -- TONI KNOW WHAT I WAS
2 DOING AND SHE DIDN'T TOLD ME TO GO OVER THERE. AND
3 THEN AFTER I HAD -- AFTER LATER ON BARRINGTON TOLD ME
4 TO GO OVER THERE TO THE LADY AT HEALTHWORKS. I THINK
5 SHE'S THE COORDINATOR. I CAN'T REMEMBER HER NAME.
6 SO I WENT OVER THERE AND TOLD HER WHAT HAPPENED; THAT
7 I WAS GOING TO DR. NOOJIN. AND SHE SAID SHE WAS
8 GOING -- WASN'T GOING TO MAKE ME CHANGE DOCTORS.
9 BRING HER THE MEDICAL RECORDS. AND I TOLD HER I WAS
10 GOING TO BRING THEM WHEN I FINISH FOR DR. NOOJIN.

11 Q. DID YOU TELL HER YOU WERE MAKING A CLAIM
12 FOR A WORK-RELATED INJURY?

13 A. YEAH. I TOLD HER WHAT HAPPENED. SHE
14 ASKED ME WHAT HAD HAPPENED. AFTER BARRINGTON --
15 BARRINGTON SENT ME OVER TO HER, THE COORDINATOR. I
16 DON'T KNOW HER NAME. AND I TOLD HER WHAT HAD
17 HAPPENED.

18 Q. SO YOUR TESTIMONY IS YOU REPORTED IT TO
19 YOUR SUPERVISOR?

20 A. SUPERVISOR, NO.

21 Q. YOU TOLD THEM IT WAS WORK-RELATED AND THEY
22 TOLD YOU TO GO TO YOUR OWN DOCTOR? IS THAT YOUR --

23 A. AT FIRST TONI DIDN'T TELL ME. TONI DIDN'T
24 TELL ME. I REPORT TO HER. AND THEN I LET BARRINGTON
25 KNOW AND ANNETTE KNEW ABOUT IT. IT WASN'T UNTIL

1 SEPT--- SEPTEMBER THAT BARRINGTON HAD TOLD ME TO GO
2 OVER TO HEALTHWORKS TO THE LADY OVER THERE. SO I
3 WENT TO THE COORDINATOR. THAT'S WHO I WENT TO.
4 THAT'S WHO -- LIBERTY AND THEM TOLD ME GO AROUND
5 THERE TO HER. SO I SIT DOWN AND TALKING WITH HER. I
6 DON'T KNOW HER NAME. AND I TOLD HER WHAT HAD
7 HAPPENED AND I TOLD HER WHAT DOCTOR I WAS GOING TO
8 AND EVERYTHING. SO SHE TOLD ME SHE WASN'T GOING TO
9 MAKE ME CHANGE MY DOCTOR. BECAUSE I HAD TOLD HER I
10 WAS ALREADY GOING TO DOCTOR -- HAD TO GO TO
11 DR. NOOJIN BECAUSE I HAD FELL AT THE CHURCH. AND I
12 TOLD HER ABOUT DR. HOOK'S OFFICE AND THEM WAS SENDING
13 ME THERE. SO SHE TOLD ME TO BRING THE MEDICAL
14 RECORDS.

15 SO I DIDN'T FINISH WITH DR. NOOJIN UNTIL
16 JANUARY. AND IN THE MEANTIME I GOT FIRED IN OCTOBER.
17 AND WHEN I GOT FIRED BARRINGTON WINT HAD ESCORTED ME
18 OUT OF THE HOSPITAL WHERE TO THE NORTH GARAGE
19 GRINNING. SO AFTER THEN I WENT THROUGH THE DISPUTE
20 RESOLUTION AND MR. GREGORY ACCUSED ME OF TRYING TO
21 PLAN TO PUTTING A BOMB IN THE HOSPITAL.

22 Q. MA'AM --

23 A. SO I DIDN'T GO BACK OVER THERE, SIR.

24 Q. OKAY. WHAT --

25 A. I DIDN'T GO BACK AROUND THE HOSPITAL

1 SINCE --

2 Q. WHAT PROBLEMS, IF ANY, ARE YOU HAVING NOW
3 WITH YOUR RIGHT WRIST?

4 A. I STILL HAVE SOME PAIN IN THERE. BUT HE
5 TOLD ME --

6 Q. ARE YOU ABLE TO BEND YOUR WRIST?

7 A. YEAH, I CAN DO IT BUT IT HURTS -- STILL
8 HURTS --

9 Q. ARE YOU ABLE TO MOVE ALL YOUR FINGERS?

10 A. (WITNESS CORRESPONDS.)

11 Q. OKAY.

12 A. AND I STILL HAVE PAIN IN THE WRIST AND IN
13 KNEE, IN THE RIGHT KNEE. BUT THAT CAME FROM THE
14 CHURCH WHERE I FELL AT THE CHURCH.

15 THE COURT: GIVE MR. CHASE A CHANCE TO ASK
16 YOU SOME QUESTIONS.

17 MR. CHASE: THANK YOU, COMMISSIONER.

18 C R O S S - E X A M I N A T I O N

19 BY MR. CHASE:

20 Q. MS. SHIVER, YOU HAD JUST FALLEN AT YOUR
21 CHURCH IN MAY OF 2006; CORRECT?

22 A. UH-HUH.

23 Q. OKAY. SO THAT --

24 THE COURT: IS THAT A YES, MA'AM?

25 THE WITNESS: YES, SIR.

(1119)

1 BY MR. CHASE:

2 Q. SO THAT WAS JUST A COUPLE OF MONTHS BEFORE
3 YOU SAYING YOU WERE INJURED USING A HOLE PUNCHER?

4 A. AT THE HOLE PUNCHER I HURT MY RIGHT WRIST,
5 THE HOLE PUNCHER. AT THE CHURCH I HAD HURT MY LEFT
6 WRIST AND MY TWO KNEES. I DIDN'T HURT MY RIGHT WRIST
7 AT THE CHURCH.

8 Q. AND IF I UNDERSTAND YOUR TESTIMONY
9 CORRECT, YOU JUST WENT ON TO YOUR OWN DOCTORS AFTER
10 YOU SAY YOU GOT HURT WITH THE HOLE PUNCHER; RIGHT?

11 A. I SENT MY SUPERVISOR E-MAIL AND TOLD HER I
12 ALREADY HAD AN APPOINTMENT TO GO TO MY ORTHOPEDIC
13 DOCTOR WITH OTHER PROBLEMS. AND I TOLD HER I WAS
14 GOING TO LET HIM CHECK THAT TOO. AND SHE DIDN'T TOLD
15 ME NOTHING ELSE TO DO. SO I WENT. AND ANNETTE AND
16 BARRINGTON KNEW ABOUT IT AND THEY DIDN'T SAY NOTHING
17 EITHER. SO I WENT ON TO THE ORTHOPEDIC DOCTOR AND I
18 TOLD HIM ABOUT THE RIGHT WRIST TOO AND I TOLD HIM IT
19 WAS HURT AT THE HOSPITAL. SO I HURT IT USING THE
20 HOLE PUNCHER..

21 Q. WHEN YOU REPORTED THIS WHICH WAS IN
22 SEPTEMBER OF 2006, YOU --

23 A. NO. THAT WAS THE NEXT --

24 Q. LET ME ASK MY QUESTION, MA'AM.

25 A. THE NEXT DAY I TOLD --

(C11/15)

1 Q. LET ME ASK MY QUESTION FIRST.

2 A. SEND TONI AN E-MAIL..

3 THE COURT: YOU HAVE TO STOP. AND I'M
4 GOING TO ASK YOU AGAIN AS I DID BEFORE. WHEN YOU
5 BOTH TALK AT THE SAME TIME, WE CANNOT MAKE A GOOD
6 RECORD. SO I'LL ASK EACH OF YOU TO WAIT UNTIL THE
7 OTHER FINISHES AND THEN ANSWER.

8 MR. CHASE, IF YOU WOULD ASK YOUR QUESTION AGAIN.

9 MR. CHASE: THANK YOU, COMMISSIONER.

10 BY MR. CHASE:

11 Q. MS. SHIVER, WHEN YOU REPORTED THIS WHICH
12 THEY DOCUMENTED OCCURRED ON SEPTEMBER THE 1ST OF
13 '06 -- AND I'M REFERRING TO APA PAGE 16,
14 COMMISSIONER -- YOU HAD ALREADY BEEN TO DR. NOOJIN,
15 HADN'T YOU, IN JULY? BECAUSE THEY DOCUMENTED IT IN
16 THEIR SYSTEM. WE'VE ALREADY SENT YOU A COPY OF THAT.
17 BUT THAT'S ACTUALLY A COPY OF IT.

18 MR. CHASE: I'M SORRY, COMMISSIONER. THIS
19 IS OUR APA IN THIS.

20 THE WITNESS: ISN'T THE SUPERVISOR A
21 REPRESENTATIVE OF THE HOSPITAL? I TOLD HER THE VERY
22 NEXT DAY, TONI PATE. SENT HER AN E-MAIL.

23 MR. CHASE: AND, COMMISSIONER, THE
24 QUESTION IS -- AND I'LL ASK IT AGAIN. AS TO WHETHER
25 OR NOT SHE HAD ALREADY BEEN TO DR. NOOJIN IN JULY OF

1 2006 WHEN SHE REPORTED THE CLAIM TO THE EMPLOYER IN
2 SEPTEMBER OF 2006? SHE HAS NOT ANSWERED THE
3 QUESTION.

4 THE WITNESS: THE EMPLOYER WAS NOTIFIED ON
5 THE VERY NEXT DAY. TONI PATE, THAT'S MY SUPERVISOR.

6 THE COURT: MA'AM, ALL HE'S ASKING IS DID
7 YOU GO TO DR. NOOJIN BEFORE YOU REPORTED IT TO YOUR
8 EMPLOYER?

9 THE WITNESS: NO, SIR. I TOLD TONI ABOUT
10 IT. TONI PATE IS A SUPERVISOR OF THE -- WELL, SHE'S
11 A REPRESENTATIVE OF THE HOSPITAL. SHE'S MY
12 SUPERVISOR.

13 BY MR. CHASE:

14 Q. OKAY. IF I COULD SEE THAT SHEET BACK,
15 PLEASE. AND THEY HAD ASKED YOU IN SEPTEMBER WHEN YOU
16 CAME IN, SEPTEMBER OF 2006, MS. SHIVER, TO COLLECT
17 YOUR PERSONAL DOCTOR RECORDS AND SUBMIT THEM TO
18 HEALTHWORKS?

19 A. I WASN'T FINISHED WITH DR. NOOJIN. I JUST
20 HAD STARTED WITH HIM IN JULY.

21 Q. BUT YOU NEVER DID SUBMIT YOUR RECORDS, DID
22 YOU?

23 A. I WAS WAITING UNTIL I FINISH WITH
24 DR. NOOJIN. THAT'S WHY I DIDN'T FINISH WITH HIM
25 UNTIL JANUARY OF 2007.

(1112)

1 Q. WHAT OTHER --

2 A. AND THEN YOU SENT -- SENT ME A LETTER
3 DENYING THE CLAIM AND THAT YOU WAS ALREADY SENDING
4 FOR THE RECORDS ALSO.

5 Q. MS. SHIVER, WHAT OTHER TASKS WERE YOU
6 RESPONSIBLE FOR IN THIS JOB WHERE YOU SAY YOU WERE
7 INJURED WITH THE HOLE PUNCHER?

8 A. I PUT THE RECORD TOGETHER. I USE THE
9 COMPUTER. ALSO I BEEN FILED -- CHARTS BACK AT THAT
10 TIME WE WAS TRYING TO SWITCH OVER TO ELECTRONIC. WE
11 STILL HAD SOME PAPER RECORD. WE DID THE OTHER
12 ELECTRONIC RECORDS. FILING, HOLE PUNCHER, USING THE
13 STAPLER.

14 Q. OKAY. AND HOW MUCH OF THE TIME DID YOU
15 SPEND ON THE COMPUTER?

16 A. MAJORITY OF THE TIME I'M ON THE COMPUTER
17 BECAUSE I -- IT'S DESK WORK.

18 Q. BUT YOU HAD TO GET UP AND DO FILING TOO,
19 DIDN'T YOU?

20 A. GET UP, DO FILING. AND WHEN I FINISH WITH
21 SOME OF THE PAPERWORK. BECAUSE I HAD TO PUT THEM IN
22 THE DIFFERENT AREAS I HAVE TO PUT THEM AT WHERE THEY
23 TOLD ME TO PUT THEM.

24 MR. CHASE: THAT'S ALL I HAVE,
25 COMMISSIONER. THANK YOU.

(1118)

1 THE COURT: IS THERE ANY OTHER WITNESSES?
2 ANY OTHER EVIDENCE?

3 OKAY. IF NOT, MS. SHIVER, THANK YOU FOR COMING
4 TODAY. I WISH YOU WELL. I HOPE THINGS GO WELL FOR
5 YOU. THAT CONCLUDES THE HEARING.

6
7 (WHEREUPON, THE HEARING WAS CONCLUDED AT 10:43 A.M.)
8
9
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CERTIFICATE OF REPORTER

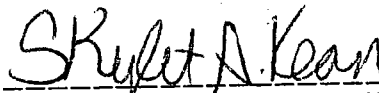
STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, SKYLET A. KEAN, COURT REPORTER AND NOTARY PUBLIC, FOR THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE TRANSCRIPT OF THE FOREGOING HEARING IS A STENOGRAPHIC REPORT AND WAS TRANSCRIBED THROUGH COMPUTER-AIDED TRANSCRIPTION; THAT THE FOREGOING TRANSCRIPT CONTAINS A TRUE RECORD OF THE PROCEEDINGS IN THE FOREGOING HEARING.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO NOR EMPLOYED BY ANY OF THE PARTIES CONNECTED TO THE ACTION, NOR AM I FINANCIALLY INTERESTED IN THE ACTION.

WITNESS MY HAND AT COLUMBIA, SOUTH CAROLINA,
THIS 26TH DAY OF SEPTEMBER, 2007.



SKYLET A. KEAN

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMM. EXPIRES JUNE 22, 2014

(1120)

COPY

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) COURT OF COMMON PLEAS

Gertrude Shiver,

PLAINTIFF,

-VS-

Palmetto Health Richland,
et al.,

DEFENDANT.

2011-CP-40-03561

BEFORE THE HONORABLE ALISON R. LEE, JUDGE

NOVEMBER 1, 2012

COLUMBIA, SOUTH CAROLINA

A P P E A R A N C E S:

Gertrude Shiver, Pro Se
For the Plaintiff

Michael Chase, Esq.
Allison Carter, Esq.
Mary Leath, Esq.
For the Defendant

REMA K. GANTT THOMAS
CIRCUIT COURT REPORTER

(1121)

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(1122)

EXHIBITS

THERE WERE NO EXHIBITS MARKED AT THIS HEARING.

1(1103)

1 THE COURT: The next matter I have is
2 2011-CP-40-03561, Gertrude Shiver versus Palmetto
3 Health Richland, et al.

4 Ms. Shiver, you're representing yourself,
5 is that correct?

6 MS. SHIVER: Yes, ma'am. I don't have an
7 attorney.

8 THE COURT: Okay. And on behalf of
9 Palmetto Health is?

10 MR. CHASE: Michael Chase.

11 MS. LEATH: Mary Leath. I also represent
12 PHT, Palmetto Hospital Trust.

13 COURT REPORTER: I'm sorry -- Mary Lee?

14 MS. LEATH: Leath -- L-E-A-T-H.

15 THE COURT: Palmetto Health?

16 MS. LEATH: Right. There were two
17 carriers for the hospital where Ms. Shiver worked.

18 THE COURT: All right.

19 MS. LEATH: The coverage changed during
20 the period of her employment.

21 THE COURT: Okay.

22 MS. LEATH: So we represent the same
23 hospital.

24 THE COURT: All right.

25 MS. CARTER: I'm Allison Carter. I

(1124)

1 represent Trident Regional Medical Center, different
2 hospital, different carrier. She has seven current
3 claims, and they were all consolidated for one
4 hearing.

5 THE COURT: I do have information from
6 Ms. Shiver relating to her appeal, and I assume that
7 everyone else has filed the appropriate briefs and
8 that there are no additional briefs that need to be
9 filed?

10 MS. CARTER: That's correct.

11 THE COURT: Ms. Shiver, I believe that you
12 have appealed, is that correct?

13 MS. SHIVER: Yes, ma'am.

14 THE COURT: And in the file, there is
15 information that you provided to Judge Newman. I
16 also received a letter that you had provided to
17 Judge Barber --

18 MS. SHIVER: Yes.

19 THE COURT: -- relating to these cases.
20 And so I will give you the opportunity to tell me
21 what you think that the issues were and why there is
22 an incorrect order. And then the attorneys will
23 have the opportunity to tell me something different
24 and why they believe that it's correct. And then
25 I'll give you a chance to respond.

(1125)

1 MS. SHIVER: Okay. What happened, I had a
2 series of injuries, and I'm a nurse.

3 THE COURT: Yes, ma'am.

4 MS. SHIVER: And I used to work at Trident
5 Hospital. I had a series of injuries, and then on
6 the last time with my shoulder, I had some problems
7 with the attorneys down there. They took out some
8 injuries and just left my shoulder on there.

9 And I had went before Commissioner Nichols
10 (PH), but she didn't review it and she didn't
11 explain nothing to me. The reason why I had been
12 refiling was Commissioner Atkinson (PH) told me that
13 she didn't tell me what was going on. I didn't
14 understand about the case myself. I just was a
15 nurse, and I don't -- this is my first time ever
16 having been out on Workmans Comp.

17 So I have this stuff that explains to you
18 from the beginning and this is what happened. I was
19 raised up in the civil-rights movement, and all
20 those things that happened to the black people are
21 affecting me. And when I was 14 and a half years
22 old, my uncle was kidnapped by a tall white man.

23 And when I was in Charleston, all that
24 came up on me because they were abusing me. And so
25 when I had came back up here, I was having -- every

(1126)

1 time I have an accident, somebody interferes with
2 helping me, especially somebody white. I have
3 enough accidents that, I don't know, I think maybe a
4 spirit is doing it because when I was a child, the
5 tall white man ran and hide in the graveyard.

6 And he had me up behind a tombstone, I was
7 on the top of somebody's grave. I don't understand
8 anything, but I tried to talk to the preacher about
9 it. But anyway, when I came back up here, things
10 happened to me again. I had injuries. I got some
11 injuries in my spine, some disks that are herniated,
12 orthopedic injuries to my feet, my knees, and my
13 arm, my shoulder, and my neck.

14 So I got some disability, but I had to
15 make it out to where I could, you know, work on a
16 light-duty job and still work and be employed. So
17 when I was working at the Palmetto Health Center,
18 things were happening to me again.

19 So the nurses over at the health center
20 knew I had some disability. I gave them the sheet
21 that the doctor had given me when I first was
22 employed there. And I had kept asking them for a
23 doctor.

24 The first accident in 2001 was when the
25 guy hit me in the back of my Achilles tendon with

(1122)

1 the cart. I had asked them for a doctor, but they
2 gave me a nurse practitioner.

3 She was taking care of me. And after she
4 turned me loose, I was wasn't given no doctor. I
5 kept having problems. I wasn't given a doctor. So
6 I had some more injuries, and I went to the
7 emergency room. And the emergency room doctor told
8 me not to go back over there until they find out why
9 they aren't treating me like I was supposed to be
10 treated. And so I had me some more accidents, so I
11 don't know what's going on.

12 So I had a broken foot. And about all the
13 accidents and stuff I had after Michael Chase had
14 taken my deposition. So I gave him the book, my
15 book on this and I told him what was happening to
16 me. And they took the book and got me fired from
17 Palmetto Health.

18 And I don't know what else he done. He
19 just told me at the hearing that I would get fired
20 from Kmart, because I had to find a job after he got
21 me fired from the hospital. And I didn't know at
22 the time he had been setting me up with the Workmans
23 Comp Commission.

24 So when I went there that day, he had
25 like he had all white people there -- I was the only

(1128)

1 black person there. He already had a white
2 councilman there. And Mr. Huffstetler was very
3 angry with me when I come in the room, talking and
4 carrying on with me about writing it.

5 He asked me why I wrote the book, and I
6 told him I couldn't remember some of the stuff that
7 happened. So I had wrote down the accident stuff
8 that had happened.

