

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. 1320141

Ignacio Javier Rodriguez,)
Employee/Claimant,)
VS.)
Robert T. Pierson d/b/a Robert T. Pierson Constr.,)
and ABC Care, Inc.,)
AND Employers,)
South Carolina Uninsured Employers' Fund,)
Property & Casualty Insurance Co. of Hartford,)
Carriers,)
Defendants.)

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AUG 01 2016
SC Court of Appeals

INTERIM ORDER

This matter was set for a hearing pursuant to Claimant's Form 50 Request for Hearing on October 29, 2014. Prior to the call of the case, the undersigned received a Motion to Postpone from Defendants' ABC Care, Inc. and Property & Casualty Insurance Co. of Hartford. After hearing arguments from the parties, the undersigned hereby finds the following as her INTERIM ORDER:

1. Robert T, Pierson d/b/a Robert Pierson Construction is a named Defendant and is represented by Randall S. Hiller.
2. ABC Care, Inc. is a named defendant and is represented by Randall S. Hiller. ABC Care, Inc. was originally represented by David M. Padgett as dual representation with Property & Casualty Insurance Co. of Hartford; however, the undersigned has executed an Order Relieving Mr. Padgett from ABC Care, Inc.'s representation.

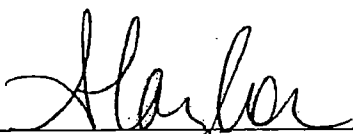
3. The South Carolina Uninsured Employer's Fund is a named defendant and is represented by Lisa C. Glover.
4. Property & Casualty Insurance Co. of Hartford is a named defendant and is represented by Mr. David M. Padgett.
5. The undersigned finds there is no conflict with Mr. Padgett's continued representation of Property & Casualty Ins. Co. of Hartford.
6. The Claimant sustained a compensable injury subject to the South Carolina Workers' Compensation Act.
7. The average weekly wage and compensation rate at the time of the accident were \$480.00 and \$320.02 respectively. This finding is binding as it relates to this Interim Order only. Nothing in this section precludes any party from moving to adjust the Claimant's average weekly wage and compensation should further discovery produce different results.
8. Section 42-9-430 of the South Carolina Code of Laws provides that "Whenever a dispute arises between two or more parties as to which party is liable for the payment of workers' compensation benefits to an injured employee pursuant to the provisions of this title and there is no genuine issue of material fact as to the employee's employment, his average weekly wage, the occurrence of an injury, the extent of the injury, and the fact that the injury arose out of and in the course of the employment, the hearing commissioner may, in his discretion, require the disputing parties involved to pay benefits immediately to the employee and to share equally in the payment of those benefits until it is determined which party is solely liable, at which time the liable party must reimburse all

other parties for the benefits they have paid to the employee with interest at the legal rate of interest provided in Section 34-31-20(A).” In accordance with this section, it is hereby ordered that Defendants Robert T. Pierson d/b/a Robert Pierson Construction, ABC Care, Inc., Property & Casualty Insurance Company of Hartford and the South Carolina Uninsured Employer’s Fund (four separately named defendants) pay benefits immediately to the Claimant from the date of the October 29, 2014 hearing forward (to include medical and temporary total disability benefits) and to share equally (25% split each) in the payment of those benefits until it is determined which party is solely liable, at which time the liable party must reimburse other party for the benefits they have paid to the employee. The benefits (indemnity and medical) from the date of the accident through the date of the hearing are held in abeyance and shall be paid upon a determination being reached as to which party is solely liable.

9. The undersigned will retain jurisdiction and this matter will be set for a final merits hearing in the January/February 2015 Greenville County District. A formal Hearing Notice will follow this Order.

AND IT IS SO ORDERED.

November 11, 2014



Commissioner Aisha Taylor

CERTIFICATE OF SERVICE

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

November 13, 2014

By: Renee Smith, Administrative Assistant to Commissioner Taylor