

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM APPELLATE PANEL OF THE S.C. WORKER'S COMPENSATION
COMMISSION

T. Scott Beck, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner

WCC File No. 1303465

Appellate Case No. 2016-000790

Ann Stevenson

Claimant/Appellant

vs.

Wal-Mart Stores, Inc.

AND

New Hampshire Insurance Co.

Carrier,
Defendants. Respondents

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

- 1 Order of SC WCC Appellate Panel March 28,2016;
- 2 Order of SC WCC Appellate Panel October 22,2014,
- 3 Order of Commissioner Campbell October 13, 2015 and Request for Proposed Order emailed on June 10, 2015 to Mr. Baxley
- 4 Worker's Comp Forms 22,30,51,50,58,14B MMI
- 5 Worker's Compensation Commission R08 updated first report dated 041713, (after email statements of accepted coverage)
- 6 Ann Stevenson's Deposition November 26,2013 and Defendants 'Exhibit 1 (Incident report)
- 7 **Dr Merritt's Deposition November 18,2013 and pictures submitted with it** (pictures which the Defendants' have, but were not in the Complete WC file picked up in September 2016 from WCC). There is confusion in the first hearing December 19,2013 about them being submitted later. My copy of this hearing (from WC file) does not have page lettering, scanned sideways and missing some detail. But by counting if in order would be p5 lines 1-14) “ something about all I could print” and “they will be in the original in better format”. Hard to tell if they were ever turned in. (So we would need the printed copies of original ones marked into exhibit the Defendants have)
- 8 South Carolina Code of Laws-Title 26, Chapter 6 Uniform Electronic Transactions Act (UETA)
- 9 Materials under discovery (which may need addition to the Initial Brief from all subpoenas issued on behalf of Claimant , that are currently outstanding, along with the subpoenas, employment records, accident reports, the two audio recordings of the patient's verbal statement accident report recorded by interviewing adjuster and videos of accident pertaining to Subpoena issued on November 22,2016 by Amy Bracey
- 10 Subpoenas Issued by Claimant's attorney
S1 -October 18, 2013, requiring : the complete adjuster file including any and all accident reports, in store video of the incident in question and all investigative materials
S2 October 18, 2013, requiring the complete employment file including any and all accident reports, in-store video of the incident in question and investigative materials
- 11 Quash Subpoena for carrier file order Commissioner Wilkerson November 22,2013
- 12 Transcript of the Hearing January 8,2015,
- 13 Transcript of the Hearing December 19,2013

14 Appellant's email exhibits from Commission Review of Adjuster and Claimant
Written Communication p1-5 of emails from
1) 04/16/2013 at 11:46am Hanna Wiley, Case Manager also p4&5
2) 04/03/2013 at 3:29pm Krystal Rogers, Supervisor II, SC Worker's Comp
3) 04/01/2013 at 8:50am Barbara Cowan, Case Manager SC

15 Human Resources and Employee Supervisor email written communication: from personnel file provided under subpoena are emails from supervisor to and from human resources (stating coverage and why Walmart refused Dr Merritt's restrictions in October about sending Claimant back to work)

021014 at 5:36PM From Human Resources shared services (they get away with human identifier here)

and 020514 at 2:05PM from Hamp Manning, Claimant's immediate supervisor, stating the workers comp case is over and the only restriction is 20lbs.

16 Adjuster and Claimant Emails p127

Email 102113 at 8:59am from Hanna Wiley, Case Manager to others and Claimant, Stating, Please find enclosed the latest work status which shows the only restriction is a 20lb lift limit. No work hours restriction. (the 14B MMI form from Dr Merritt) Please let me know when Mrs., Stevenson is on the schedule for her regular work hours.