9 And I had told -- so they had me set up --
10 I was nervous and anxious, and all. He stood up and
11 got me confused. But I never injured -- never
12 mistreated no patients at the hospital.

13 And one other thing -- one other thing, I
14 had asked for a doctor -- and I did what I did.

15 So after I told them not to interfere.
16 And since then, I have another injury to my knee.
17 And I find out he had I guess -- I don't know if he
18 could interfere with my doctor -- he wrote on the
19 thing that I didn't tell him about the hand.

20 And the church, I had fell in church, but
21 the church wasn't responsible for me falling. This
22 was from my prior injuries. And I got another
23 injury to my right knee, the same knee that -- I
24 don't know if he interfered with the doctor or not,
25 but he wrote that I had -- But since I had the

(1129)

1 injury, the doctor did an MRI.

2 He said he didn't see no arthritis or
3 anything that I would have the surgery on my right
4 knee. And it happened on December 6, 2010. That
5 was before they signed the final order. And I was
6 sending Attorney Sims some information, because I
7 had information me about my injuries. So I had told
8 him that I had found an attorney.

9 I still was trying to look for someone to
10 help me and that the order was wrong. And after the
11 attorney, after I found help with my second injury,
12 another injury I had for my knee, the one that the
13 doctor did surgery on.

14 By the time she went there and signed --
15 signed the permanent order still got on there where
16 I had abused some patients -- I had abused some
17 patients -- and that I had not asked Palmetto Health
18 for a doctor, which I had.

19 And the orthopedic doctor that they sent
20 me to wasn't doing anything for me, and I was
21 patient. They sent me to two or three of them, and
22 they still wouldn't do anything. So I had to find a
23 doctor on my own to give me a brace for my ankle and
24 maybe some insteps.

25 So with the last injury here, every time,

(1130)

1 like I told him not to interfere with what was
2 happening to me. And I ended up having another
3 injury to my right knee, the same one that I had
4 injured before. But they got the doctor to put down
5 that I had arthritis, and I didn't have no
6 arthritis.

7 And so now the doctor said I could get a
8 second MRI based. But now I don't know whether he
9 told them this had came from the injuries I had at
10 Palmetto Health or came from my second job. But the
11 order is wrong. I never mistreated patients since I
12 was nursing. So since I couldn't get a job, I had
13 to end up going back.

14 I had my license on inactive status
15 because of injuries and stuff, the orthopedic
16 injuries that I had. So because I couldn't find a
17 job, I had to end up going back and getting my
18 license again and going back into -- I do home
19 health nursing, but I'm afraid -- I still have to
20 handle people with my shoulders and stuff. I'm
21 afraid I'll end up with another injury to my
22 shoulder.

23 But I couldn't do no better. I had to
24 work somewhere. I had no job. I had to eat, so I
25 had to end up to go and get food stamps and

(1131)

1 everything because I didn't have a job. And I still
2 don't have health insurance after he got me fired
3 from Palmetto Health.

4 THE COURT: So, Ms. Shiver, what
5 specifically are you complaining about the
6 Commission's order? Is it the fact --

7 MS. SHIVER: Speaking of the order, they
8 have in there that that I was abusive to the
9 patients and that I had -- didn't ask for a doctor,
10 which I did ask for a doctor, an orthopedic doctor,
11 and they wouldn't give me one. I think that
12 contributed to the other falls and stuff that I was
13 having, because I wasn't getting the right
14 treatment.

15 THE COURT: So --

16 MS. SHIVER: And then -- excuse me, I
17 didn't mean to cut you off -- they was retaliating
18 against me because of the book that I wrote. I've
19 turned it in to the Court.

20 THE COURT: So you're saying that you did
21 ask for an orthopedic doctor, or you did not?

22 MS. SHIVER: I did ask for one. I keep --
23 every time I have an injury, I ask for a doctor.
24 They give me a nurse practitioner. They don't give
25 me a doctor.

(1132)

1 THE COURT: And then --

2 MS. SHIVER: I have a bunch of -- I have a
3 lot of orthopedic injuries and disability to my
4 spine.

5 THE COURT: And then the other thing is
6 about whatever statement relates to whether or not
7 you mistreated the patients?

8 MS. SHIVER: Yes. And he just -- my
9 feeling is he just did that for retaliation against
10 me because of the book that I wrote.

11 THE COURT: And then --

12 MS. SHIVER: As far as the shoulder, I
13 never got any treatment for my shoulder from Trident
14 Hospital because of the way the nurses was treating
15 me. And they sent me to a doctor, and he wouldn't
16 treat me.

17 And the reason why I had got off of
18 Workmans Comp also, Your Honor, because I was the
19 occupational health insurance company write me a
20 letter and said my Workmans Comp case was denied.

21 And I didn't have anybody. So I never
22 really got -- you said I had got an order from the
23 Workmans Comp Commissioner to get me some help for
24 my shoulder. And I had told them -- I had described
25 all the other injuries that I had had, that had

(1133)

1 happened with regard to my shoulder and my right
2 feet, to my left feet, and everything else that was
3 injured -- my knees and all.

4 He took them out of the order. But under
5 the order, I never did get any care under the order
6 because the doctor didn't treat me that I had got
7 from the Workmans Comp office. It was carrying on
8 until I came back up here, and Commissioner Nichols
9 had told me that I could refile the claim whenever I
10 wanted to.

11 But I had all these injuries at Palmetto
12 Health, and my feet had got hurt before in my 1995
13 accident at Trident Health, and that's why I went
14 and filed the second one. And Michael Chase had
15 asked the Commission to consolidate all of the
16 claims together.

17 And I still have problems with my shoulder
18 because I have to work. They never did an MRI to
19 see if I had a tear in my rotator cuff because the
20 doctor -- my doctor had wrote that I had most of the
21 pain in my -- I think it's -- which I think is a
22 joint. That's in my shoulder.

23 And I still have trouble lifting. Even
24 carrying heavy things I have trouble with the pain
25 in my shoulder. The whole shoulder blade and

61134

1 everything else hurts. But I never had an MRI to
2 find out where the pain is coming from.

3 THE COURT: Ms. Carter?

4 MS. CARTER: Yes. I represent Trident on
5 a 1995 claim. And I believe the way -- just to give
6 you a little bit of background, the way these
7 hearings were consolidated was she had numerous
8 cases against the Palmetto hospital. And I think
9 Ginger Crocker at the Commission, who is the
10 judicial director, had a settlement meeting to try
11 to get everybody to sit down.

12 And we were not a participant to that.
13 But after that, when it was clear it was not going
14 to settle, she set every case that was in the system
15 that Ms. Shiver was involved in for hearing, and
16 that's how it was consolidated. So Commissioner
17 Huffstetler heard all of those cases.

18 I'm not sure Mike Chase had anything to do
19 with that. But my claim is a 1995 claim. It was an
20 admitted claim to the right shoulder and the right
21 foot only. There was a consent order filed and
22 signed by the claimant. She was represented by an
23 attorney at that time.

24 The consent order stated that the injuries
25 were limited to the right shoulder and the right

(1135)

1 foot. So on the first instance, our position is
2 that any other injury -- she alleged numerous other
3 injuries in her Form 50 against us for the 1995
4 injury. Our first argument is that, if anything,
5 she's limited to the right shoulder and the right
6 foot.

7 We obviously believe that the standard
8 review is substantial evidence. We believe there's
9 more than substantial evidence to support the
10 Commissioner's finding that there was no evidence
11 presented at this 2010 hearing that any of her
12 problems to her right shoulder or her right foot
13 related back to the 1995 injury. In addition, as
14 part of the consent order --

15 THE COURT: I'm sorry. So you're saying
16 that there's no evidence that there was any other --
17 I guess that's what's before me.

18 MS. CARTER: What happened was there was a
19 hearing set, and the consent order was signed where
20 we agreed to pay a certain amount. We agreed to
21 accept the right foot and right shoulder, and she
22 agreed that all of her injuries for that were
23 limited to the right shoulder and the right foot.

24 We agreed to pay for medical treatment for
25 the right shoulder and the right foot prior to that

(1136)

1 order, and we agreed to provide an independent
2 medical evaluation for that. That was done back in
3 1995. That report is in the record that I submitted
4 from Dr. McCoy.

5 So I think it was signed August 24th, but
6 she actually saw Dr. McCoy before that. But the
7 record wasn't received until after that. Dr. McCoy
8 stated that she did not have any objective findings
9 and that her subjective complaints far outweighed
10 her objective findings, that he did not see any
11 evidence of any permanent impairment and he did not
12 recommend any additional medical treatment.

13 So that is really the last medical record
14 that we have. And I've got where that is in the
15 record that I submitted. I don't know if you --

16 THE COURT: And what record did you
17 submit?

18 MS. CARTER: Well, we were told before a
19 hearing could be set in this case, we had to submit
20 a record. So I submitted a record back in March of
21 2010 to try to get this case set for a hearing --
22 March 9th of 2010. And it included numerous
23 documents. I've got another copy of it if you need
24 it.

25 THE COURT: Well, I have no way of knowing

(1132)

1 unless you provide me what specifically you provided
2 in--.

3 MS. CARTER: This has the letter attached
4 to it that I submitted to the Court.

5 THE COURT: Ms. Shiver, I'll give you a
6 chance to talk when we're finished. I will give you
7 a chance to respond.

8 MS. SHIVER: Okay, thank you.

9 MS. CARTER: Do you want me to sit down?

10 THE COURT: I need to know what you
11 submitted separate and apart from what the other
12 attorneys submitted.

13 MS. CARTER: Okay. Do you want to see it?

14 THE COURT: Yes, please. And it came in
15 this format?

16 MS. CARTER: Yes, that's an exact copy.

17 THE COURT: Because what I have in the
18 file, there's nothing put together like this. So I
19 have no way of knowing what was submitted. This is
20 an extra copy I can have?

21 MS. CARTER: Yes.

22 THE COURT: Thank you.

23 MS. CARTER: I don't have an extra copy of
24 it, but I don't object to this being presented.

25 THE COURT: If once I go through the file

(1138)

1 I'm able to re-create it, then I can send this one
2 back to you.

3 MS. CARTER: That's fine. You don't have
4 to do that.

5 THE COURT: I just need to know what was
6 submitted by whom.

7 MS. CARTER: We were told at one point --
8 we couldn't figure out why a hearing was not being
9 submitted -- I mean, not being set. And we were
10 told we had to submit a record, so I submitted that
11 at that time.

12 Now, that was -- she first filed an appeal
13 -- what happened was the Commission kind of -- she
14 filed a letter after the single commissioner's
15 order. And in that letter, she requested to put
16 additional evidence into the record. As far as we
17 can understand, the Commission viewed that as an
18 appeal and a motion to include additional evidence.
19 So they went forward and heard the motion to include
20 additional evidence and denied that motion.

21 Ms. Shiver then appealed that to circuit
22 court. We weren't copied necessarily on everything,
23 so we didn't understand that the Commission still
24 believed that that letter she had filed was also an
25 appeal on the merits. So we did come before a judge

(1139)

1 before and explained to him that we felt the circuit
2 court appeal needed to be remanded back to the
3 Commission so they could make a decision on the
4 merits and so that you could -- you know, every
5 appeal would hear everything at the same time.

6 So that record may have been filed so that
7 hearing on -- could be held, and then that hearing
8 was actually not held because that judge remanded it
9 back to the Commission.

10 THE COURT: Do you recall who that was
11 that gave an order? Was that Judge Benjamin or
12 someone else?

13 MS. CARTER: No --

14 MS. SHIVER: He told him to do that.

15 THE COURT: One moment, please, Ms.
16 Shiver.

17 MS. CARTER: That was -- let's see whoever
18 it was. I think it's the judge on the letter.

19 THE COURT: That doesn't tell me anything.

20 MS. CARTER: On the March 9, 2010, letter.

21 THE COURT: It's addressed to Ms. McBride.

22 MS. CARTER: Oh. Well, we have an order.

23 We have the order remanding that back somewhere.

24 THE COURT: Okay.

25 MS. CARTER: He's the judge that remanded

(1140)

1 it back to the full Commission the first time.

2 THE COURT: All right.

3 MS. CARTER: I think it was Judge --

4 THE COURT: Barber?

5 MS. CARTER: Do you want me to see?

6 THE COURT: I'll look.

7 MS. CARTER: Okay. So getting back to --
8 anything else on that?

9 THE COURT: No, ma'am. Go ahead.

10 MS. CARTER: Getting back to the 1995
11 claim, we've got the consent order which is in the
12 record that I've submitted. We've got an IME that
13 was done after that with Dr. McCoy, which basically
14 says she had no permanent impairment, she needed no
15 further treatment.

16 And we didn't hear anything again until
17 1999, when she filed a Form 50. I was not the
18 attorney of record at that time, but that Form 50
19 was withdrawn. I think that's the hearing in front
20 of Commissioner Nichols that she's talking about.

21 MS. SHIVER: We didn't have to--

22 MS. CARTER: So that was withdrawn, and
23 then we didn't hear anything again until this
24 hearing was set. So our position would be she's not
25 entitled to any -- and our position in front of

1114D

1 Commissioner Huffstetler was she's not entitled to
2 any more medical treatment. That employer said she
3 wasn't.

4 It's been however many years now at this
5 point, and he found that she did not have any
6 permanent impairment rating related to the 1995
7 injury, that the 1995 injury was limited to the
8 right shoulder and the right foot, and that she was
9 not entitled to any disability, medical benefits, or
10 anything else with that injury.

11 We believe that there's more than
12 substantial evidence to support that. And in fact,
13 there's no evidence submitted by the claimant in
14 this case that goes against that. She didn't submit
15 any recent medical records indicating that she was
16 still having a problem and that it was related back
17 to 1995.

18 There was no medical evidence stating that
19 at all. The only medical evidence in the file was
20 from Dr. McCoy in 1995 saying no permanent
21 impairment and no additional medical treatment
22 needed. And as far as -- I don't know if you want
23 to hear on the additional medical evidence, but she
24 did appeal that as well.

25 It's just our position that in the motion

(1142)

1 for additional medical evidence, she asks that
2 everything be submitted that was already submitted.
3 And I think what she was trying to say is that she
4 didn't feel like Commissioner Huffstetler had
5 properly reviewed all the evidence she submitted.

6 At the hearing in this matter, Ms. Shiver
7 came with a large folder of medical records. We had
8 not been provided those beforehand, but all the
9 attorneys decided to let them in. None of us
10 objected to them. They all went into evidence, Your
11 Honor.

12 So I'm not aware of any additional
13 evidence that she wanted to submit that wasn't
14 already submitted. And if there is evidence,
15 clearly it should have been -- she should have had
16 knowledge of it at the time of the hearing, and it
17 should have been submitted at the time of the
18 hearing.

19 And I just wanted to say -- I mean, she's
20 had allegations that she's been set up the entire
21 time. I don't know what she means. We all were
22 there. The Commission set these cases for hearings.
23 Mr. Huffstetler was the commissioner.

24 And I think we all did as much as we could
25 to help her through the process, because she has so

(1143)

1 many claims and they go so far back. I'm sorry she
2 feels that way, but I feel like we all did attempt
3 to make it as easy as possible. There just wasn't
4 any evidence presented, substantial evidence in the
5 record. We believe that the single commissioner's
6 order and the full commission panel order should be
7 affirmed.

8 THE COURT: And so as far as trying it is
9 concerned, it's only the 1995 claim?

10 MS. CARTER: Correct.

11 THE COURT: And what I think I heard you
12 say is that even though her Form 50 may have
13 included other body parts, the only thing pursuant
14 to the consent order was the right shoulder and the
15 right foot?

16 MS. CARTER: That's correct. And
17 Commissioner Huffstetler in the single commissioner
18 order ruled that that consent order stood. There
19 was nothing to show why that consent order should
20 not stand and that her injuries she had alleged
21 related to the 1995 injury were limited to the right
22 shoulder and the right foot.

23 THE COURT: I received a brief from
24 Palmetto Health and Palmetto Hospital Trust
25 Services. Did you provide a separate brief?

(1144)

1 MS. CARTER: Yes. That was provided back
2 in August of 2011.

3 THE COURT: What's the date on it?

4 MS. CARTER: August 22, 2011. I could
5 give you this one, but I do have some underlined
6 things in it.

7 THE COURT: No, I'll look for it.

8 MS. CARTER: I did call them to ask them
9 if I needed to submit another one, and they said
10 what was submitted was enough. August 22nd.

11 THE COURT: I'll look for it. If I don't
12 see it, I'll just ask that you send me another one.

13 MS. CARTER: Mine says Respondent's Brief,
14 Trident Regional Medical Center and Zurich.

15 THE COURT: I'm sorry, there's just all
16 the documents that don't belong in this file that
17 were in this file. These don't belong in here.
18 Yes, there is one. It is Respondent's Brief,
19 Trident Regional Medical Center and Zurich American
20 Insurance Company?

21 MS. CARTER: Yes.

22 THE COURT: Yes, I have that, thank you.

23 MS. CARTER: Thank you.

24 THE COURT: Ms. Shiver, I'll hear you as
25 it relates to Trident's case, and then I'll move on

(1145)

1 to Palmetto Health.

2 MS. SHIVER: Okay, when I went to-- review

3 THE COURT: I'm sorry, I cannot hear you.

4 MS. SHIVER: Okay, when I went I had
5 already sent in the claim about my 1995 injury to
6 the Workmans Comp Commission because of all that
7 abuse and stuff that had gone on down there. I had
8 included the injuries that I had, and I had told
9 them about the insurance company that had sent me
10 the letter that said my Workmans Comp case was
11 denied.

12 And then they got together and they drew
13 up that order, and he took out all of my injuries.
14 And also they was abusing me too, and he made me
15 sign that order. And I told y'all about that and
16 how he took me down to Charleston -- downtown
17 Charleston in their office down there and had me
18 locked up in that room.

19 And he did do that several times. And
20 also when I had to have surgery, he called there at
21 the house and told my sister that I was getting rid
22 of him as my attorney, that he would be happy to
23 represent me, that I was telling Workmans Comp
24 Commissioner how he was hitting me and cursing me
25 out about my doctor and everything else and abusing

(1146)

1 me.

2 He took the injuries out, and then he made
3 me sign that. And I was sick during that time and
4 had had surgery and everything. I told y'all about
5 that, and Commissioner Nichols and all of them knew
6 about it. And then she gave me that order and told
7 me to refile.

8 And she told me I had to get a job,
9 because they had took all my injuries. I had
10 injuries, and he took them out. And Commissioner
11 London signed the form. I've gone through a lot of
12 abuse from my injuries and stuff, and they wouldn't
13 treat me, and laughing and carrying on at me about
14 Workmans Comp.

15 That's how I ended up in the situation I
16 am today. They wouldn't treat me. And I don't know
17 what else is going on, but I think some stuff has
18 been going on that I don't even know about it
19 concerning injuries I had. Nobody wouldn't tell me
20 anything.

21 THE COURT: Is that all as it relates to
22 Trident, your claim against Trident?

23 MS. SHIVER: It's that one, but I've got
24 some more. But I can't get nobody to help me with
25 none of them. So I don't know what to do. It's

(1147)

1 still lingering on.

2 THE COURT: I'm only interested in the one
3 that was filed in '95.

4 MS. SHIVER: Yes, but that's not all the
5 injuries that happened. I had some more injuries on
6 the form, and they took them out -- from that order.

7 THE COURT: All right. Well, I --

8 MS. SHIVER: And I never did get any
9 treatment for my feet, my knees, and my shoulder.
10 And it's still bothering me. I couldn't get no
11 orthopedic doctor to take care of me. Every time
12 they found out I had get hurt at Trident Hospital,
13 they keep asking me for a referral.

14 I couldn't get nobody to give me no
15 referral, and I couldn't get no orthopedic doctor to
16 treat me. I really don't even have an orthopedic
17 doctor for all these injuries I had. It's lingering
18 and lingering on, and nobody won't help me -- no
19 attorney or nothing won't help me.

20 THE COURT: All right, Ms. Shiver, I'm
21 going to move along to the Palmetto Health claim.

22 And so, Ms. Leath?

23 MS. LEATH: Thank you, Your Honor. I
24 represent Palmetto Health in regards to four
25 injuries, claims for injuries, that Ms. Shiver filed

(1148)

1 November 2001, March of 2002, October 2002, and
2 January of 2003. These were all cases that were
3 admitted. Medical treatment was provided.

4 And in each of these cases, the medical
5 provider has indicated that she has reached maximum
6 medical improvement, she did not need additional
7 treatment, and she was not entitled to any
8 impairment. She had no permanent impairment as a
9 result of the injury.

10 THE COURT: And what record did you submit
11 in connection with those particular claims?

12 MS. LEATH: There should be records
13 regarding the case admissions that were made at the
14 hearing, the medical records submitted to the
15 Commission.

16 THE COURT: I have a group of documents
17 that are lumped together, so I need to know
18 specifically what.

19 MS. LEATH: Yes, ma'am. These are the A
20 case admissions submitted below. And those are just
21 the medical records in each of those claims.

22 THE COURT: And this is strictly as to
23 your --

24 MS. LEATH: Those four dates of injury.

25 THE COURT: Okay.

(1149)

1 MS. LEATH: We contend that the
2 substantial evidence in the record supports the
3 ruling of the hearing commissioner. In each of
4 these four claims, he found that she had received
5 appropriate medical treatment, that she was not
6 entitled to additional treatment, and that she was
7 not entitled to any disability based upon the
8 opinions of the treating doctors that she's had no
9 permanent disability.

10 We believe that is supported in the
11 medical records, that there is no evidence from any
12 physician contrary to that evidence, and that the
13 ruling of the Commission should be affirmed in that
14 regard.

15 THE COURT: And what brief did you provide
16 in reference to the claims relating to your carrier?

17 MS. LEATH: There is a brief that was e-
18 mailed to your office, brief of co-respondents.

19 THE COURT: No, I need to know the
20 individual ones as to your claims specifically.

21 MS. LEATH: The briefs and the medical
22 records that I handed up were these claims, each of
23 the four claims.

24 THE COURT: And so does that relate to
25 Palmetto Hospital Trust Services or --

(1150)

1 MS. LEATH: Palmetto Trust. PHT, Palmetto
2 Hospital Trust Services, is the carrier that was
3 handling these four claims.

4 THE COURT: And so anything that comes
5 from Ellis and Lawhorne relates to the claims that
6 you just described?

7 MS. LEATH: Correct, Your Honor.

8 THE COURT: Anything else?

9 MS. LEATH: No, Your Honor.

10 THE COURT: Ms. Shiver, any response as it
11 relates to those four particular injuries?

12 MS. SHIVER: Yes, ma'am. I -- that's the
13 one, the first one that happened in September 2001 -
14 - no, it was November. That's where he had pushed a
15 heavy medical supply cart back on my Achilles tendon
16 and where they had the nurse practitioner that was
17 taking care of me, and she turned me loose.

18 Pauline Collins was taking care of my
19 orthopedic injuries. When she turned me loose, I
20 still was having a lot of falls. I had to end up
21 went back over to the doctor and he was a
22 neurologist -- I guess.

23 And he really -- he said wasn't going to
24 order no MRI or anything on me because that would
25 cost too much. So then he sent me to Dr. Belton.

(1151)

1 He was angry because they sent me over to him. He
2 didn't really do nothing for me either.

3 Dr. McBride -- I went to another doctor on
4 my own. He said to go back to Dr. McBride and tell
5 him the problems I was still having. Dr. McBride
6 did order an MRI. He told me I had a split in some
7 part of the tendons in my feet, but he wasn't going
8 to do anything about it.

9 And then he making jokes with the students
10 about me telling him that I had -- why my knees were
11 buckling and stuff. That's why I was falling,
12 because I was still having falls and stuff.

13 I went to a doctor on my own to try to
14 find out if I could get some help so I don't keep
15 falling, and that's why I went to him. So the
16 doctor, he gave me an ankle brace and also ordered
17 me some insteps for my foot and told me to wear
18 orthopedic shoes. And so far I continue to do that,
19 with that, with the falling and stuff. But they
20 never did do anything for these injuries I had.

21 THE COURT: I'll move on to Mr. Chase.

22 MR. CHASE: Thank you, Your Honor, may it
23 please the Court. We did file a brief, as well,
24 Your Honor. I want to make sure that you've got
25 that. The name on that is Gertrude Shiver v.

(1152)

1 Palmetto Health Richland and Management Services.
2 It says respondent's brief in the Circuit Court.

3 THE COURT: When was it filed?

4 MR. CHASE: I didn't bring that letter
5 with me. November 2nd is the date on the back of
6 the page.

7 THE COURT: I have that.

8 MR. CHASE: Thank you, Your Honor.

9 THE COURT: I also have one dated July 15,
10 2011, and one November the 3rd, and those are the
11 filing dates of 2011. They're the same brief?

12 MR. CHASE: They've probably been updated
13 along the way, Your Honor. This matter dates all
14 the way back to 2007, which was the original hearing
15 date by Commissioner Huffstetler.

16 Your Honor, I'm here on behalf of Palmetto
17 Health for two claims. One is the October 23, 2003,
18 incident. The other incident is July 16, 2006.
19 I'll take them in that order. We do not believe,
20 Your Honor, there is any error or law in either one
21 of those claims as far as --

22 THE COURT: I'm sorry, were they both
23 admitted claims?

24 MR. CHASE: They were not. They were not.
25 The 10/23/2003 incident, I'll take that one first.

(1153)

1 And we do believe -- what I was saying -- this is a
2 substantial evidence case. And so what I intend to
3 do is to show you the substantial evidence that
4 supports the Commission's decision as the ultimate
5 fact-finder.

6 For the October 23, 2003, incident, Ms.
7 Shiver claimed she tripped over a phone cord. At
8 the time of the hearing, she was only requesting
9 reimbursement for unauthorized medical expenses and
10 treatment.

11 The record reflects she did not seek
12 medical treatment as directed by the employer. In
13 fact, she actually refused to go to the employer's
14 doctors to get evaluated.

15 MS. SHIVER: They didn't send me to no
16 doctor.

17 THE COURT: One moment, please.

18 MR. CHASE: I'm sorry.

19 MS. SHIVER: I'm sorry.

20 MR. CHASE: And, Your Honor, under Workers
21 Compensation, the employer in fact does get to
22 choose the doctor to do the evaluation on the
23 claimant. And that's located at transcript page 60,
24 lines one through seven -- this is all in our brief
25 -- page 63, lines 16 through 22.

(1154)

1 Then at the hearing, the claimant did not
2 present in front of Commissioner Huffstetler any
3 bills or invoices documenting her claim for medical
4 treatment that she was contending she sought on her
5 own. She was warned against proceeding pro se and
6 decided to proceed anyway.

7 That's clearly reflected. Mr. Huffstetler
8 was very careful with that issue. Commissioner
9 Huffstetler is no longer on the Commission. He was
10 not an attorney. He spent a lot of time with Ms.
11 Shiver explaining to her and her rights.

12 Turning to the July 16, 2006, claim, Your
13 Honor, Ms. Shiver was claiming a hole punch caused
14 injury to her wrist being a repetitive trauma.
15 The substantial evidence for supporting the
16 Commission's denial of that particular claim, they
17 found it was not the course and scope of employment
18 for the reasons that she did not report the accident
19 to own doctor that she was treating with at the time
20 of her other injuries at the first visit after this
21 alleged accident.

22 When she did seek treatment, she never
23 said it was work related to her own physicians. She
24 waited two and half months after this alleged
25 incident before reporting it to the employer. And

(1155)

1 then when she did, once again she refused to go to
2 the employer's choice of doctors to get evaluated.
3 That's transcript page 80, lines 13 and 14, and 84,
4 lines 14 through 25.

5 She in fact treated with an unauthorized
6 physician. She was evasive at the single
7 commissioner hearing in front of Commissioner
8 Huffstetler about how often she used the hole punch.
9 That's transcript page 77, lines nine through page
10 78, line nine.

11 Your Honor, most of her work is on the
12 computer, not using a hole punch. That is
13 transcript page 85, lines five through 23,
14 repetitive trauma versus injury by accident. She
15 failed to mention the accident to her own doctor
16 again after the first visit, refused the authorized
17 evaluations by the employer's doctors.

18 All of those things, Your Honor, we
19 submit, supported by substantial evidence ruling of
20 the Workers Comp Commission which would have the
21 final determination on the facts of this case. And
22 we would ask you that affirm the denial of benefits
23 on both of those claims.

24 THE COURT: Yes, Ms. Shiver?

25 MS. SHIVER: The information that Attorney

(1156)

1 Chase is telling is not so. I had called and told
2 my supervisor about the injury I had to my right
3 wrist that the doctor didn't include. Dr. Newman
4 (PH) didn't include it, but I told him about it, and
5 I told the supervisor about it.

6 And I told her I was going over to Dr.
7 Newman and she told me that would have been okay.
8 And Dr. Newman did not put it in there however he
9 interfered with my care. He didn't put it in there
10 so I had any reference so I had to contact the
11 department supervisor in Atlanta, Georgia.

12 And then I recognized he had put an
13 addendum on there, which I submitted with my papers.
14 But that's what whoever sent out that letter had
15 contacted me about him speaking directly about what
16 I had told them. He deliberately took it out, and
17 he didn't put it in there. And I told her -- what's
18 the name? Commissioner Huffstetler was very angry
19 with me about writing the book.

20 And if you had been sitting there with him
21 at that time when --

22 THE COURT: You need to talk to me, Ms.
23 Shiver.

24 MS. SHIVER: Yes, ma'am. And he wasn't
25 only two and three, I toldy -- they knew about it

(1157)

1 that same night that it happened. That's untrue,
2 ma'am. They knew about the injury. And my
3 supervisor told me that would have been okay. She
4 didn't think that you had to go to -- if the
5 supervisor knew about it. And a next day, a nurse
6 who's the manager over the department, knew about
7 it, also. There was two people.

8 THE COURT: All right, what I'll do is I
9 will review the documents.

10 Mr. Chase, what record did you submit as
11 it relates to the claims?

12 MR. CHASE: Your Honor, it was one record,
13 the hearing, we didn't send any additional record.
14 Our record would be relying on what is in the
15 Commission's file, which you should have. If you're
16 missing any of the Commission's file, I will be glad
17 to help.

18 THE COURT: I wouldn't have any way of
19 knowing if I'm missing it or not. But I have a
20 thick document, two or three inches thick of
21 documents. I'll review those.

22 MR. CHASE: Thank you, Your Honor. Most
23 of our citations in our brief go to the hearing
24 transcript which we submitted, which we assume you
25 have a copy of that in the file.

(1158)

1 THE COURT: And I'll just have to --

2 MR. CHASE: And if you don't, we'd be glad
3 to help locate that.

4 MS. SHIVER: Your Honor, can I speak?

5 THE COURT: Yes, ma'am.

6 MS. SHIVER: And I had included the letter
7 from my chiropractor -- and the notes that I took.
8 And I also had put a sheet in there where Thomas and
9 Douglas (PH) had got all my injuries about my feet
10 and my neck and everything, they took them out.

11 And also about -- my feet and my neck and
12 everything. They took them out. And also I think I
13 had something else to say also about -- well, about
14 my feet. And Commissioner Huffstetler was angry.
15 He was angry about -- he said, they had set me up
16 already when I got there and I didn't know, they
17 were angry with me about a book that I wrote about
18 all my past injuries and how I've been treated under
19 Workmans Comp.

20 I don't know if they kept the book in or
21 not--

22 THE COURT: There's a book in here, as
23 well. And I have a transcript that's in the file.

24 MS. SHIVER: They didn't have nothing on
25 my shoulder because I couldn't get no doctor to

(1159)

1 treat me. All of them was angry with me about the
2 accidents and stuff I was having at Trident Hospital
3 but something was going on. And I've been abused
4 ever since I was injured.

5 Every time they interfere with me looks
6 like I have another accident. And I told them to
7 stop interfering with what happened to me, and it's
8 still going on. And I think I've had another injury
9 to my right knee.

10 They kept messing with what happens to me,
11 and then I have another accident. I tell y'all to
12 stop, but you won't stop.

13 THE COURT: What I'll do is I'll review
14 the information and determine what issues I need to
15 address. I'll issue an order, and a copy will be
16 sent to everyone involved. Thank you.

17 MS. SHIVER: Thank you, Judge.

(1160)

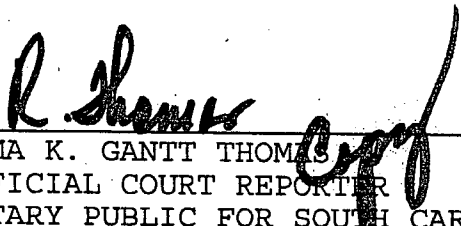
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

COURT REPORTER'S CERTIFICATION

I, REMA K. GANTT, OFFICIAL COURT REPORTER, AND
NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH
CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF
THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE
ABOVE-CAPTIONED CASE ON NOVEMBER 1, 2012, IN
COLUMBIA, SOUTH CAROLINA.

I FURTHER CERTIFY THAT I AM NEITHER OF COUNSEL
NOR KIN TO ANY OF THE PARTIES TO THIS CAUSE OF
ACTION, NOR AM I INTERESTED IN ANY MANNER IN ITS
OUTCOME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND
AND SEAL AT LEXINGTON, SOUTH CAROLINA, THIS THE
FIFTEENTH DAY OF JUNE, 2013.


REMA K. GANTT THOMAS
OFFICIAL COURT REPORTER
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 11/21/2013

(1161)

**MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION
IN FOLDER, ADDENDA, AND ATTACHMENTS TO FORMS 50, 58, MY BOOK
WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND
CLARIFICATIONS OF MISINFORMATION THAT PERTAINS TO THIS CASE
PARTLY DUE TO THE COMMISSIONER'S UNFAMILIARITY WITH THE
CASE AND HIS FAILURE TO SEE THAT ALL CLAIMS IN THIS CASE ARE A
CONTINUUM.**

INTRODUCTION TO THE APPEAL PROCESS FOR THE ENTIRE CASE

Is this a case of first impression?

Was my claims handled legally?

Are these claims separate and distinct or are they a continuum of one big case?

**Was the injured client being protected from the attack of the defense attorney
Michael E. Chase?**

**Did the anger of Commissioner Huffstetler toward the claimant interfered with him
rendering justice to the claimant?**

**Did Commissioner Huffstetler dismiss all the claimant's claims "with prejudice" to
spite the claimant because:**

1. There are three more pending claims. (Only two can be heard in actuality.)
2. Because the claimant was partly successful on a previous worker's compensation claim and two automobile accidents claims?
3. The claimant has residual problems with the tendons, ligaments, joints, back, shoulders, right arm, left side, Achilles tendon, spine, sciatica, right arm, feet, neck, wrists, cervico-thoracic area, high blood pressure, and a heart condition.
4. Some herniated discs in the spine, one from an automobile accident and the rest is worker's comp. related.
5. The claimant has some disability to her spine, cervico-thoracic area and neck.
6. Injury to the left chest wall area.

1 (1162)

There are some inconsistencies with my oral testimony and what I had written for the worker's compensation court. I have a sickness where I become nervous, anxious, and forgetful or I don't entirely hear the questions. This is one of the reasons why I always need to make corrections on my oral depositions. It happens when I am in a crowd of white people, especially white men in close quarters. I feel like I am being attacked. This sickness first came upon me when I was in Charleston having all of those worker's compensation injuries and I was being abused by the white nurses and doctors there.

The Commissioner made a point that I was a paralegal, but I have only took some paralegal courses. I have never worked as a paralegal. Furthermore, I didn't get much worker's compensation education in Charleston with my course and worker's compensation is practiced different in Charleston than it is practice in Columbia. In addition, I took the courses a long time ago and I have to read and do research to try to understand points of law. In addition, I have been silently suffering with some mild depression and fear ever since I was having all of these accidents and the defense attorney Michael E. Chase caused me to be terminated on October 6, 2006. My forgetfulness is not to be construed as I was willingly lying. Commissioner Huffstetler didn't control his action nor Attorney Michael E. Chase actions toward me at the hearing.

Furthermore concerning my firing from some of my previous job, I was only fired from one job where I was accused of mistreatment of patients. This happened in 1998 after I had a worker's compensation injury at Trident Regional Medical Center where I hurt my left side and back. The nurses had lied on me to get me fired. During the hearing, Commissioner Huffstetler only focused on negative things about me and things that he could use to discredit me and he catered more to the defense attorneys, especially Michael E. Chase in his questionings. There are also some lies written in the Order. He wouldn't let me talk so that I could defend myself after he became angry at me for what I said about my previous claim of 1995 at Trident Hospital with Commissioner Mickle, Attorney Thomas M. White and Attorney Douglas E. Pratt-Thomas.

I had written and told the defense Attorney Michael E. Chase about the incident in my last year of nursing school which happened at Richland Memorial Hospital which concerned a potential medicine error. Subsequently, I was black balled in the medical and nursing community. Also, racism, envy, and jealousy played a part in my getting off on the wrong foot after finishing nursing school. This didn't have anything to do with worker's compensation for Attorney Michael Chase to attack me with. He even brought up the question of how long I have been working at Kmart to imply that I would be soon fired from there after he lied about my right wrist accident. My job at Kmart does require me to be on my feet a lot with twisting and bending of my body and to some time lift heavy objects which can potentially lead to another worker's compensation claim with the type of trauma I have had to my body. This is why I need a desk job which it was Attorney Michael E. Chase which caused me to be fired from Palmetto Health Richland from my desk job.

On September 4, 2007, Commissioner Huffstetler was angry with me and the defense attorney Michael E. Chase was angry at me for a letter that I wrote the transcription

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company which he placed in front of me while standing up and all of the deposition papers that he waved in the air before me. He was vicious toward me and he made it a point that I had been terminated from other jobs and that I had said previously that I was not going to sue the Church. In addition, Commissioner Huffstetler didn't want me to talk so that I could defend myself. I became more nervous and forgetful. I still have some corrections to make concerning my right wrist accident and my left neck accident with my physicians and medical records.

For my worker's compensation case file number 0321756, DOA 10/23/03, I was given instructions by the emergency doctor at Palmetto Health Richland to follow up with my own doctor, which I did. With the incident with Mrs. Sullivan and Libby Holland, Mrs. Sullivan said that they were not going to pay if I didn't go over to health works. Mrs. Holland told me that I would have to go through the nurse practitioners before seeing a doctor. I was never offered a doctor when I asked about one when I was first injured. I had communicated with her about a doctor several times and Mrs. Sullivan said that she was not going to pay for me going to Dr. Hook. They were forcing me to go to the nurse practitioners which I have had problems with the nurse practitioners in the past as well as with Mrs. Libby Holland.

I was only offered a nurse practitioner. At the time, the only doctor that I knew of that worked at Health Works was Dr. Durkin, and he only came there on Wednesday for a few hours. He is only a neurologist and the Director of HealthWorks. I already knew about him when he was taking care of my left Achilles tendon, heel, and foot. I went to Dr. Jones after leaving Dr. Hook because he was the only physician that I knew of besides The Carolina Spine Institute that gave injections in the back for pain. Both of these physician offices are located in Charleston. I cannot go back to The Carolina Spine Institute because no physician there will take care of me. Mrs. Sullivan had already informed me that she was not going to pay for me going to a doctor. Therefore, I would have no doctor at all. The employer supposed to supply the injured worker with a physician.

After Mrs. Holland had called me at home and tricked me into giving my health information over the phone to Mrs. Sullivan, I tried to get Mrs. Sullivan to destroy the tape because I didn't know who she was. After this Mrs. Holland and Sullivan started to send me e-mails at work disturbing me when I came to work.

Starting with my case of January 23, 1995, at Trident Hospital, WCC File # 9503744, this case had never been settled. I came from Charleston with these claims and my 1994 claims as far as I knew at the time. Consequently, all of my claims at Palmetto Health Richland were involved with most of the same body parts that were injured. Since my cases had not been settled, I saw this as a continuum and the way and time that these accidents were happening to me. Then there were the complications of the Consent Order which I was forced to sign without anything being explained to me and the hearing case of 1996, where the defense Attorney E. Douglas Pratt-Thomas lumped the injuries of the falls of September 25, 1994, the fall of October 1994, and the rest of the injuries of the fall of January 1995 under the hearing of 1996 so that Commissioner Bryan Lyndon

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could get rid of all of my claims. I never asked for this to be done. This was something that was done illegally against me.