17 Adjuster and Claimant Email train p 89, Email 053113 at 11:31am Hanna Wiley states, " we are in the process to set you up with specialist to address all your issues and we will not be able to treat you for your foot/ankle until after this appointment. We are not refusing treatment, but go through the proper channels." In reply to 053113 at 10:10am to her, concerning when the "white bump" showed up when something popped in the foot (noted in FCE Report and Dr Pappas 071213p200)

P90, Email 053013 at 3:14Pm, Hannah states, " we are working on it." in reply to trying to get areas authorized

P84, 052213 at 4:49Pm from Krystal Rogers stating, " I already talked to her. Dr. Merritt will not see you for your ankle. We are going with the second opinion"

18 Emails between Physical therapist, Kristin Courtney (providing the PT) and Claimant (3) 082813 at 1:24pm, 082813 at 12:44Pm, 081513 at 11:54am which states " The records stated refused to perform most therex due to pain/fear of pain." This is the email Claimant could not find when Mr. Baxley asked me where it was during the hearing 010815 (p65 line 10 – 18)

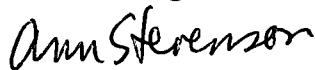
19 Strand Orthopaedics WMC authorization Form dated 3/15/13

- 20 Defendants' Brief December 29,2015
- 21 Defendants' Exhibits APA 1-90 (including missing page FCE) and missing page diagnosis, assessment and plan by Dr Pappas (foot) associated with initial office visit on July 12, 2013 on Def APA 11-12 (to label as p200 of Claimants)
- 22 FCE Workwell p1- p11 (Complete Report)from dates 08/27/13-08/28/13,
- 23 Adjusters Email statements proving Defendants accepted body parts in the worker's comp claim in written communication so that would make statements of never accepting denied parts false.
- 24 Dr Mills report rereading of MRIs and correction of radiological reading errors dated August,26,2016, showing small bone spurs from 02/28/13 X-ray taken at Drs Care and on MRIs, that was faxed to the Appellate Court
- 25 Dr Russell Derricks rereading and correction of errors on Cervical MRI exam were "barely perceivable" bone spurs dated 10/22/15 -11/03/15 from 04/17/13 MRI and others he read,
- 26 Dr Calvin Barnes reading results,who misread the C-spine X-ray from 02/28/13 which also has notes of communication between provider and adjuster
- 27 Dr Tupis(a sports specialist)evaluation rereading the Right knee MRI from 5/7/13 adding what had been left out of the original reading–
- 28 02/04/2016 Physical Therapy Objective Evaluation for right-sided cervical and lumbar injury ordered by Dr William Mills and his orders for it (corrected MRI and material)
- 29 02/19/2016 Physical Therapy Evaluation for right knee and ankle ordered by Dr William Whiteside and Dr. Tupis(corrected MRI and material)
- 30 Claimant's Exhibits 88-193
- 31 Pictures from time stamped video of accident WC 1303465 on disc
- 32 Pictures from time-stamped video of accident WC 1303465 in print – 14 pictures
- 33 Accident Videos on DVD

- 34 The first two complaints of HIPPA Rights Violations filed on date October 7,2016, from information obtained from patient file at Drs Care in September 2016, which are currently being investigated,
- 35 Drs Care Collusion file (denying treatment,breaking HIPPA laws,malpractice, breaking Workers comp law about communications without the Claimant notified, included, present or sent the pertaining information (includes some of Defendant APAs)
- 36 Copies of controversial Dr Baens prescriptions written for Elastogel heat packs for specific ICD9 diagnosis codes matching the physical therapy orders
- 37 Dr Baens Physical therapy order 031213 for Pain Relief only for 2 weeks 3times a week
- 38 Dr Baens PT Order 022813 prescription, stating patient would like modalities a chiropractor would offer with specific ICD9 diagnosis cervical, R should, R arm, R-wrist, R-hand, R lower extremity strain
- 39 Physical therapy report 031313 visit, stating prescription for pain relief only
- 40 031413Dr Scott (Dr Care)visit stating light duty with shifts of 7 hours or less in reply to working the patient every other day
- 41 Rule 407 Rules of Professional Conduct,
- 42 SC Code of Laws-Title 40 Professions and Occupations
- 43 NC Medical Board Position Statements(pertaining to standard of care)
- 44 *Workers' Compensation Laws and Regulations. Code of Laws Chapter 67*