My left foot was injured with the two falls of 1994 at Trident Hospital and again on January 23, 1995, where both feet became flat because the tendons and the ligaments dropped. Also I had an injury to the ankle. With my accident of November 15, 2001, at Palmetto Health Richland when the metal supply cart was pushed into my left Achilles tendon and heel, my foot was again injured and these injuries were compounded. I was left with a disability to my left foot with no rating. I have some disability to my right shoulder and right foot with no rating. All the parts of my body have been reinjured again at Palmetto Health Richland except my right shoulder, arm, and foot. I have some disability to my cervico-thoracic area which Trident Hospital has never compensated me for.

In addition, after I fell at Trident Hospital in January of 1995, I had to end up having gyn surgery as a result to the fall. The fall aggravated a precondition. With the fall of October of 2003 at Palmetto Health Hospital, I had to end up having some more gyn surgery, because this fall aggravated a preexisting condition that I didn't know that I had.

All of my cases at Trident Hospital are entwined with my cases at Palmetto Health Richland. I have also been suffering from mistreatment and abuse over the last 15 years because of worker's compensation. I still have residual affects and some disability to my body. Commissioner Huffstetler has gone and dismissed all of my claims with prejudiced even though I am still bothered by the injuries.

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EVIDENCE OF THE CASE

After Commissioner Huffstetler became angry with me for talking about Commissioner Mickle, Attorneys Thomas White and E. Douglas Pratt-Thomas, I became more nervous, anxious, and confused. In addition, he had made the statement that my claims were separate and distinct, but I didn't agree with this because they were on a continuum. The other attorneys in the room didn't agree with it either because they let out an exclamation. There were inconsistencies between what I had previously wrote and what I said because of the state that I was in. My education does not have anything to do with my mental state and how I become around white men and a group of white people in general, especially when I am being attacked. I was the only black person in the room. It is better for me to give written answers to my depositions and hearings.

Thomas White was never really representing me, but I didn't know it at the time. He was angry with me for some reason. The yelling part was first stated by the Attorney for the defense, Allison White, while she was sitting right beside me. I was confused and nervous and I went along with what she was saying. I was afraid of Attorney Thomas White and he knew that. He did force me to sign the form without reading or explaining anything to me. He used to have me closed up in the room with him and he talked rough with me. At times, he used to stand over me. He was also angry with my physician, Dr. William E. Crouch and I never knew the reason why. One time he cursed my doctor and my insurance company who was paying for my care. He used to take his anger out on me during these times. I was also sick and didn't know it, and under a lot of stress and abuse from some of the doctors and nurses and various people in the community in Charleston. I never went to a psychologist on my own because I didn't see any need too. I don't believe in psychologists. The problems that I had and still am having today have a religious and I believe a racial base to it. It is very painful for me remembering and talking about the experience I had with Attorney White and the experience I had with the other white people in Charleston.

The injuries of the claims for October of 1994, and the remainder of the injuries of January of 1995 were clumped under the claim for September of 1994, when I asked for a hearing. I never asked for this to be done. The hearing was held on March 14, 1996, in Charleston, S. C. In the Order that I received afterward, it talked about my injuries for October of 1994 and January of 1995. (APA 5). This was something that was done to me by E. Douglas Pratt-Thomas and Commissioner Bryan Lyndon which I never asked for. Attorney Huffstetler told me he didn't want any hearsay during the meeting. It wasn't until March of 1997, that I understood what had happened to all of my claims including the one of 1995. Commissioner Atkins and Mickle didn't tell me what was going on and I didn't understand. Even though I had gone to paralegal school in Charleston, I didn't have but very little worker's compensation. In addition, they practice worker's compensation different in Charleston than they do in Columbia. Furthermore, I have never worked in the legal field and I have not had much experience or contact with lawyers. I have had mostly bad experiences with the ones that I did have contact with. In addition, I was very green with worker's compensation and how some of the white

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people treated the black people in Charleston, and especially if a worker has a worker's compensation injury.

Commissioner Mickle didn't physically force me. Commissioner Huffstetler takes things out of context. She was very angry with me and she gave me several ultimatums. If I had accepted the money for the settlement of my 1995 claim, then she was going to clinched up all of my claims and she was not going to consider my injuries especially to my left foot and ankle, my breast and uterine surgery and my heart condition and my high blood pressure which came upon me after this fall of January of 1995. This was not acceptable to me because I have an injury to my back. I had submitted the letter that Attorney Pratt-Thomas wrote and the Consent Order that was sent to me by Commissioner Mickle. (APA 6). I didn't take a tape recorder to the hearing because I didn't know that anything like this was going to happen. I didn't have anyone to take with me to the hearing.

I didn't take any information about my second job at Charleston Memorial Hospital to the hearing because I thought Commissioner Huffstetler had already gone back through my files and was familiar with my case. Evidently, he wasn't familiar with my long claim history or long history of abuse, etc. under the worker's compensation system in South Carolina. He didn't do me any justice with my hearing. The Judicial Director, Virginia Crocker, had already been through my file and held an informal conference (although I didn't know what it was at the time) on Wednesday, June 20, 2007, where she tried to get me to accept some money from Palmetto Health Richland for a full release for the claims of Palmetto Health Richland. The injuries to my left foot and the other injuries to my body parts that had previously been injured at Trident Hospital which E. Douglass Pratt-Thomas and Thomas White had gotten rid of by having Commissioner Bryan Lyndon signed the Consent Order and where Attorney Pratt-Thomas had clumped my injuries of October of 2004, and my injuries of January 23, 2005, under the hearing of March 14, 1996, WCC File No. 9457677, where Commissioner Lyndon ruled on them to get rid of them. I continually to have injuries to these same body parts which was none of my doing, but that of The Spirit.

The income from Charleston Memorial Hospital was never factored in. I was never told this by Attorney White because of the way that he was treating me. He also threw the check at me that day in his downtown office in Charleston. I was confused and anxious at this time. I never received an MRI of my right shoulder which one needed to have been done to rule out the continued pain and popping in my right shoulder and determine the cause of my deterioration in my penmanship. The fact of an MRI not being done was brought up at the hearing with Commissioner Mickle by Attorney Douglas Pratt-Thomas in the hearing of April 12, 2000. I sent Commissioner Huffstetler as well as the other attorneys a letter on September 5, 2007, stating that I needed an MRI. With my firing from Trident Hospital in and 1998, the nurses were making fun of the injury to my right shoulder and my penmanship. I didn't know that I could seek a ruling on the tendons, ligaments, and joints of the body since the General Assembly didn't assign a monetary value to these body parts. I had been offered a settlement for the injury to my right

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shoulder and foot, but Commissioner Mickle was going to clinch up all of my other claims. I have a back injury which might require surgery later on. If I can seek some disability and compensation for this injury on my right shoulder and my other injuries to my tendons, ligaments, and joints, I am asking this court to grant me one.

*For the hearing, I had run off a copy of Dr. Bowles notes and submitted them. They weren't on the list. I am resubmitting another copy for my prior injuries at Trident Hospital for 1995.

**MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION
IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK
WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE
TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND
CLARIFICATIONS FOR WCC FILE NO 126962, DOA 11/15/2001**

Did Commissioner Huffstetler deliberately err by considering the end result of this injury to my Achilles tendon and heel as a separate and distinct injury from my prior left foot injury from Trident Hospital which has left me with residual pain and a disability?

Did the commissioner err in not awarding me anything for this injury where as the insurance had offered me a settlement?

Shouldn't the hospital have to pay for my additional care since they had nurse practitioner Coleen Collins taken care of an orthopedic injury?

Should a commissioner take his anger out on an injured claimant?

This was not a minor injury to my Achilles tendon and heel. My heel was also injured but Commissioner Huffstetler didn't include it. This injury was combined with my previous injuries to my left foot and ankle that occurred at Trident Regional Medical Center where Attorney Pratt-Thomas, Commissioner Lyndon, and Attorney White tried to get rid of it with the Consent Order and the inclusion of the injury of my left foot and heel, etc. with the Hearing concerning my fall of September of 2004, which Commissioner Lyndon tried to get rid of the injuries.

There wasn't anything else to do for this injury that I know at the present time but to wear my orthopedic shoes and ankle brace. The physician at the Miller Orthopedic clinic stated that I could get an arthroscopy for continued problems with my ankle when needed. I was made to work during this time with my injuries by the nurse practitioner

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Coleen Collins and Dr. Durkin at Health Works even though I needed to rest my foot. I wasn't allowed to be off work via their worker's compensation policy.

I didn't get any treatment from the orthopedist that the hospital sent me to. They didn't order anything for my ankle nor did they order anything for my foot. I didn't get any treatment although Dr. McBryde did order an MRI of my foot. He didn't do anything afterward to my foot. I was made to seek help elsewhere.

I had begged Coleen Collins to send me to an orthopedic. Mrs. Collins was taking care of my orthopedic injury when she should have sent me earlier to an orthopedist. I fell at home while I was going up the steps. I was only given first aid by Nurse Griffin on the day of the injury to my left heel and Achilles tendon. I didn't hurt my foot. Subsequently, some lies were written in the medical record. My left elbow was injured, but Nurse practitioner Collins was writing some false information in my health record. As far as I know, the hospital never paid for the physical therapy that I received there.

Dr. Belding didn't do anything for me but wrote some lies in my medical record after he found out that my injury was a worker's compensation injury.

Dr. Durkin dismissed me because he didn't want to pay for me having an MRI.

Dr. Angus McBryde was referring to the abnormality about the flexor hallucis longus that was found on the MRI. There were several findings on the MRI which he was in a controversy with the radiologist Dr. Robert L. Waldron 11 of Palmetto Health about. There was also some fluid that had shown up and my foot was swollen. He had given me a final diagnosis of resolved contusion, left hind foot at retrocalcaneal area with residual pain. (Enclosed is a copy of the MRI that was done at Palmetto Health Richland.) (APA 8)

When Dr. Minter sent me back to Dr. McBryde, I still was very painful in multiple areas of my foot including the Achilles tendon and heel.

I am asking the court for a rating to my left foot to include the ankle, heel and Achilles tendon. Also, I am asking for some compensation for my injuries from Palmetto Health as well as from Trident Hospital. The two doctors that the hospital sent me to didn't do any treatment to my injuries. The blow on the Achilles tendon and heel caused an aggravation to the rest of my foot. My feet, especially the left foot had been injured at Trident Hospital. The injury at Palmetto Health and the one at Trident Hospital have been combined into one which has caused some more disability to my left foot. I never received a rating for this left foot.

There should be some punishment given for Coleen Collins for taking care of an orthopedic injury when she should have referred me to an orthopedist. I wasn't given any time to be off of my foot with this injury and she was taking care of my foot when I should have been sent to an orthopedist.

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**MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION
IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK
WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE
TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS
FOR WCC FILE NO. 0217755. DOA 3/23/2002**

**Did Commissioner Huffstetler deliberately not award me compensation for my
sciatica and disc (s) even though I had asked for compensation on the attachment
sheet for WCC File # 0217755 that was in my files dated and stamped on November
22, 2006 by the Judicial Department?**

**Since I received orders from the emergency room physician to follow-up with my
private physician, shouldn't the insurance company be reimbursed for paying for
my care and the MRI ordered by Dr Jones?**

**Shouldn't I receive some compensation for the aggravation of my prior herniated
disc at the L4-5 level?**

CLARIFICATION OF THE CASE FOR WCC FILE NO. 0217755

This is the first injury where I received written orders as well as a verbal order by the emergency room physician at Baptist Hospital to go to my primary physician even though he knew that it was a worker's compensation injury. (APA 13). He didn't state his reason, but I knew what experience I had had with Coleen Collins, the nurse practitioner and Barbara Griffin, the occupational health nurse taking care of my left foot, heel, and Achilles tendon. Then there was the experience I had with Dr. Durkins, the neurologist and the Director of Health Works who I believed to be incompetent.

It was my back and left side that was injured. I was working in the Trauma Department when I dropped my pen on the floor. It wasn't a minor injury. The MRI that was ordered by Dr. Jones showed some herniated disc of the sacral area at L5-S1, and possible new-onset symptomatic disc bulge at L3-4. I also developed some sacroiliitis and some sciatica from this fall. Dr. Huffstetler didn't award me anything for my sciatica because he said it wasn't marked on the Form. I was on the attachment to the Form 50.

Even though I hadn't mark the discs and sciatica on the Form 50, I had indicated on the attachment sheet for WCC File #0217755 that had been stamped by the Judicial Department on November 22, 2006, and was included in my folder that I needed to be compensated for this disc(s) and the sciatica. (APA 17) Also, when I went to Attorney Sims in December of 2006, for my deposition, I had discussed this with him when we were talking about possible settling the case. The attachment sheet may not have been put on the Form 50 that was submitted on October 20, 2006.

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The office assistant said that this commissioner was very thorough and that he went through the files. I found out different from the way that he was treating me because of his anger and the way he was catering to the employer attorneys especially Michael E. Chase with his viciousness by confusing me and gearing his questions to benefit the hospital. In addition, he didn't award me anything and he dismissed my claims "with prejudice".

CLARIFICATION OF MEDICAL EVIDENCE OF THE CASE FOR WCC FILE NO. 0217755

In the first two paragraphs, Dr. Timothy Zgleszewski is referring to my left leg that was injured on 11/15/2001, WCC NO.126962. The paresthesias had come from the blow to the leg that I have received from the metal supply cart at Palmetto Health Richland.

The additional discs are in my sacral spine. The lumbar spine disc was just aggravated.

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETTLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 02227098. DOA 10/24/2002

Was this a minor accident to the neck and shoulder?

Should my physicians be paid since the emergency room physician wrote an order for me to follow up with him?

Shouldn't Dr. Jones be paid for his service since Lori Sharpe had authorized the treatment and later changed her mind after he had started treating me?

Because of his anger with me and being in a hurry, did Commissioner Huffstetler deliberately would not award me anything for this injury?

Was the deletion of the rest of Dr. Jones notes of 7/1/03 done to prejudiced the injured worker?

CLARIFICATION OF THE STATEMENT OF THE CASE WCC FILE NO. 0227098

The injuries to my left neck and shoulder were more than minor. I developed severe hoarseness after being hit with the heavy chart and I had to visit an ENT physician Dr. Jacquelyn Goings for an examination. I don't have her medical records at present because they are reportedly stored at Carolina ENT. Ass. PA. P. O. Box 791, Camden, S.

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C. 29020. I sent for them over two months ago, but I have not received them. The only thing that I have with a diagnosis on it is a request for speech therapy. (APA 9) Dr. Hook mentions this in his notes. (APA 10). The diagnosis that I was given is **muscle tension dysphonia**. (This is APA 10.) I will submit these notes when I have received them. I did claimed medical benefits because Lori Sharpe from PHTS had promised Dr. Jones that she would pay for my care, but as far as I know, she never did. She later changed her mind after he had started treating me. The explanations of the benefits are on the addendum to the Form 50 which was attached and stamped by the Judiciary Department.

On my Form 50 that was submitted on October 10, 2006, and stamped, I marked partial for number 8 under specific disability. This Form 50 was in my files with an addendum. (APA 11)

CLARIFICATION OF MEDICAL EVIDENCE OF THE CASE WCC FILE NO. 0227098

I was never examined by Dr. Wade. I was examined by Dr. Douglas Ross, a resident physician. Upon my reporting to the ER after I was sent there by Ms. Beverly Fulton, I notified the triage nurse of the pain in my shoulder and neck. After which I notified Dr. Ross of the pain in my neck and shoulder. In the emergency room report dictated by Dr. Ross a resident, first he dictates, "This 48-year-old, about 1800 was working here at Richland in the Medical Records Department, and a large paper NICU chart, approximately 2 inches thick, fell off a shelf and landed on the left side of her neck over the trapezius muscle. She has had increasing pain in this area throughout the night." Then he turns right around and dictates, "Denies any neck pain, denies any radicular symptoms, focal weakness or paresthesias." This is incorrect. Jason Morgan, the Supervisor dropped the chart on the left side of my neck and shoulder. It was a thick heavy chart, and it was more than two inches. The reason why I went to the ER was because I was having increasing neck and shoulder pain. On the triage sheet it is written **neck pain**. On the face sheet, it is written **acute L trapezius strain**. I was sent to the ER because of increasing pain in my neck and left shoulder.

I was discharge from the ER with a (prescription) for Darvocet for pain and flexeril for muscle spasms. I had 15 of each pill and a work excuse for 2 days. (APA 12) It was written that I should follow-up with my primary MD for recheck.

Commissioner Huffstetler skips some of Dr. Jones notes which have a bearing on me. I am going to start at the second paragraph. "Assuming MMI as of today's date for work injury sustained 3/23/02 to cervical spine and left shoulder girdle, and based on **AMA Guides to the Evaluation of Permanent Impairment, 5th edition**, I can assess no additional impairment for this injury, as previous impairments have been assessed for both myofascial and cervical facet-generated pain, which was present in this patient to great extent even prior to 10/24/02 injury on the job. Although patient does have residual anterior shoulder and left upper chest wall pain and discomfort which has appeared as "new" myofascial injury following 10/24/02 accident on the job, this would require assessment for myofascial pain, and based on recommendations per **AMA Guides to the**

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Evaluation of Permanent Impairment, 5th edition interpretation, it is inappropriate to add further impairments for this of injury, particularly when impairments have addressed myofascial injuries in this region previously."

"Although patient is released today from active care regarding injuries sustained 10/24/02, patient is candidate for intermittent use of cervical facet and/or trigger point management with focal injections for flares. I can address issues regarding future medical care via Life Care Plan if this becomes necessary. Patient to continue with home exercise protocol life-long. Patient would also benefit from regular aerobic activity at least 3x weekly. Patient is allowed to continue with usual duties, as her work site requirements are primarily for sedentary work at desk/computer, where she is in health information management, working in Columbia for Palmetto Richland Memorial Hospital. There have been no additional restrictions regarding this patient relating to work injury 10/24/02. Follow up hereafter prn." (APA 14)

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 0322274 DOA 01/21/2003

CLARIFICATION OF THE CASE WCC FILE NO. 0322274

Is a slip and fall accident compensable under worker's compensation?

Shouldn't the hospital be made to pay for the injured worker's care if a doctor is not provided for the injured employee?

Under the Nurse Practice Act, are the nurse practitioners taking care of the injured workers under worker's compensation at Health Works independent contractors under the Worker's Compensation Laws and the Nurse Practice Act of south Carolina?

Does the Nurse Practitioner take precedent over the physician in taking care of the injured worker?

Under the Nurse Practice Act, are the nurse practitioners taking care of the injured workers under worker's compensation at Health Works considered independent contractors?

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What type and schedule of narcotics were the nurse practitioners allowed to prescribe for the injured worker under the Nurse Practice Act at the time of this accident?

Is the ordering of pain medication part of the employer duty toward the care of the injured worker?

I have continued pain in my vaginal and perineum area which I should be compensated for.

When I called Mrs. Parham on January 24, 2003, she asked me what problems that I was having that was worker's comp. related and I told her that my whole body was hurting, I have left sided pain, I am nauseated and having dry heaves and my perineum hurts. The doctor in the ER ordered some narcotics and flexeril when I was last injured. Mrs. Parham replied, "Ms. Shiver, if you are having other problems, you need to see your own physician. I was told by Mrs. Parham from Health Works to go to my own doctor.

Mrs. Parham was called on January 24, 2004, because she was not in the office on January 22, 2003. I had been instructed to call Mrs. Mary Kay Parham on Wednesday morning by Ms. Schglione and Mrs. Lenora Bell, the two nursing supervisors because they knew I had already had a bad experience with Dr. Durkin, Coleen Collins, and Barbara Griffin concerning the care of my Achilles tendon, and left foot after the accident of November 15, 2001, where they were taking care of my orthopedic problems. I believe Coleen Collins had gotten into trouble because of her actions but the nursing supervisors wouldn't go into it with me.

The management of Palmetto Health Richland was angry with me saying that I wasn't following their worker's compensation policy and procedure when I followed the direction of the Emergency Room physician and went to my primary doctor as instructed. The emergency room physicians never directed me to go to the nurse practitioners for care nor did they ever direct me to go to Dr. Durkins. Dr. Durkin shouldn't have taken care of the patients anyway because his practice was not up to par. He was the medical director over Health Works and a neurologist.

This was a work related accident. HealthWorks at that time and I believe it is still being staff by nurses only. The accident happened when I was leaving out of the medical records department and I was still on the time clock.

CLARIFICATION OF THE EVIDENCE OF THE CASE FOR WCC FILE NO. 0322274

The defense counselor lied in what he said about me. I called Mrs. Parham as I was instructed to do by the nursing supervisors. It was Mrs. Parham that told me to go to my own doctor. Dr. Durkin is not at HealthWorks on Friday mornings. In addition, he is a

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neurologist and Director of HealthWorks. He is not a person to be doing a vaginal exam, etc. on anybody.

Falling at the hospital does not have anything to do with falling at the hotel. My perineum and vaginal area was hurting me from this fall at the hospital. I don't have a broken pelvis. I have pain because of the ligaments and tendons. My pelvis is not broken and my anus does not hurt.

**CLARIFICATIONS OF MEDICAL EVIDENCE OF THE CASE FOR WCC FILE
NO. 0322274**

I don't know who Ms. Stafford is and no one at HealthWorks repeatedly offered to see me at HealthWorks. Mrs. Parham could not order me any narcotic for pain. All that is written in the record from these two nurses is nothing but lies to try to cover themselves. I don't know why Attorney Lana Sims put them up to it. What I wrote in my letter to the worker's compensation office that is attached to my Form 50 and 58 is accurate. You can see it for the information that you need for this section. (APA 15)

I was supposed to have been sent to the ER that night to be examined, but Mrs. Sass did not send me. In addition she didn't tell me to come back that next morning. Instead, she told me when I came back to work the next day that she would leave the accident report and a note with the evening supervisor and that I must go by the office and fill out the form.

I was sent out to have a CT scan done. These tests were not performed by Dr. Hook.

Mrs. Parham did not say anything about how she tried to get me fired that day while she was making her notes just because I was trying to find out if she wrote orders for narcotic for the pain that I was having since I didn't get any from Coleen Collins with my accident of 11/15/2001. I was never offered a physician and the nurses at HealthWorks were not taking care of me from the incident with my foot.

The nurse practitioner doesn't order the necessary tests, give pain medication, etc., that the injured worker need. There is not a doctor on site to take care of the injured workers. HealthWorks is being run by the nurse practitioners and the occupational health nurses.

The staff in HealthWorks was mistreating me every since I went to them with my first worker's compensation injury. This is especially true of Mrs. Libby Holland. They weren't providing care for me.

**MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION
IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK**

(1175)

**WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE
TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND
CLARIFICATIONS FOR WCC FILE NO. 0321756 DOA 10/23/2003**

Should the claimant be denied an award for her bills simply because she did not bring the invoices even though she had tallied the amount on the attachment sheet?

Should the claimant be denied compensation simply because she was on pain medications and the pain in her side did not hurt the same all of the time?

Was the origin of claimant pain unknown when it was documented in the record?

Should an injured worker be made to leave a physician and go to a nurse practitioner for care?

Did Commissioner Huffstetler err by not seeing the connection of the fall on the cement floor with pain in the right side (rib pain) of the claimant at the time of the accident to continue until treated by Dr. Brandt?

Is it acceptable for a Worker's Compensation Commissioner to cater to the defense attorney and employer against the injured claimant?

Are the emergency room physicians of Palmetto Health Alliance considered and/or agents, employees, or independent contractors as it relates to giving care to injured workers and referrals of these patients under worker's compensation?

Did Commissioner Huffstetler conducted this hearing properly and legally by not asking me anything about my rib pain and how it was being managed?

**CLARIFICATION OF THE STATEMENT OF THE CASE FOR WCC NO.
0321756**

My right foot got caught in the telephone cord and I fell while I was moving. I injured both knees, both wrists, all of left side and back, and whole body except head. I fell on the hard floor in the Medical Records Department. I was sent to the emergency room that night. From there the emergency room physician instructed me to follow-up with my primary physician. (APA 19) The ER physician didn't direct me to the nurse practitioners for care. I should be compensated something for my injuries and something for the aggravation of my gyn condition where I had surgery.

(1176)

At the time of the hearing, I forgot how I had been communicating with Mrs. Libby Holland over at Health Work about a physician. (APA-18). My forgetfulness was due to how Commissioner Huffstetler was treating me and his angry toward me. Also, the defense Attorney Michael E. Chase was being vicious toward me. I was already under Dr. Hook's care and Ms. Sullivan from Key Risk insurance company wanted me to leave Dr. Hook and go to the nurse practitioner. After I had needed some injections in my back for the pain, I was referred from Dr. Hook to Dr. Jones. I didn't know of any physician that gave injections in the back other than Dr. Jones except the physicians at Carolina Spine Institute in Charleston. The physicians in the Carolina Spine Institute will not treat me. Mrs. Sullivan was already very adamant about not paying Dr. Hook for taking care of me. The ER physician at Palmetto Health Richland had given orders for me to follow up with my primary physician. I was already under Dr Hook's care when Mrs. Sullivan wanted me to leave and go to a nurse practitioner.

The request for benefits for line 11a is found on the addendum sheet for the Form 50. I didn't know if I had any permanent disability at that time. I was confused, anxious, and nervous during the hearing because of Commissioner Huffstetler's actions toward me and the defense attorneys' action against me. Commissioner Huffstetler didn't want me to talk, yet he was not controlling the defense attorney Michael E. Chase. I was not offered or provided a physician, especially one who could give me injections in my back for the pain in my back. I was not assigned any more impairment rating. My prior condition was aggravated by the fall.

CLARIFICATION OF THE EVIDENCE OF THE CASE FOR WCC NO. 0321756

I was never on a stand. My employer sent me to the ER and the ER physician sent me to my primary physician. I wasn't directed by the emergency room physician to go to HealthWorks. At the time of these questions, Commissioner Huffstetler was still angry with me which was affecting my behavior and memory at the hearing. I was never offered a physician by my employer. I was only offered the nurse practitioners for care. I had been having trouble with the nurse practitioners and management of the Medical Records Department every since my WCC accident of 11/15/2001 where the Nurse Practitioner Coleen Collins didn't really take care of my foot. I was having a lot of stress because of my continued accidents and I had almost been fired from my job with the accident of January 20, 2003, when Mrs. Annette Sullivan would not let me come back to work because I wanted some pain medication for my pain. Mrs. Parham was the nurse practitioner during this time.

As to the defense attorney's statement "Claimant had previously injured the same body parts in "numerous falls and stuff," I had numerous falls beginning with the falls at Trident Hospital that were worker's comp. related. I wasn't properly taken care of by Trident Hospital and this also involved Attorneys Thomas M. White and E. Douglas Pratt-Thomas. (See the entire book, *The Fall of a Nurse: What is Wrong With Gerly* (APA 16)

(1177)

I was being mistreated over at HealthWorks. In addition, the emergency room physician, Dr. Steven B. Macaruso at Baptist had told me not to go back over to Health Works. Mrs. Holland was one of the main persons who used to give me trouble over at Health Works. I never asked the CEO of Palmetto Health Richland for medical treatment, but I had been communicating with Mrs. Elizabeth Holland. I had added up my bills on the addendum sheet. I have had worker's compensation hearing before and I was never required to bring any medical bills.

I had injured myself in August of 2003, at the Embassy Suites Hotel. I have been having falls and accidents for unknown reasons and I also have some foot injuries that were worker's comp. related. My left heel and Achilles tendon had been injured at Palmetto Health Richland and the injury was not properly taken care of by the Nurse Practitioner, Coleen Collins, Dr. Durkin, Barbara Griffin, and the orthopedic physicians that they had sent me to. This is one of the reasons why the ER physician had told me not to go back over to HealthWorks. The staff over at HealthWorks was not very interested in taking care for me with my worker's compensation injuries because they claimed I was not following their worker's compensation policy. This accident happened in 2003. The first set of left foot injuries occurred at Trident Hospital in 1994 and 1995.

I was only promised 15 hours/ week at K-mart and sometimes I don't get but 9 hours. The pay is only \$6.50 and hour. The work is not good for my health because I am on my feet a lot and I have trouble with my tendons and ligaments as well as some herniated discs in my back. I have back problems, right shoulder, arm, feet, left neck, left shoulder, wrists, cervico-thoracic area, Achilles tendon, etc, which are all worker's compensation related. I have pain and popping in my right shoulder where I was not taken care of at Trident Medical Center. A cashier's job was the only job that I could find after I was fired from Palmetto Health Richland because of my book that I wrote. The defense attorney, Michael E. Chase was behind my firing. Lexington Medical Center would not hire me and I have been forbidden to go to Providence Hospital to look for a job.

I don't know whether the problem that I have would be classified as a phobia, post-traumatic stress syndrome or what. I have not been mentally diagnosed. I was almost kidnapped by a tall white man when I was about 4 ½ years old. I never stated anything about 161 pages. The defense Attorney Michael E. Chase had stood up on the side of the table in opposite me and waved the sheets of paper before me. He had also shoved the letter that I had written the Court Reporter on the table in front of me. She had transcribed some words such as "straight up" and some other street words that I don't use. Even though I don't speak correct English all of the time, I never use these words. **Commissioner Huffstetler didn't stopped Attorney Michael E. Chase behavior toward me. Instead, he stopped me from saying or doing anything.**

I have a herniated disc in my lower back that occurred in 1997, from a worker's compensation accident at Trident Hospital, WCC FILE NO. 9721145 where I was awarded \$10,814.88. I had an automobile accident in 1997, and another one in 2000. I was not responsible for either one of these accidents. The highway patrolman, D. C.

Patrick of Charleston, S. C. had falsified my accident report with my automobile accident of 1997, to prevent me from recovering what I should have recovered.

CLARIFICATION FOR EVIDENCE FOR WCC NO. 0321756

I had an aggravation of my prior back problems with this fall as well as the one in August of 2003. When I fell with this accident, I was complaining of side pain. The ER sheet listed it as left body pain. It was stated on the chest X-ray report as chest wall pain. Dr. Hook states it in his notes and on Dr. Brandt's initial notes for me on February 4, 2005, it states" ...Onset of pain, October 2003, following a fall injury. (APA 20, 21 22). The pain in my left chest wall never stopped hurting. I had chronic pain on the left side and it didn't hurt the same all of the time. It hurt sometimes more than others. In addition, I had gotten some injections in my back by Dr. Jones. The original pain started and never stopped. I didn't complaint of the same thing every time I went to the doctor. In addition, I was on pain medications for my pain, and I was using my heating pad and ice.

I was on Ultram, Bextra, and Lortab. Dr. Hooks had already told me that it takes from six to eight weeks for the injury to heal and something longer. The injury never healed so that why I started to complaint again.

I have been to hearings before and I wasn't required to bring my bills. I had already added up the amount. If the Commissioner had awarded me for my bills, I could have brought the bills by the office of Attorney Chase. He was listening to seven claims that day. I had sent a letter asking for the hearing to be held for two days in light that he was going to listen to seven claims. Commissioner Huffstetler was in a rush that day anyway. By August of 2004, the pain had become chronic. When I went to Dr. Brandt, the pain in my side had gotten worse and it wasn't responding to my pain medications like it had been.

I needed some injections in my back and side. No nurse practitioner could do that. As for Dr. Jones, there is only one other doctor group that I know of that gives injections in the back. The other group is in Charleston and I cannot go to that group because they will not treat me.

MOTION TO ACCEPT NEW EVIDENCE TO INCLUDE ALL INFORMATION IN FOLDER, ADDENDA AND ATTACHMENTS TO FORMS 50, 58, MY BOOK WHICH COMMISSIONER HUFFSTETLER HAS A COPY AND HIS FAILURE TO SEE THAT ALL CLAIMS ARE A CONTINUUM AND CLARIFICATIONS FOR WCC FILE NO. 0616756 DOA 7/16/07

What type of injury did the claimant have?

Was this a repetitive injury, a gradual injury, or a one time instant injury?

(1/17/07)

Is Commissioner Huffstetler wrong by not awarding me any benefits for the injury to my right wrist?

Is the physician forgetting to document the patient's complaint as it related to the right wrist and the fact that the pain developed while using the hole puncher at work constituted the fact that the physician wasn't told?

Was Palmetto Health Richland prejudiced because Dr. Noojin didn't document in his notes as the claimant told him that the pain in the right wrist developed while she was using the hole puncher at work?

If an injured worker is going to an orthopedic specialist for injuries to both knees and left wrist, should she be required to go to a nurse practitioner for an on-the-job-injury to her right wrist when the physician is already affiliated with her employer?

CLARIFICATION OF THE STATEMENT OF CASE FROM WCC NO. 0616756

I developed some pain in my right wrist while I was using the hole puncher at work on 7/16/06. Also, I started to drop things and I had difficulty removing staples. I never used the word "repetitively" to my immediate supervisor, Toni Pait, Dr. Noojin, or the physical therapist. I didn't use the word repetitively on my Form 50 or 58 or the addendum or the attachment. I was doing other things during the course of the shift and I didn't know exactly what type of injury had occurred. It was around 11:15 p.m. that Sunday night when the pain started. I was the only one in the department at that time. The pain in the right wrist wasn't an emergency. I was having similar pain at that time in my left wrist and the pain in my right wrist felt the same. I sent an e-mail to my immediate supervisor, Toni Pait, about the pain that had developed in my right wrist. I communicated to her via e-mail and verbally from then on. The Manager of the Medical Records Department, Barrington Wint, also knew about the pain that had started at work. Each time that I went to physical therapy, I would bring him a copy of the notice that I was receiving physical therapy.

Neither Toni Pait, Barrington Wint, or Annette Sullivan ever told me that I had to go over to Health Works to the nurse practitioner for my right wrist when I communicated to Toni Pait that the nurse practitioner, Jean Massey, in Dr. Hook's office was already sending me to an orthopedic, Dr. Noojin for some other orthopedic problems that I was having. My left wrist and both knees had been injured in a fall at Red Hill Baptist Church on May 20, 2006. These were the majority of my injuries. All of them were aware that I was going to Dr. Noojin and receiving physical therapy for my injuries. I never refused treatment from my employer because I was never told that I had to go to Health Works to the nurse practitioner for my right wrist while I was going to Dr. Noojin

(1180)

for my left wrist and both knees or go the nurse practitioner for my right wrist in addition to going to Dr. Noojin. Toni Pait was my immediate supervisor, Barrington Wint was the Manager over the Medical Records Department, and Annette Sullivan is the Director of the Medical Records Department.

I never refused treatment from my employer because my employer never told me that I had to go to the nurse practitioners instead of the physician that is associated with the hospital. When I was sent over to the coordinator of worker's comp. at Health Works by Barrington Wint, she told me that she was not going to make me change doctors since I was already going to Dr. Noojin.

CLARIFICATION OF THE EVIDENCE OF THE CASE FOR WCC NO. 0616756

I didn't know how to respond to the question of how many times a minute that I used the hole puncher. Second of all, I didn't know what Commissioner Huffstetler was talking about. The question had seemed stupid to me at the time. I was using the hole puncher when the pain started. I had worked in the Medical Records Department for over six years and never once did I count how many times that I used the hole punch per minute during the shift. I never said the word "repetitive" to anyone, nor did I ever classify my injury as being repetitive. I never indicated on any of my papers that the injury was repetitive.

Dr. Noojin didn't finish with my care until January of 2007. I visited the coordinator in September of 2006. On October 6, 2006, I was terminated from my employment because the defense Attorney Michael E. Chase took my book that I had written, *The Fall of a Nurse: What is Wrong With Gerly*, and gave it to the hospital and caused me to be fired from my job. On the day of my firing, Barrington Wint, the manager of the medical records department escorted me out of the hospital in to the parking lot of the north garage grinning.

Around November or December of 2006, Mr. Willis Gregory had accused me of wanting to put a bomb in the hospital. Other members on the dispute resolution panel were also accusing me of it. They also accused me of inciting other people to do it.

The farthest that I ever went near the hospital again since my firing was to keep my appointments with Dr. Noojin since I had been accused of wanting to put a bomb in the hospital. I was an assembly and analyze specialist. Trina Perkins, the morning specialist, was responsible for retrieving charts and putting them together. When she was absent, I sometimes picked up the charts and put them together. At the time of this accident, we were into the electronic medical record and there was very little filing to do. I had some stapling to do, but not that much. Also, we had cut down on some of the making of the paper record, and we had cut down on some of the paper work, such as the lab reports and other reports that we used to put in the chart. A lot of the documents were stored on the computer under Cerner.

(1181)

CLARIFICATION OF THE MEDICAL EVIDENCE FOR WCC 0616756

Dr. Noojin was told about the pain in both wrists and splints were applied to both wrists by the orthopedic tech. Why he did not document the fact that the pain in my right wrist had developed from using the hole puncher, I don't know. He did examine both wrists before splints were applied to them. I did complain of pain in my right wrist and I showed Dr. Noojin how I was using the hole puncher at the time that I developed the pain, but this was not documented by Dr. Noojin. I first felt the pain as I was using the hole puncher around 11:15 p. m. that night and this was getting near the end of my shift.

I believe I was getting off work at 12:30 a.m. during these times. On Dr. Noojin's order for physical therapy dated 7-26-2006, the diagnoses are Wrist Sprain & 717.7-BI. (APA 23) Although the physical therapist documented the wrong wrist and added "repetitive" after I showed him how I was doing the motion, I never said that it was repetitive. There was some documentation to the fact that it was strained at work. (APA 24) There was some communication between the therapist and Dr. Noojin. I did receive therapy on the right wrist. (APA 25) **The coders in the office and the therapists took the Order to mean both wrists and both knees.** The coder said that the order meant both wrists. (This was checked with the coder after the hearing.) Subsequently, I received physical therapy on both wrists and both knees. I would bring a copy of my excuse after each physical therapy session and give a copy to Barrington Wint, the manager of the Medical Records Department. This is what Mrs. Toni Pait, my immediate supervisor told me to do. (APA 26). Although some may be missing, I gave Barrington Wint a copy of the excuses up until the day of my firing. **Palmetto Health Richland was not prejudiced because I did receive treatment to the right wrist to lessen the affect of the injury.** (APA 27)

I don't know why Dr. Noojin didn't document the pain in my right wrist on the first day that I went to him. He may have forgotten with his busy schedule or he may have just wrote about what was on the referral sheet from Jean Massey NP. I never had any reason to suspect that he would not document truthfully or omit something deliberately because he was never abusive to me nor talked to me roughly. He was always kind and gentle when I went to see him. Some modifications are going to have to be made to the medical record since this is my right.

I couldn't have reported the pain in my right wrist to Jean Massey on 6/21/06, because I develop pain in my right wrist on 7/16/06. I did not have a work related injury at the time of this visit to Nurse Practitioner Massey.

At the time of the hearing, I didn't know that there was a problem with my medical records nor did I suspect that there was something wrong with it. I wasn't aware that Dr. Noojin had given me a rating since the injuries involves the tendons as I was led to believe that they don't have any ratings for the tendons and ligaments. No monetary value is assigned in the laws for the tendons, ligament, and joints of the human body.

(1182)

Attorney Michael Chase already had my medical records. He had already sent for them twice.

FINDINGS OF FACT FOR ALL CLAIMS

4. I had sent a letter requesting that the hearing be held over two days. Previously, Attorney Chase had sent me a letter where he was asking for a full day for the hearing. I knew that there was a lot of history and that it was long concerning my claim 9503744 of January of 1995, which needed to be explained. Also, I saw these seven claims as being a continuum, not separate and distinct. WCC NO. 0616756 is not included in the book because it happened after the book was published. If you follow the time line in my book, *The Fall Of A Nurse: What Is Wrong With Gerly?*, you will see that it does, too. This is why I asked for my January claim of 1995 at Trident Hospital to be held with these of Palmetto Health Richland. My WCC NO. 9721145 is also related. They are all built on one another, especially when I came from Charleston with the same body parts already injured that was injured again at Palmetto Health Richland.

5. I was never advised regarding my right to counsel and warned regarding proceeding *pro se*. Twice during the hearing Commissioner Huffstetler said that I had 14 days to do an appeal. I wrote this down on my pad. I was never given any warning about anything for having my case. Commissioner Huffstetler became angry at me when I told him what Commissioner Mickle had done and about Attorney Thomas White. He never asked anything about the posture of this case before he said that the claims were all separate and distinct. Neither one of the attorneys or myself agreed with that.

I had previously received a letter from the Commissioner before Huffstetler that Worker's Comp. had jurisdiction over my case.