November 28,2016

Thank you for your time, effort, and allowing me to make
this appeal,



Ann Stevenson, Claimant/Appellant
2261 Greenleaf Drive
Conway, S.C. 29526
843-347-5151

November 28, 2016

W. Johnnie Baxley III, Esquire
Wilson, Jones, Carter, & Baxley, PA
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
843-284-1082
Attorney for Respondents

RE: Ann Stevenson, Claimant/Appellant, vs. Wal-Mart Stores, Inc., Employer, and New Hampshire Insurance Company, Carrier/Defendants/Respondents, Worker's Compensation File No. 1303465

Dear Mr. Baxley:

Enclosed is the Appellant's Initial Brief and Designation of Matter in the above case.

Thank you for your time,



Ann Stevenson, Claimant/Appellant
2261 Greenleaf Drive
Conway, S.C. 29526
843-347-5151

cc: Ms. Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
1220 Senate Street
Columbia, SC 29211

November 28, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
1220 Senate Street
Columbia, South Carolina 29211

RE: Ann Stevenson, Claimant/Appellant, vs. Wal-Mart Stores, Inc., Employer, and New Hampshire Insurance Company, Carrier/Defendants/Respondents, Worker's Compensation File No. 1303465

Dear Ms. Kitchings:

Enclosed for filing is

1. Appellate's Initial Brief in the above case.
2. The Designation of Matter
3. Proof of service of this Initial Brief on the Respondents

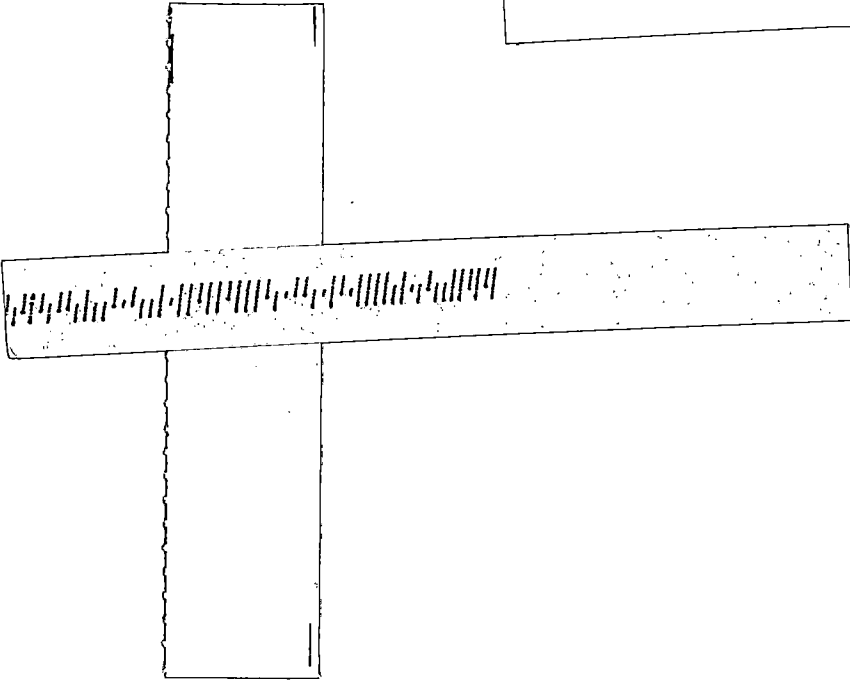
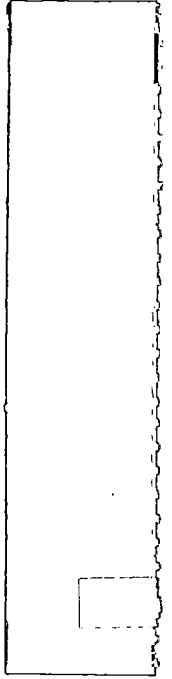
Sincerely,



Ann Stevenson, Claimant/Appellant
2261 Greenleaf Drive
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cc: W. Johnnie Baxley III, Esquire
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