7. I have never worked as an administrator. I have only lost one job where I was accused of mistreatment of patients.

This happened in 1998, when I was fired from Trident Hospital after I had the worker's compensation accident, WCC NO. 9721145. At this time, a group of white nurses had lied on me about mistreatment of patients so that I could get fired from my job because of this worker's compensation claim where a Jewish patient had hurt my back and left me with a herniated disc. This was the only nursing job that was worker's compensation related.

Bridgett Denzik, the nurse manager, was making fun of me and picking at my penmanship which had become worst after my January 23, 1995 accident at

(1183)

Trident Hospital where I never received the proper treatment or an MRI and where the insurance company and some of the white people were mistreating me. This was where Attorney Thomas M. White and Attorney E. Douglas Pratt-Thomas and Commissioner Bryan Lyndon deliberately ruined my case. Thereafter, I have been suffering mentally and physically from what they did to me under worker's compensation.

The other times, I was falsely accused by the white nurses. I believe one involved an order from a chart. I had stayed over late to do some orders. I was basically a new black graduate during these times trying to work in a mostly white profession. This was mostly racism, jealousy, and envy. My problems had started in my last year of nursing school at Richland Memorial Hospital where I almost made a medication error. My instructor had tried to keep me from graduating.

As a result of this incident, I was black balled in the nursing as well as the medical community in Columbia, etc. This was compounded when I had so much trouble with Trident Hospital in Charleston, S. C. Now with this case which also ended at Palmetto Health Richland, I have been fired from my Health Information Management job because of a book that I wrote about my life. It wasn't because of my job performance.

8. My victimization is not alleged. These things actually happened to me. Now I am being victimized once again by the defense attorney Michael E. Chase and Commissioner Huffstetler.
9. I don't have extensive experience with worker's compensation. I still don't know exactly how this system work and why some of the commissioners lie and don't treat and talk to me right. I only have two more cases pending. These are the claims that Attorneys White, Pratt-Thomas and Commissioner Bryan Lyndon ruined for me. The third claim concerns an occupational disease and I am not sick. I won one of my worker's compensation cases because the Commissioner was Holly Atkins. She was very professional and fair and she did not get angry with me. She did not talk rough or mistreat me in any way. She never became angry with me.

I have had some worker's compensation injuries, but I have not been treated fairly with them. This is to include how the doctors, nurses, and the employers treat me when I try to do the right thing. I have had more than my share of abuse. I had attorneys to help me with the motor vehicle accidents at least part of the way.

10. I didn't know what I was doing. I have never been taught how to handle worker's compensation cases and the attorneys wouldn't help me. I have never worked in the legal field before. I have just picked up some information because a few attorneys have been kind enough to give me some pointers. If I had known

(1184)

what I was doing and had the money and time, I would have served them properly.

FINDINGS OF FACT FOR WCC NO. 9503744

12. It was Attorney Allison White that first said he yelled. Perhaps it was the wrong word. He has talked to me very rough and he used to be very angry with me while I was in Charleston in 1995 until the time that he was taken off of my claims. He was also controlling. I had talked about what he did to me in my book and none of these things were lies. He has cursed me and cursed to me about my former doctor. I never could figure out why he was mistreating me and why he used to be very angry with me. He threw the worker's compensation check at me. He also had me closed up in the room where I had to squeeze my body between a table and chair.
13. I was sick at this time and didn't know it. I never went on my own to a psychologist and I don't believe in them. I never went to talk to a Priest about it.
14. This Consent Order **should not be binding** because of the way my signature was gotten on the form. Commissioner Huffstetler is making it binding because he is angry with me.
15. I believed that this information was already in my folder, since this was an old case. I am submitting a check stub and a letter and the papers of the figuring. (APA 18.) I should be paid for my second job.
16. There wasn't any physical force which I think Commissioner Huffstetler took out of context, but she was angry and gave me several ultimatums. One was that if I had to accept the money that was offered, then she would clinch up all of my cases. I have a back injury.
18. I took a letter on September 5, 2007, to Commissioner Huffstetler office where I was requesting an MRI to my shoulder.
20. I had been offered a settlement before. Why am I not entitled to the settlement now?

FINDING OF FACT FOR WCC NO. 0126962

21. The hospital physician didn't take care of my foot. The Worker's Compensation Commission can't make a physician take care of an injured worker.
22. They need to pay some more since they didn't take care of me.

(1185)

have to go through a nurse practitioner, and that how it has always been. I didn't want any more confrontation with these nurses. If the nurse practitioners don't want you to see a doctor, then she will not refer you to one. These answers were obtained by the way Commissioner Huffstetler phrase the questions. I never talked to the CEO of the hospital about a doctor.

The Nursing supervisor sent me to the ER, and the ER physician sent me to my physician. I had communicated with Mrs. Sullivan, but she was adamant that I leave my doctor to go back over to Health Work to a nurse practitioner. I went to Dr. Jones after I received a referral from Dr. Hook to go.

Commissioner Huffstetler asked this question the way that Attorney Michael E. Chase had asked him to so that my benefits could be denied. He was biased the whole time. I did request treatment. No nurse practitioner can give injections in the back. The nurses were rough with me and they spoke rough to me, especially Libby Holland.

43. I didn't know I have to submit any bill, etc. I never did it before. The insurance company paid most of my medical bill and the insurance company still have their EOB.'s. Attorney Lana Sims office were getting theirs from Blue Cross ad Blue Shield. If I was awarded payment for my medical bills, this could have been brought over to the office. I am only a claimant and I never had to do this before. Commissioner Huffstetler was rushing anyway, and he won't have taken time to go through the bills with seven claims, especially with the first one having a long history.

FINDINGS OF FACT FOR WCC NO 0616756

46. I developed pain in my right wrist while using the hole puncher.
47. I use the hole puncher throughout the shift. I never counted the number of times I used it.
48. Dr Noojin was aware of the work injury, he just didn't document anything.
49. The defense attorney Michael E. Chase had all of the notes.

CONCLUSIONS OF LAW

Isn't the employer responsible for acts of other employees upon an employee?

(1182)

23. I was made to work. I was not given any time off of my feet by the nurse practitioners.
24. I do have permanent disability to my left foot to include the Achilles tendon, heel, and ankle. This injury has been combined with my previous injury which occurred at Trident Hospital.

FINDINGS OF FACT FOR WCC NO. 0217755

26. The emergency room physician sent me to my physician, not to Health Works which is staff by nurse practitioners. The Code of Laws of South Carolina didn't speak to the nurse practitioners taking care of the injured worker.
27. Attorney Lana Sims was already aware of me asking for compensation for my herniated discs and sciatica. This was indicated on my attachment forms and was discussed in December of 2006 when I went to him for a deposition.
28. I had and still have some sciatica.

FINDINGS OF FACT FOR WCC NO. 0227098

30. The emergency room physician told me to follow-up with my primary physician. HealthWorks is staff by nurse practitioners. Lori Sharpe did give permission for Dr. Jones to treat my neck.
31. Defendant needs to pay for all treatment.
32. Attorney Lana Sims was already aware of the discs and the sciatica. The issues were on the addendums and attachments in my folder.
33. I have some more discs in my lower back that was caused by the fall.

FINDINGS OF FACT FOR WCC NO. 0322274

35. I followed the emergency room physician's instructions to follow-up with my own doctor. There are no doctors at Health Works.
36. The issues were on the addendums to the Form 50.
37. I have some more disability to my neck. I was not awarded anything for the aggravation of my neck

(11 86)

3. Defendants are supposed to send the injured worker to a physician not to a nurse practitioner.
6. I was forced to sign this document after the insurance company kicked me out of worker's compensation. **This Consent Order should not be binding.**
7. I still have pain and popping in my right shoulder. I have a bad penmanship.
9. I never received an MRI of my right shoulder which I needed.
10. If an employee injured another employee, the employer is responsible for any disability that occur.
11. If the commissioner would have accepted the two foot accidents together, the one from Trident Hospital and the ones from Palmetto Health Richland, he would have seen that there is some disability. Because of his anger toward me, he was very biased.
12. I never receive this money which I should have received ever since 2002.
13. I have some more discs in my lower back and I suffered from sciatica. I am not an attorney to know how to raised such issues. No questions from the Commissioner were geared toward my defense.
14. I do have some additional discs in my sacral area and some sciatica.
16. Part of this section that related to me was left out about my continued care. I still have some residual throat pain. All of Dr. Jones notes that pertain to me were not included.
17. I don't have my medical notes as it pertains to my throat and the muscle tension dysphonia. (Hopefully, these will be forthcoming)
18. I never received any care from HealthWorks with this accident because Mrs. Parham told me to go to my own doctor. In addition, Mrs. Parham caused me to be on suspension for a whole week because I wanted some pain medication.
19. I have continued pain in my vaginal area and perineum area. I need some partial disability.
20. I can't prove pain in the vaginal and perineum area because I am the only one feeling it.
22. My gyn conditions were aggravated by the fall up until the point that I had surgery.

(1/1/88)

23. There are the first notes of the accident, Dr. Hook notes, and Dr. Brandt's notes.
24. The medical bills are all part of my medications, my co-payments and the insurance EOB statements for surgery, MD bills, etc. These could have been brought by the office if I had been awarded payment of such by Commissioner Huffstetler. Since he was angry with me about Attorney White and Commissioner Mickle, this impaired his mind to be just and fair toward me. He never even asked about any bills. He just focused on making me nervous and confused. He never had any intentions of listening to me.
25. I should have been awarded something for the aggravation of my back. I had some injections in my back. I had to have gyn surgery. I had to have multiple injections from Dr. Brandt in my intercostals area. I was never asked about these things by Commissioner Huffstetler. He jumped to all his conclusions without ever asking me anything. He was catering to the defense attorneys, especially, Michael E. Chase.
26. I didn't claim that my wrist injury was repetitive. I never used the word "repetitive". The pain in my wrist developed while I was using the hole puncher. I first felt the pain while I was using the hole puncher.
27. This was a worker's compensation injury, and therefore I am entitled to an award.

ORDER

Should Commissioner dismissed all of my claims with prejudice even though I have permanent injuries to my tendons, ligaments, and joints, and it is easy for these member of my body to be injured again because of multiple trauma?

No appropriate medical treatment was given to me with my Achilles tendon, heel, and foot injury. The consent order was not entered into with my free will and nothing was explained to me. That was something that was deliberately done to me by Attorney Thomas M. White, with Attorney Pratt-Thomas backing and Commissioner Bryan Lyndon. I didn't willingly gave up my rights to my other injuries.

I still have some pain and popping in my right shoulder and the difficulty with my penmanship. I do have some permanent impairment to my right shoulder. I do have some permanent partial disability to my shoulder and right foot, and Trident Hospital should pay for it. My injuries were sustained at the hospital. Furthermore, I had been offered a settlement by Commissioner Mickle and Attorney E. Douglas Pratt-Thomas. The offer was declined because she wanted to clinch up all of my remaining claims, which wasn't acceptable to me.

(1189)

Should Commissioner dismissed all of my claims with prejudice even though I have permanent injuries to my tendons, ligaments, and joints, and it is easy for these member of my body to be injured again because of multiple trauma?

No appropriate medical treatment was given to me with my Achilles tendon, heel, and foot injury. The consent order was not entered into with my free will and nothing was explained to me. That was something that was deliberately done to me by Attorney Thomas M. White, with Attorney Pratt-Thomas backing and Commissioner Bryan Lyndon. I didn't willingly gave up my rights to my other injuries.

I still have some pain and popping in my right shoulder and the difficulty with my penmanship. I do have some permanent impairment to my right shoulder. I do have some permanent partial disability to my shoulder and right foot, and Trident Hospital should pay for it. My injuries were sustained at the hospital. Furthermore, I had been offered a settlement by Commissioner Mickle and Attorney E. Douglas Pratt-Thomas. The offer was declined because she wanted to clinch up all of my remaining claims, which wasn't acceptable to me.

If Commissioners Atkins, and Mickle saw the liability of my injuries on Trident Hospital, why can't Commissioner Huffstetler see it. I believe this is a case of bias and conflict of interest on his part.

(1190)

STATE OF SOUTH CAROLINA	)	BEFORE THE
COUNTY OF RICHLAND	)	SOUTH CAROLINA WORKERS'
<i>Gertrude Shiver</i>	)	COMPENSATION COMMISSION
	)	
Claimant,	)	W.C.C File No. 0217755
vs.	)	
<i>Palmetto Health Richland</i>	)	<u>MOTION FOR SANCTIONS FOR NON-</u>
	)	<u>COMPLIANCE WITH PAYMENT OF</u>
Employer/Defendant.	)	<u>STATUTORY BENEFITS</u>
	)	

**TO: LANA H. SIMA, Jr., ESQUIRE, ADAMS AND REESE LLP, ATTORNEY
FOR THE DEFENDANT:**

PLEASE BE ADVISED that the claimant will move before the appropriate Commissioner for an Order requiring the Defendant to provide the following:

1. On March 23, 2002 claimant, Gertrude Shiver, sustained an injury to her lower back and aide during the course and scope off her employment at Palmetto Health Richland. The Defendant admitted the claims and agreed to persuade claimant with the following: a) temporary total disability compensation from March 23, 2002 through April 8, 2002; and b) full payment of all authorized medical treatment and care.

(1191)

2. As of today's date, the Defendant has not provided temporary total compensation or paid all authorized medical costs.

3. Fourteen (14) years have passed and the Defendant has refused to provide temporary total compensation and payments of all authorized medical cost without filling a form 21 or 17 as required by Regulation 67-506 of the South Carolina Case.

4. Claimant has appealed the instant case to the South Carolina Court of Appeals, raising the issues that the injuries she sustained to her lower back and side on March 23, 2002 aggravated a pre-existing condition, infirmity or disease which is compensable under the workers' compensation statute. See Mullinax v. Winn-Dixie stores, Inc., 458 S. E. 2d 76 (S.C. App. 1995); Thompson Ex Rel. Harvey v. Cisson const., 659 S. E. 2D 171 (S. C. App. 2008). On appeal, Defendant does not contest payment of temporary total compensation and all medical cost and agreed to do so.

WHEREFORE, the claimant is informed and believes that the Defendant should be required to authorized and provide the following: 1) temporary total disability compensation from March 23, 2002; 2) All temporary total compensation owned to date; 3) Payments of all authorized medical treatment and care; and 4) Sanction as further directed by the commission for failing to comply with its agreement and to have had promised payment of temporary total compensation and all causally-related medical care and treatment.



Gertrude Shiver

Claimant Pro Se

Columbia, South Carolina

November 2, 2010

MOTION REQUEST

Gertrude Shiver vs. Trident Regional Medical Center and Palmetto Health Richland Hospital WCC Cases: 9503744, 0126962, 0217755, 0227098, 0321756, 0322274, 0616756.

RE: Request for a Motion to include additional documents and time to obtain funds for an MRI of the right Shoulder.

I would like to submit a motion to include additional documents so that a truer, clearer, and completer picture of the facts of my case can be presented to the Worker's Compensation Commission Panel.

In addition, since I don't have adequate medicals concerning my right shoulder, I would like the opportunity to get an MRI. I believe I can now get an orthopedic physician to order an MRI of my right shoulder which I had not been able to do in the past. An MRI will cost approximately \$1,300 - \$1,500, if not more. Unfortunately, since I was fired from Palmetto Health Richland Hospital in October of 2006, I have been unemployed or underemployed and living way below the poverty line.

At the present time, I don't have any health insurance or funds to pay for an MRI. It will take me approximately six months or more to save up enough money to have an MRI of my right shoulder done. I need an MRI to try to identify the source of the continued pain in my right shoulder and to try to identify what is affecting my penmanship. I am still having difficulty trying to lift moderate to heavy objects. Sometimes, I have difficulty lifting light objects and using my right arm and shoulder. I am right handed dominant.

After I was injured and in the process of receiving care at Trident Industrial Medicine under Dr. Andrus, I was deliberately taken from under Trident Regional Medical Center's worker's compensation physician by the Worker's Compensation Insurance Carrier Alexis Insurance Company and various employees of the hospital. I never received any more care for my right shoulder, etc. by the said hospital or any orthopedic physician even though an Order was given by Commissioner Bryan Lyndon for continued care of my injuries. Thank you.

Sincerely,

Gertrude Shiver

(1193)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF
COMMON PLEAS
CASE NO: 2008-CP-40-00703

Gertrude Shiver,
Employee/Appellant,
vs.

Palmetto Health Richland,
Employer/Respondent,
And

Key Risk Management,
TPA/Respondent,
And

Palmetto Hospital Trust,
Carrier/Respondent,
And

Trident Regional Medical Center,
Employer/Respondent,
And

Zurich American Insurance Company,
Carrier/Respondent.

RESPONDENTS' MOTION TO
DISMISS THE INTERLOCUTORY
APPEAL

Respondents move to dismiss this interlocutory appeal from the South Carolina Workers' Compensation Commission (the Commission) to the circuit court for lack of finality.

PROCEDURAL HISTORY

This appeal involves seven workers' compensation claims filed by Appellant between 1995 and 2007. The Commission consolidated all seven claims and a single Commissioner held a hearing to address them on September 4, 2007.

In an Order dated October 23, 2007, the hearing Commissioner found Claimant was not entitled to benefits under the Workers' Compensation Act for any of the claims. (R. p. 94). On November 5, 2007, Appellant mailed a letter to the Commission stating "I would like to make a motion for the workers' compensation commission to consider[] my attachments and addendums

(1194)

that are already in my files. . . ." (R. p. 8). The letter also included lengthy arguments addressing the merits of her claim. (R. pp. 9-34). The Commission treated the letter at that time as a Motion to Include Additional Evidence.

On December 6, 2007, the Full Commission denied Appellant's motion to admit additional evidence. (R. p. 5). The Full Commission found the "evidence sought to be introduced into the record [did] not meet the criteria for after discovered evidence. (R. p. 4). The evidence [was] already in the file in one form or another." (R. p. 4).

Only recently has it been brought to Respondents' attention that the Commission now takes the position that a determination on the merits of this claim is still pending before the Full Commission. Respondents were unaware of this, particularly given Appellant never filed a Form 30 request for review of the hearing Commissioner's October 23, 2007, Order. It now appears the Commission construed Appellant's November 5, 2007 letter as both a motion for the submission of additional evidence and an appeal on the merits. Notwithstanding, the Full Commission only ruled upon the motion to admit additional evidence and it did not address the merits of Appellant's claim.

On January 30, 2008, Appellant appealed the denial of her motion to admit additional evidence to this Court. She did not file a record on appeal and, as a result, the Clerk of Court did not set the appeal for a hearing until March 12, 2010. That hearing was postponed at Appellant's request. A hearing on the denial of Appellant's Motion for Additional Evidence has been reset for April 16, 2010.

LAW/ANALYSIS

This interlocutory appeal should be dismissed given it does not arise out of a final agency determination on the merits.

Appellate review of workers' compensation decisions is governed by the Administrative Procedures Act. *Geathers v. 3V, Inc.*, 371 S.C. 570, 576, 641 S.E.2d 29, 32 (2007). An appeal

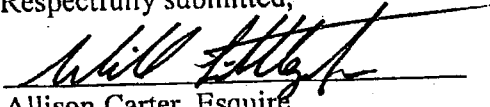
from an interlocutory order of the Workers' Compensation Commission to the circuit court will not lie unless such order affects the merits or deprives the appellant of a substantial right. *Green v. City of Columbia*, 311 S.C. 78, 79-80, 427 S.E.2d 685, 687 (Ct. App. 1993). An order involves the merits if it is a final judgment on a substantial matter forming the whole or part of some cause of action or defense in the case. *Id.* Moreover, an order is a final judgment on one or more issues if it constitutes an ultimate decision on the merits. *Brown v. Greenwood Mills, Inc.*, 366 S.C. 379, 622 S.E.2d 546 (Ct. App. 2005).

Here, the Full Commission did not rule on the merits of Appellant's claim. The Full Commission merely ruled on the motion to admit additional evidence. This is supported by the fact the merits of Appellant's claim are currently pending before the Full Commission. Accordingly, the Full Commission's interlocutory order denying additional evidence is not a final judgment and this appeal should be dismissed for lack of finality. *See e.g. Hunt v. Whitt*, 279 S.C. 343, 343, 306 S.E.2d 621, 622 (1983) (holding interlocutory order of the circuit court remanding the workers' compensation matter for taking additional medical evidence did not involve the merits of the action and therefore was not reviewable by the court for lack of finality). The Respondents did not file a motion to dismiss prior to this time as they believed that the Claimant had only appealed the denial of the motion for additional evidence, not the merits of the claims. Obviously, had the Appellant not appealed the merits of the claim, then the current appeal would not be interlocutory. However, since she has a pending appeal before the Full Commission on the merits of the single Commissioner's Order, this appeal should be dismissed and the case should be remanded back to the Full Commission for an appeal on the merits. After that appeal, the Appellant can then decide if she still wishes to appeal the denial of the motion to include additional evidence and all appeals can be consolidated before the Circuit Court.

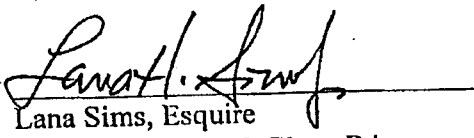
CONCLUSION

Based on the foregoing, the Full Commission's interlocutory order is not a final judgment and this appeal should be dismissed for lack of finality. The case should be remanded back to the Full Commission for the appeal on the merits of the single Commissioner's Order.

Respectfully submitted,


for Allison Carter, Esquire
WILLSON JONES CARTER & BAXLEY, P.A.
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464
Attorney for Respondent Trident Regional Medical
Center & Zurich American Insurance Company

Michael Chase, Esquire
Turner, Padgett, Graham & Laney, PA
P.O. Box 1473
Columbia, SC 29202
Attorney for Respondent Palmetto Health Richland
and Key Risk Management


Lana Sims, Esquire
Ellis, Lawhorne & Sims, PA
P.O. Box 2285
Columbia, SC 29202
Attorney for Respondent Palmetto Hospital Trust
and Palmetto Health Richland

Date: March 30, 2010

(1197)

CONCLUSION

Based on the foregoing, the Full Commission's interlocutory order is not a final judgment and this appeal should be dismissed for lack of finality. The case should be remanded back to the Full Commission for the appeal on the merits of the single Commissioner's Order.

Respectfully submitted,

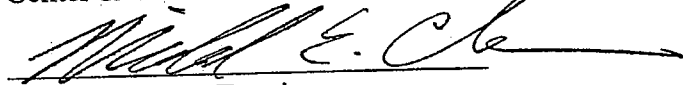
Allison Carter, Esquire

WILLSON JONES CARTER & BAXLEY, P.A.

421 Wando Park Boulevard, Suite 100

Mount Pleasant, SC 29464

Attorney for Respondent Trident Regional Medical
Center & Zurich American Insurance Company



Michael Chase, Esquire

Turner, Padgett, Graham & Laney, PA

P.O. Box 1473

Columbia, SC 29202

Attorney for Respondent Palmetto Health Richland
and Key Risk Management

Lana Sims, Esquire

Ellis, Lawhorne & Sims, PA

P.O. Box 2285

Columbia, SC 29202

Attorney for Respondent Palmetto Hospital Trust

Date: March 30, 2010

(1198)

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 9558431

Gertrude Shiver,	)	
	)	
Employee,	)	
Claimant,	)	
	)	
vs.	)	
	)	
Trident Regional Medical Center,	)	RETURN TO CLAIMANT'S MOTION TO
	)	SUBMIT ADDITIONAL EVIDENCE
Employer,	)	
and	)	
	)	
Zurich American Insurance Company,	)	
	)	
Carrier,	)	
Defendants.	)	

In response to the Claimant's Motion to Submit Additional Evidence, the Defendants would argue as follows:

STATEMENT OF THE CASE

After the hearing before the single Commissioner in this case, the Claimant filed a letter to the Commission asking for additional evidence to be submitted and addressing the merits of the single Commissioner's Order. This letter was not properly served on the Defendants in this matter but was received by them after reviewing the physical file at the Workers' Compensation Commission. Apparently, the Commission at that time reviewed the letter as a Motion for Additional Evidence and also designated in the file that the Claimant had filed a Form 30 appeal of the single Commissioner's Order. The Full Commission, in an Order dated December 6, 2007, denied the Claimant's Motion to Include Additional Evidence. The Claimant at that time filed a Petition for Appeal to the Circuit Court. When the Defendants discovered that the Workers' Compensation Commission still had an appeal on the merits of the single Commissioner's Order pending before the Full Commission, the Defendants made a motion to the Circuit Court to remand the Claimant's appeal of the denial for the Motion to Include Additional Evidence so that the Full Commission could issue an order on the appeal on the merits. After that is done, obviously the Claimant can appeal both of these issues if she prefers to the Circuit Court at one time. Therefore, this case has come before the Full Commission as remanded by the Circuit Court for an appeal on the merits of the single Commissioner's Order dated October 23, 2007.

(1199)

The Claimant has now filed a Motion requested dated November 2, 2010, in which she asks to be able to include additional documents "so that a truer, clearer, and completer picture of the facts" can be presented to the Full Commission panel. She additionally appears to ask for the ability to submit an MRI of the right shoulder which has not been done.

The Defendants, Trident Regional Medical Center and Zurich American Insurance Company, would object to the Claimant's current motion to include additional documents and to include an MRI which has not yet been done. The Claimant has not established the grounds to admit additional evidence pursuant to Regulation 67-707 (c). The Claimant has not demonstrated what documents she wants to submit, so it is difficult to even determine how the Regulation would apply. Clearly, if a party is seeking to submit additional evidence, they must present the actual evidence they seek to admit. In this case, at the hearing before the single Commissioner, the Claimant appeared with over fifty pages of medical records which she had not submitted to the parties in a timely manner. All Defendants unanimously agreed to let the Claimant put in any documents she had at the time of the hearing so that the truest, clearest and most complete picture of the case could be presented to the single Commissioner. Therefore, there certainly does not appear to be any evidence which would have likely produced a different result if it had been procured at the first hearing. Not knowing what evidence the Claimant seeks to introduce, she has not met the burden of proving that the evidence was not known to her at the time of the first hearing.

As far as the MRI is concerned, clearly Regulation 67-707 is not meant to encompass evidence which is not in existence at the time the Motion to seek additional evidence is filed. While it is certainly understandable that the Claimant has been in a position that she was not able to afford to do an MRI of her right shoulder, there is no evidence that an MRI to her right shoulder at this point in time would have produced a different result in front of the single Commissioner. The single Commissioner found that the Claimant did not establish any permanent partial disability to any body part and that she failed to prove she was entitled to additional temporary total disability benefits or medical benefits. If the Claimant is successful in overturning this decision in front of the Full Commission, then the Defendants would be required to pay for an MRI to the right shoulder anyway. Therefore, an MRI to the Claimant's right shoulder being done at this point in time is irrelevant unless and until the Full Commission found one of the Defendants to be liable to her for some type of benefits under the South Carolina Workers' Compensation Act.

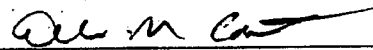
The first accident that we are discussing at this time occurred on January 23, 1995. The hearing on this matter was held on September 4, 2007. To allow the inclusion of additional evidence at this point in time is simply not warranted under the facts of this case or Regulation 67-707. Additionally, the Claimant had already made a Motion to include additional evidence before the Full Commission which was denied.

(1700)

Based on the facts as stated above, the Defendants Trident Regional Medical Center and Zurich American Insurance Company request that that the Claimant's Motion to Include Evidence hereby be denied.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.



Allison M. Carter, Esquire
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464
Attorneys for Defendants

Date: November 12, 2010

(1201)

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STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Gertrude Shiver,)

Employee,)

Claimant,)

Palmetto Health Richland,)

Employer,)

Palmetto Health Trust,)

Carrier,)

Defendants.)

BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

(FRONT DESK)

SC Workers' Comp Comm

W.C.C. File Number: 0217755

REPLY TO CLAIMANT'S MOTION FOR
SANCTIONS AND/OR MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER
JURISDICTION

TO: GERTRUDE SHIVER, CLAIMANT PRO SE:

YOU WILL PLEASE TAKE NOTICE that Defendants, by and through its undersigned attorney, hereby moves the Commission, motion to be heard on the tenth day following service hereof, or as soon thereafter as counsel might be heard, for an Order dismissing the above-captioned claim on the basis that the Commission lacks subject matter jurisdiction.

In support of its Motion, Defendants will show:

1. The Claimant, Gertrude Shiver, sustained an admitted injury by accident to her lower back on March 23, 2002. This claim was consolidated with six (6) additional claims for hearing before the South Carolina Workers' Compensation Commission (the "Commission").

(1202)

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2. On September 4, 2007, the Honorable David W. Huffstetler, Commissioner, South Carolina Workers' Compensation Commission, heard the aforementioned (FRONT DESK) hearing. By Order dated October 23, 2007, Commissioner Huffstetler separately addressed each claim heard before him.
3. Regarding WCC File Number 0217755, Commissioner Huffstetler found; that Claimant had sought out unauthorized medical treatment, for which the Defendants were not responsible; that Claimant did not suffer any permanent disability; that Defendants did not contest the payment of temporary total benefits from March 23, 2002 through April 8, 2002; and that Defendants had submitted evidence showing they had paid all authorized medical costs. The Order did not command Defendants to pay any temporary total disability benefits at that time.
4. On November 5, 2007 and before Defendants could pay any temporary total disability benefits, the Claimant wrote to Commissioner Huffstetler asking to submit additional evidence as to her claims as well as addressing the merits of the single Order. The Commission treated her letter as a motion for additional evidence and a Form 30 appeal of the single Order.
5. By a December 6, 2007 Order, the Full commission denied the Claimant's motion for additional evidence but did not address her appeal on the merits. Claimant then filed a petition for appeal to the Circuit Court, but this appeal was dismissed as interlocutory and the matter was remanded to the Full Commission for a determination of the merits of Claimant's appeal of the October 23, 2007 single Order. Appellant made a second motion for additional evidence on November 2, 2010, which was subsequently denied by the Full Commission.

(1203)

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6. The Full Commission considered the appeal on the merits of the single Order without oral argument, on February 24, 2011, and in a May 3, 2011 Order, the (FRONT DESK) affirmed Commissioner Huffstetter's Order in its entirety. 30 Workers' Comp Comm
7. Claimant then sent a May 28, 2011 letter to the Commission stating her intent to appeal the Full Commission's Order to the Circuit Court. On June 1, 2011, the Claimant again filed a petition for appeal in the Circuit Court, this time as to the Full Commission's affirmation of the merits of the single Order.
8. A hearing on the Claimant's appeal to the Circuit Court was held on November 1, 2012, before the Honorable Alison Renee Lee. Judge Lee issued a March 25, 2013 Order affirming the Full Commission's Order in its entirety. By letter dated April 22, 2013, the Claimant wrote to the Court of Appeals stating her intention to file a further appeal to this higher court.
9. Claimant's claim involving WCC File Number 0217755 is still pending in the Court of Appeals regarding additional indemnity and medical benefits. No final Order has been issued regarding this claim.
10. Pursuant to Rule 205 of the South Carolina Appellate Court Rules, the Court of Appeals has exclusive jurisdiction over the appeal upon service of the notice of appeal by the Claimant.
11. On or about March 21, 2014, the Claimant filed a Form 50 and Motion for Penalties in WCC File Number 0217755. Therein, the Claimant alleges that Defendants should be required to pay temporary total disability benefits and the cost of authorized medical treatment.
12. As WCC File Number 0217755 is still pending in the Court of Appeals, the Workers'

(1204)

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Compensation Commission does not have subject matter jurisdiction and should be dismissed.

the Form 50 filed on or about March 21, 2014 pending final adjudication by the higher court.
(FRONT DESK)
SQ Workers' Comp Comm

13. Defendants have not appealed any portion of the Single Commission, Full Commission, or Circuit Court Order. Rather, the Claimant has maintained an ongoing appeal of the instant claim (and 6 other claims) with higher courts since originally adjudicated by Commissioner Huffstetler in 2007.
14. Defendants would submit that they are willing to pay the temporary total disability benefits due from March 23, 2007 through April 8, 2002. However, because there is no Order commanding Defendants to pay the temporary total disability benefits, no Sanctions or penalties are appropriate. Furthermore, because no final adjudication of this claim has been made by a higher court and the Claimant has maintained her appeal in higher courts, Defendants are unable to pay this amount and no Sanctions or penalties are warranted whatsoever.
15. Defendants would further submit that if this is an indication that the Claimant is willing to accept the original award of the Commission in the instant case and dismiss her appeal of this claim in the Court of Appeals, Defendants would pay the temporary total disability benefits due accordingly without further delay.

WHEREFORE, the Defendants respectfully move the Commission for an Order dismissing this claim, Form 50 and Motion for Sanctions for lack of subject matter jurisdiction due to a pending appeal in a higher Court and the aforementioned arguments above.

(1205)

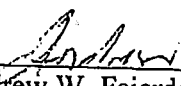
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APR 03 2014

RESPECTFULLY SUBMITTED,

(FRONT DESK)

SC Workers' Comp Comm



Andrew W. Fajardo, Esquire
Adams and Reese LLP
1501 Main Street
Columbia, SC 29201
(803) 254-4190

(1206)

Defendants.

**MOTION FOR CONTINUANCE
AND CONSOLIDATION**

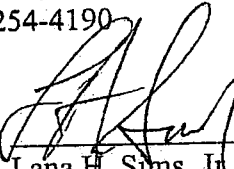
(1207)

3. Upon information and belief, the undersigned attorney for the Employer petitions the Commission to postpone the hearing dates for the initially filed Form 50's and consolidate them with hearing dates for the subsequently filed Form 50's so as to allow sufficient time for discovery in all four (4) claims and to provide the South Carolina Workers' Compensation Commission with an efficient method for handling these claims. An additional request is made to schedule sufficient time for handling all four (4) matters as it is anticipated that at least three (3) to four (4) hours might be necessary to bring closure to these matters.

Respectfully submitted,

ELLIS, LAWHORNE & SIMS, P.A.
P.O. Box 2285
Columbia, SC 29202
(803) 254-4190

By:


Lana H. Sims, Jr.
Attorney for Defendants

Columbia, South Carolina

Jan. 10, 2007

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NOS: 0321756 and 0616756

GERTRUDE SHIVER,

Employee,

Claimant,

vs.

PALMETTO HEALTH RICHLAND,

Employer,

AND

ACE,

Carrier,

Defendants.

**MOTION TO CONSOLIDATE
6 CLAIMS FOR 1 HEARING**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND
GERTRUDE SHIVER, CLAIMANT

WHEREFORE, the Claimant is hereby notified of Defendants' Motion to
Consolidate six claims involving the same employer, Palmetto Health Richland, into one
hearing as follows:

(1) Claimant has filed a Form 50 alleging entitlement to benefits based on an
accident occurring 11/15/01. The WCC file number for this claim is 0126962. The
carrier is PHTS.

(2) Claimant has filed a Form 50 alleging entitlement to benefits based on an
accident occurring 3/22/02. The WCC file number for this claim is 0217755. The carrier
is PHTS.

(3) Claimant has filed a Form 50 alleging entitlement to benefits based on an accident occurring 10/24/02. The WCC file number for this claim is 0227098. The carrier is PHTS.

(4) Claimant has filed a Form 50 alleging entitlement to benefits based on an accident occurring 1/20/03. The WCC file number for this claim is 0322274. The carrier is PHTS.

(5) Claimant has filed a Form 50 alleging entitlement to benefits based on an accident occurring 10/23/03. The WCC file number for this claim is 0321756. The third party administrator is Companion Property & Casualty.

(6) Claimant has filed a Form 50 alleging entitlement to benefits based on an accident occurring 7/16/06. The WCC file number for this claim is 0616756. The third party administrator is Companion Property & Casualty.

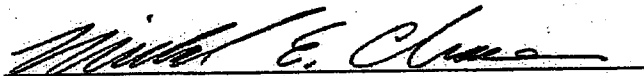
(7) Claimant has a long history of previous claims and injuries, in addition to the claims currently before the Commission, that will need to be covered at any hearing.

(8) Counsel for PHTS has already filed a Motion to Consolidate the PHTS claims. (Copy Attached.)

(9) Defendants Palmetto Health Richland and Companion concur in the Motion to Consolidate filed by PHTS and assert that it would best serve the interests of judicial economy to try all claims at one time, so that the background for all cases could be presented only once to the Commission, saving substantial time and resources and avoiding undue repetition of testimony and evidence.

WHEREFORE, Defendants request that all the hearings on all claims be combined for purposes of judicial economy.

Respectfully requested,



Michael E. Chase

TURNER, PADGET, GRAHAM & LANEY, P.A.

17th Floor, 1901 Main Street

P. O. Box 1473

Columbia, SC 29202

Telephone: 803-254-2200

Facsimile: 803-799-3957

ATTORNEYS FOR THE EMPLOYER/

CARRIERS PALMETTO HEALTH RICHLAND

AND COMPANION PROPERTY & CASUALTY

Columbia, South Carolina

January 16, 2007

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 0321756

GERTRUDE SHIVER,

Employee,

Claimant,

vs.

PALMETTO HEALTH RICHLAND,

Employer,

AND

KEY RISK MANAGEMENT SERVICES,

Carrier,

Defendants.

**MOTION TO POSTPONE HEARING
ON BASIS THAT CLAIMANT WAS
NO-SHOW FOR HER
DEPOSITION/MOTION TO COMPEL
CLAIMANT TO SUBMIT TO
DEPOSITION FILED BY DEFENDANTS**

THE CLAIMANT IS HEREBY NOTIFIED of Defendants' Motion as follows:

1. Defendants notified Claimant of her deposition set for April 18, 2006 at 10:00 A.M. (*See attached Notice of Deposition*);
2. Claimant wrote Defendants a letter, dated March 27, 2006, notifying Defendants that she did not plan to attend her deposition. (*See attached letter from Claimant, dated March 27, 2006*);
3. Claimant has requested a hearing on the merits via Form 50;
4. Wherefore, in light of the fact that Claimant was a no-show for her deposition on April 18, 2006, Defendants request that the hearing be postponed until such time that the Claimant submits for her deposition;

SCWCC

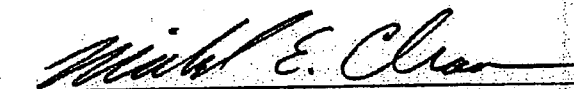
APR 19 2006

JUDICIAL

(1212)

5. Defendants further request an Order of the Commission compelling the Claimant to submit to her deposition so that discovery can be completed. (*Please see attached proposed Order*).

Respectfully submitted,



Michael E. Chase
TURNER, PADGET, GRAHAM & LANEY, P.A.
P. O. Box 1473
17th Floor, 1901 Main Street
Columbia, SC 29202
Telephone: 803-254-2200
Facsimile: 803-799-3957
ATTORNEYS FOR THE EMPLOYER/CARRIER

Columbia, South Carolina

April 18, 2006

(1213)

SCWCC

APR 19 2006

JUDICIAL

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 0321756

GERTRUDE SHIVER,

Employee,

Claimant,

vs.

PALMETTO HEALTH RICHLAND,

Employer,

AND

KEY RISK MANAGEMENT SERVICES,

Carrier,

Defendants.

APR 15 2006

1329-238

**ORDER POSTPONING HEARING,
BASED ON CLAIMANT'S NO-SHOW
FOR HER DEPOSITION/ORDER
COMPELLING CLAIMANT TO SUBMIT
FOR HER DEPOSITION**

WHEREFORE, it appears that Claimant was duly notified of her deposition set for April 18, 2006 at 10:00 A.M., as evidenced by Notice of Deposition.

WHEREFORE, it further appears that Claimant sent letter to Defendants, dated March 27, 2006, notifying them that she did not plan to attend her deposition, with no legal excuse given.

THEREFORE, the hearing in this matter shall be postponed until such time that Claimant submits for her deposition.

FURTHERMORE, this Order compels the Claimant to submit for her deposition, which is to be reset by Defendants upon approval of this Order.

SCWCC

APR 19 2006

JUDICIAL

(1214)

AND IT IS SO ORDERED.

**SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION**


Jurisdictional Commissioner

Columbia, South Carolina

5-11, 2006.

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date
served this order in the above entitled action upon all
parties to this cause by depositing a copy hereof,
postage paid, in the United States mail addressed to
the attorney or attorneys for said parties.

This 12 day of May, 2006
By E. O. Oline
Administrative Assistant to the Commissioner

GS-C
MEC

SCWCC

APR 19 2006

JUDICIAL

(1215)

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 0321756

GERTRUDE SHIVER,

Employee,

Claimant,

vs.

PALMETTO HEALTH RICHLAND

Employer,

AND

KEY RISK MANAGEMENT SERVICES,

Carrier,

Defendants.

NOTICE OF DEPOSITION

TO: GERTRUDE SHIVER, THE UNREPRESENTED CLAIMANT:

PLEASE TAKE NOTICE that the oral deposition of Gertrude Shiver, Claimant, in the above-captioned action, will be taken pursuant to Section 42-3-160 of the South Carolina Code of Laws, 1976, before a Notary Public for South Carolina, or before some other officer authorized by law to take depositions on Tuesday, the 18th day of April, 2006, at 10:00 a.m. and from day to day thereafter until the taking of the deposition is adjourned, at the offices of Turner, Padgett, Graham & Laney, P.A., located at 17th Floor, 1901 Main Street, Columbia, South Carolina. You are hereby notified of the time and place, to produce said witness on oral examination, and you are further invited to attend and participate.



Michael E. Chase

TURNER, PADGETT, GRAHAM & LANEY, P.A.

P. O. Box 1473

17th Floor, 1901 Main Street

Columbia, SC 29202

803-254-2200

Attorneys for the Employer/Carrier

SCWCC

APR 19 2006

JUDICIAL

March 14, 2006

Columbia, South Carolina

(1216)

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 0321756

GERTRUDE SHIVER,

Employee,

Claimant,

vs.

PALMETTO HEALTH RICHLAND

Employer,

AND

KEY RISK MANAGEMENT SERVICES,

Carrier,

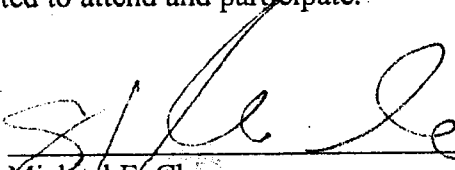
Defendants.

NOTICE OF DEPOSITION

2nd RESET

TO: GERTRUDE SHIVER, THE UNREPRESENTED CLAIMANT:

PLEASE TAKE NOTICE that the oral deposition of Gertrude Shiver, Claimant, in the above-captioned action, will be taken pursuant to Section 42-3-160 of the South Carolina Code of Laws, 1976, before a Notary Public for South Carolina, or before some other officer authorized by law to take depositions on **Friday, the 16th day of June, 2006, at 11:00 a.m.** and from day to day thereafter until the taking of the deposition is adjourned, at the offices of Turner, Padget, Graham & Laney, P.A., located at 17th Floor, 1901 Main Street, Columbia, South Carolina. You are hereby notified of the time and place, to produce said witness on oral examination, and you are further invited to attend and participate.


Michael E. Chase

TURNER, PADGET, GRAHAM & LANEY, P.A.

P. O. Box 1473

17th Floor, 1901 Main Street

Columbia, SC 29202

803-254-2200

Attorneys for the Employer/Carrier

June 2, 2006

Columbia, South Carolina

(1217)

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 0321756

GERTRUDE SHIVER,

Employee,

Claimant,

vs.

PALMETTO HEALTH RICHLAND

Employer,

AND

KEY RISK MANAGEMENT SERVICES,

Carrier,

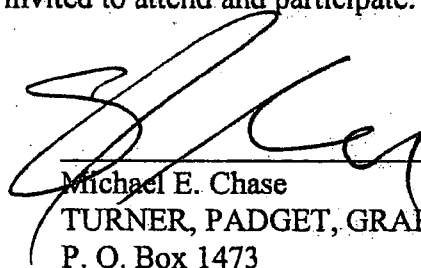
Defendants.

NOTICE OF DEPOSITION

RESET

TO: GERTRUDE SHIVER , THE UNREPRESENTED CLAIMANT:

PLEASE TAKE NOTICE that the oral deposition of Gertrude Shiver, Claimant, in the above-captioned action, will be taken pursuant to Section 42-3-160 of the South Carolina Code of Laws, 1976, before a Notary Public for South Carolina, or before some other officer authorized by law to take depositions on Friday, the 16th day of June, 2006, at 9:00 a.m. and from day to day thereafter until the taking of the deposition is adjourned, at the offices of Turner, Padget, Graham & Laney, P.A., located at 17th Floor, 1901 Main Street, Columbia, South Carolina. You are hereby notified of the time and place, to produce said witness on oral examination, and you are further invited to attend and participate.



Michael E. Chase

TURNER, PADGET, GRAHAM & LANEY, P.A.

P. O. Box 1473

17th Floor, 1901 Main Street

Columbia, SC 29202

803-254-2200

Attorneys for the Employer/Carrier

May 16, 2006
Columbia, South Carolina

(1218)

Suite 402, Converse Building
250 Berryhill Road
PO Box 21099
Columbia SC 29221-1099

P 803.731.5300
F 803.731.2849
www.phts.com

March 1, 2007

Ms. Gertrude Shiver
1026 Congaree Church Road
Gadsden, South Carolina 29052

Re: Gertrude Shiver vs. Palmetto Health Richland
Claim #: WC2002060498, WC2002062795, WC2003067610, WC2001059214
Date of Loss: 3/22/2002, 10/24/02, 1/20/03, 11/15/01
WC File #: 0217755, 0227098, 0322274, 0126962

Dear Ms. Shiver:

I recently received a telephone message from you, seeking written clarification related to my previous settlement offer dated 1/02/07. You asked how the \$8,000 would relate to each of your four claims, and if the \$8,000 was in addition to paying outstanding medical expenses.

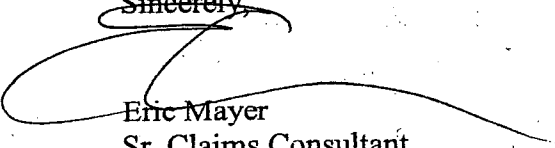
To further clarify the offer, \$8,000 equates to essentially \$2,000 per injury claim noted above.

The offer is considering settlement based on a "doubtful and disputed" claim. In other words, we "doubt" that there is any permanent impairment associated with the four injuries we have on file. We "dispute" any further responsibility of your medical expenses.

If you agree to the doubtful and disputed settlement, I will give you \$8,000. You may then use the \$8,000 as you wish. Under this agreement, any unauthorized medical expenses would remain your responsibility.

You have mentioned outstanding medical expenses related to the above injury claims. Please provide me with documentation. If the outstanding medical charges are related to authorized treatment, I may be able to resolve the charges with the provider.

Sincerely,


Eric Mayer
Sr. Claims Consultant

/EM

(1219)



If you need anything, just whistle. 



www.phits.com

April 6, 2004

Mike Kelly, Esq.
Suggs & Kelly
Post Office Box 8113
Columbia South Carolina 29202

RE: Gertrude Shiver vs Palmetto Richland Memorial Hospital
Our Claim Number: WC2001059214 (left foot), WC2002060498(Neck &
Shoulders), WC2002062795(Neck & Shoulders), WC2003067610 (Fall –
Never treated).
Injury dates: 11/15/01, 3/22/02, 10/24/02, 1/20/03
WCCI #'s : 0126962, 0217755, 0227098, 0322274

Dear Mr. Kelly:

In reviewing our files – we found four claims for your client. All have been reported to the South Carolina Industrial Commission. We also have been advised your client has had another injury with the above employer on 10/23/03. Please be advised – we no longer carry the coverage for this client effective 10/1/03. We are not authorizing any additional treatment for neck, shoulder and back, effective 10/23/03. I am still willing to settle all claims for \$5000. Please contact me as soon as possible once you have discussed my offer with your client. I look forward to working with you in resolving these claims.

Sincerely,



Felicia Lucas
Senior Claims Consultant

/FL

CC: Gertrude Shiver

(1220)



Suite 402, Converse Building
250 Berryhill Road
PO Box 21099
Columbia SC 29221-1099

P 803.731.5300
F 803.731.2849
www.phits.com

January 29, 2007

Charleston Spine and Physical Medicine
Patient Accounts
1930 Charlie Hall Blvd.
Charleston, SC 29414-5837

Re: Gertrude Shiver vs. Palmetto Health Richland
Claim #: WC2002062795, WC2002060498, WC2003067610
Date of Loss: 10/24/02, 3/22/2002, 1/20/03
WC File #: 0227098, 0217755, 0322274

Dear To Whom it May Concern:

I am the adjuster assigned to the above patient's workers compensation claims noted above. The patient is currently pursuing resolution to her claims noted above.

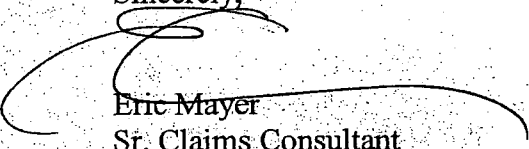
Resolution of her claims may be dependent on satisfaction of her outstanding debt with your office. Our records indicate that some services may have been approved and authorized under Workers' Compensation, and others may have been sought on her own, or without authorization.

Please forward to my attention, the patient's account of outstanding charges, related specifically to time periods, between 3/22/02 and 10/22/03. The associated medical record is not necessary with this request.

The review of charges for consideration is based solely on possible settlement negotiations with the patient. This request is not an authorization, or an admission of responsibility.

Feel free to contact me with any questions or concerns.

Sincerely,


Eric Mayer
Sr. Claims Consultant
/EM

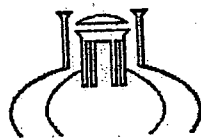
cc: Gertrude Shiver

(1220)

PRATT-THOMAS, PEARCE, EPTING & WALKER

E. DOUGLAS PRATT-THOMAS
W. GREGORY PEARCE
ANDREW K. EPTING, JR.
G. TRENHOLM WALKER
W. ANDREW GOWDER, JR.
JON L. AUSTEN
ALLISON MOLONY CARTER
THOMAS H. HESSE (SC & GA)

SEAN K. TRUNDY
JOHNNIE W. BAXLEY III
DERWIN T. BRANNON
I. KEITH MCCARTY (SC & TN)
LINDSAY K. SMITH-YANCEY (SC & NC)
MATTHEW D. HAMRICK
WILSON W. McDONALD



PROFESSIONAL
ASSOCIATION

16 CHARLOTTE STREET
CHARLESTON, SC 29403

P.O. DRAWER 22247
CHARLESTON, SC 29413-2247

TELEPHONE: (843) 727-2200
FAX: (843) 727-2238

<http://www.wiselaw.com>

ATTORNEYS AT LAW

April 20, 2000

(843) 727-2212 (direct dial)
(843) 727-2239 (direct fax)
dpt@wiselaw.com (e-mail)

The Honorable Ann McCrowey Mickle
S.C. Workers' Compensation Commission
1612 Marion Street
P.O. Box 1715
Columbia, SC 29202-1715

RE: Employer: Trident Regional Medical Center
Employee: Gertrude Shiver
Carrier: Alexsis Risk Management Services
D/A: 1/23/95 WCC File#: 9503744
Carrier File#: 47893
Our File#: 383-125

Dear Commissioner Mickle:

As you will recall I represent the Employer and Carrier in the above-referenced workers' compensation claim and this matter was, of course, set for a hearing on 4/12/00 here in Charleston. As you will recall at that time you had a long discussion with Ms. Shiver advising her of her options and as I understand it Ms. Shiver decided to withdraw her Form 50, with leave to refile if she so desires in the future. As such, the hearing did not take place.

At that time you also discussed with Ms. Shiver the possibility of resolving this claim and her outstanding 1997 claim with the Employer on a clincher if my clients were indeed interested in making an offer in the range of \$7,604.64, in return for a full release of all claimed injuries in her 1995 accident, as well as releasing any claims which may remain in her 1997 claim. Before I had an opportunity to discuss same with my clients, I received the enclosed letter from Ms. Shiver by certified mail. As you will see, it is dated 4/12/00 and, as such, was obviously written the same day as the scheduled hearing. Since Ms. Shiver is not interested in any settlement offer, my clients are not going to make one.

By copy of this letter to Ms. Shiver, I am informing her of the above and of the fact that I am providing to you a copy of her letter to me of 4/12/00.

Under these circumstances, I am assuming the Commission will issue an appropriate form order indicating that Ms. Shiver was allowed to withdraw her Form 50. Should you have any questions or should I need to take any further action, please do not hesitate to contact me.

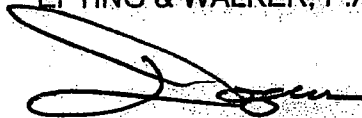
(1222)

The Honorable Ann McCrowey Mickle
April 20, 2000
Pg. 2

With warmest regards, I am,

Sincerely,

PRATT-THOMAS, PEARCE,
EPTING & WALKER, P.A.



E. Douglas Pratt-Thomas

EDP-T:ksl
Enclosure
cc (w/enc.):

Gertrude Shiver, 1100 Congaree Church Road, Gadsden, SC 29052
Mr. Howard A. Levy
David W. Weeks, BSN, MA
Mr. Stan Cobb

(1723)

7-12-00

Dear Mr. Pratt - James,

If am not going to accept the \$7000 for you to clear all of my cases. Just if all, I am not going to settle my claim. You & James White has already played some dirty tricks on me several years. James White forced me to sign that E signature Order which you and he did to prevent me from recovering anything for my shoulder and feet since I did not take the money under the table that you'll offer me in 1995.

Another thing is that you never paid my doctor bills in 1994, and if was subsequently reported to the Credit Bureau. It was only seen once by Dr. McLo, and never by Dr. Dalton.

You and I select hospital are responsible for the injuries to my feet and shoulder, and I am not making any bargain with you to the detriment of myself. If you didn't have any of my medical records it is because you didn't want any of them.

Sincerely

Bertude Thomas, Cert. Mail

(1224) 707

Suite 402, Converse Building
250 Berryhill Road
PO Box 21099
Columbia SC 29221-1099

P 803.731.5300
F 803.731.2849
www.phts.com

January 2, 2007

Ms. Gertrude Shiver
1026 Congaree Church Road
Gadsden, South Carolina 29052

Re: Gertrude Shiver vs. Palmetto Health Richland
Claim #: WC2002060498, WC2003067610, WC2001059214, WC2002062795
Date of Loss: 3/22/2002, 1/20/2003, 11/15/2001, 10/24/2002
WC File #: 0217755, 10/24/2002, 0126962, 0227098

Dear Ms. Shiver:

I had the pleasure of meeting you on December 20th at the office of Mr. Lana Sims. You may recall that we attempted to come to an agreement to resolve the four claims being handled by PHTS.

Although we made every effort to inform you of the nature of the Workers' Compensation process, you indicated that you could not trust our information. Mr. Sims has suggested that you take some additional time to either obtain an attorney, or come forth with evidence of the alleged unpaid medical expenses related to the four claims noted above.

As we discussed on 12/20/06, our efforts to resolve your claims will only involve the four claims noted above. I cannot assist you with, or make any recommendations regarding any claims prior to, or after the four injury claims noted above.

Our records indicate that at various times, you refused directed medical attention as provided by your employer. Therefore, any unauthorized medical expenses may potentially remain your responsibility.

As your Hearing date nears, I will make one final offer to resolve the four claims. Resolution of the four claims noted above will have no effect on any other outstanding claim you may have.

My offer acknowledges that you may have additional medical expenses related to your claims, but disputes that we owe your or your medical provider for the unauthorized visits. My offer acknowledges that you may have sustained an admitted injury in each of your four claims, but doubts that any disability compensation, or compensation for permanent impairment is due.

(1225)

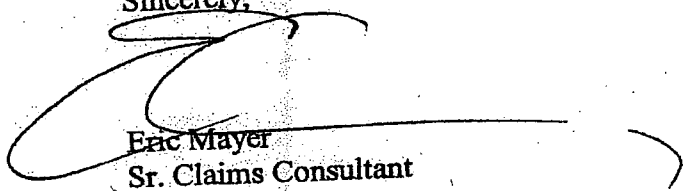
If you agree to resolve your claims on a doubtful and disputed basis, I will give you \$8,000. If you accept this agreement, we will have a Commissioner from the Workers' Compensation Commission review the agreement to determine the fairness and appropriateness. If the Commissioner approves the agreement, the tax-free check will be presented to you at that time.

If you feel, or can present evidence that unpaid medical bills, or other compensation is due and worth more than \$2,000 for each of the four claims, please let me know.

Please contact me with your decision regarding my \$8,000 offer. Acceptance will allow you to avoid any further depositions, Hearings, etc. related to these four claims. Otherwise we will await the decision and Order following the Hearing that you requested. Please understand that when your request for a Hearing is set, we will be requesting file closure with \$0 compensation due.

I look forward to your response. Please call me with your decision, or any other concerns you may have.

Sincerely,



Eric Mayer
Sr. Claims Consultant

/EM

cc: Lana H. Sims, Jr.

(1226)

South Carolina Workers' Compensation Commission
P.O. Box 1715, 1612 Marion Street
Columbia, South Carolina 29202-1715

WCC File#: 9503744
Carrier File#: 000000047893
Carrier Code#: 00253
Employer FEIN: 570609614

Claimant's Name: Gertrude Shiver SSN: 249-98-2546
Address: 411 Masting Street, #4309, Charleston, SC
Home Phone#: (803) 577-2904 Work Phone#:

Employer's Name: Trident Regional Medical Center
Address: 2330 Medical Plaza Drive, Charleston, SC
Insurance Carrier: Alessia Risk Management Services

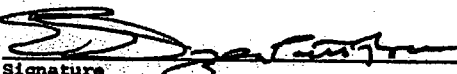
Preparer's Name: E. Douglas Pratt-Thomas, Attorney for Employer/Carrier (803) 727-2200

Provide the information requested in the space provided. Use an additional sheet, if necessary. Type or print all information.

1. Date of accident: 09/25/94
2. AWW: Claimant entitled to maximum compensation rate for 1994 of \$410.26 applies.
3. Type of injury: left knee, left hand, left ankle.
4. Facts in controversy: The Claimant notified the Defendant that she fell over a chair on September 25, 1994. The Defendants accepted the claim as being compensable. The Claimant lost no time from work and as such was not entitled to temporary total compensation. Medical benefits were provided. To this Defendants knowledge the Claimant has not been excused from work and there is no indication of any permanent impairment. The issues in controversy will be, however, entitlement to temporary total compensation, permanent and partial disability, and additional medical treatment.
5. Legal issues involved: SS 42-9-10; 42-9-20; 42-9-30; 42-15-60.
6. Unusual problems: Claimant has also asserted that she fell again on October 24, 1994, and to this Defendants knowledge, no formal claim was filed with regards to same. Claimant thereafter, alleged another fall on January 23, 1995, and that claim was filed under WCC File Number 9503744. The Claimant was provided with temporary total compensation in that claim from January 23, 1995 to February 12, 1995. Forms 15 and 17 are on file. The Defendant, herein, requests that said workers' compensation claim be included in the record in this claim.
7. Lay witnesses:

Witness	Address
Anita Korbe	Trident Regional Medical Center 9330 Medical Plaza Drive Charleston, SC 29406

(no written or recorded statements)
8. Exhibits: Letter by Claimant dated February 16, 1995; Consent Order in WCC File Number 9503744; and Form 50 in WCC File Number 9503744.
9. Medical evidence: (Indicate report pursuant to R.67-612; deposition or appearance): see Notice of Witnesses & Written Medical Reports to Be Introduced as Direct Evidence on Behalf of Defendants attached hereto.
10. Name, address, and specialty, if any, of the treating physician: C.T. Cook, M.D.; Robert H. Bowles, M.D.; William E. Crouch, M.D.; James J. McCoy, M.D.
11. Impairment rating(s); body part(s); physician and date of opinion: Defendants are not aware of any impairment ratings being rendered by any physicians.



Signature

E. Douglas Pratt-Thomas

WIFE, PRATT-THOMAS, PEARCE, EPTING & WALKER, P.A., P.O. Drawer O, Charleston, S.C. 29402

Address

On behalf of Claimant X Employer

March 1, 1996
Date

DATE OF HEARING: before Commissioner G. Bryan Lyndon, on Thursday, March 14, 1996, at 1:00 p.m., at Conference Room A, Perimeter Center, 4050 Bridge View Drive, North Charleston, SC

File this form and proof of service on the opposing party according to R.67-611 and R.67-212.