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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

APPEAL FROM THE WORKERS COMPENSATION COMMISSION

APPELLATE CASE NO. 2016-000509
WCC FILE NO. 1212974

RECEIVED

FEB 06 2017

SC Court of Appeals

SUSIE HENLEY, EMPLOYEE,

V.

OTIS SPUNKMEYER, EMPLOYER, and TRUMBULL
INSURANCE COMPANY c/o THE HARTFORD, CARRIER, RESPONDENTS.

EX PARTE:

DAVID HENLEY.....APPELLANT,

AND

JEANNETTE PADGETT, JOEL PADGETT,
AND MAURICE PADGETT.....RESPONDENTS.

RECORD ON APPEAL

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Order of Single Commissioner, August 7, 2015

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1212974

SUSIE HENLEY,

Employee,

Claimant,

vs.

OTIS SPUNKMEYER, INC.,

Employer,

AND

TRUMBULL INSURANCE COMPANY c/o
THE HARTFORD,

Carrier,

Defendants.

DECISION AND ORDER

DATE OF HEARING:

Hearing held in Columbia, S.C. on April 14, 2015.

APPEARANCES:

Potential dependents Jeanette Padgett, Joel Padgett, and Maurice Padgett, represented by R. Jamison Tinsley, Esquire, of Tinsley & Tinsley, P.C. of Greenwood, South Carolina.

Potential dependent George Williams, represented by Johnny Simpson, Esquire, of Orangeburg, South Carolina.

Potential dependent David Henley, represented by Joyce F. Cheeks, Esquire, of the Law Office of Joyce Farr Cheeks, P.C. of Columbia, South Carolina.

Potential dependents Sequoia Padgett and Damia Padgett, represented by Megan Goodwin Burke, Esquire, of Greenville, South Carolina.

Defendants represented by A. Mundi George, Esquire, of McAngus Goudelock & Courie, L.L.C. of Columbia, South Carolina.

PURPOSE OF THE HEARING: To determine all issues as set forth in Forms 52 and 53; to determine to whom benefits are payable and in what amount.

COMMISSIONER: Commissioner T. Scott Beck

FILED: August 7, 2015

STIPULATIONS

The parties stipulated at the hearing to the following:

1. This is an admitted death resulting proximately from the accident.
2. The South Carolina Workers' Compensation Commission has jurisdiction over this matter.
3. The purpose of the hearing is to determine all issues as set forth on the Forms 52 and 53, specifically to determine to whom benefits are payable and in what amount.
4. All parties and potential dependents received timely and proper notice of the scheduled hearing.
5. Claimant's average weekly wage is \$695.82, with a corresponding compensation rate of \$463.90.
6. Venue is proper in Richland County, South Carolina.

APA SUBMISSIONS

Without objection, the following documentary evidence was submitted into the record pursuant to the South Carolina Administrative Procedures Act and Regulations of the South Carolina Workers' Compensation Commission:

Potential Dependents Maurice, Joel, and Jeanette Padgett's APA submissions:

1. Maurice Padgett's birth certificate, consisting of 1 page.

Potential Dependent David Henley's APA submissions:

1. David Henley's Western Union Money Transfer History, dated 10/8/13, consisting of 1 page.

Defendants' APA submissions:

1. Tuten Insurance Services Corporation Dependency Investigations, dated 1/5/13-7/5/14, consisting of 36 pages.

2. *Young v. Hyman Motors, Inc., et al.*, 19 S.E.2d 109, 199 S.C. 233 (S.C. 1942), consisting of 6 pages.
3. Funeral Bill and Proof of Payment by Employer, consisting of 2 pages.
4. *Thomas v. Five Star Transportation*, Op. No. 5298 (S.C. Ct. App. Filed February 18, 2015) (Shearhouse Adv. Sh. No. 7 at 31), consisting of 4 pages.

In addition to the submissions above, the Commission's WCC File No. 1212974, with the exception of self-serving declarations and unstipulated medical reports, was made a part of the record of this case.

STATEMENT OF THE CASE

Claimant was an employee of Otis Spunkmeyer, Inc. On September 19, 2012, Claimant was crushed by a broken dock door at the Employer's premises, which resulted in her death. The case was ruled an accidental death by the Lexington County Coroner. The cause of death was listed as asphyxiation secondary to a crush injury to the chest. This accident was accepted as a compensable death resulting proximately from an accident by the Employer and Carrier.

The Defendants thereafter retained the services of Tuten Insurance Services Corporation to perform a dependency investigation. On August 16, 2013, Defendants filed a Form 21, Employer's Request for Hearing, to determine the amount of compensation for a claim involving a fatality. The specific issue was the amount of compensation for death of an employee due to an accident pursuant to §42-9-290. A hearing was scheduled for September 24, 2013, but the hearing did not go forward since the three potential adult children dependents requested representation. The hearing was rescheduled for October 29, 2013, but did not go forward due to certain legal conflicts regarding the potential dependents' representation. On January 27, 2014, a status conference took place. Following the status conference, on June 19, 2014, Tuten Insurance Services Corporation performed a supplemental dependency investigation.

Ultimately, a hearing was scheduled for April 14, 2015. Defendants now appear before the Commission seeking determination of a good faith discovery of beneficiaries pursuant to Regulations 67-902 and 67-904, a determination as to whom benefits are to be disbursed, and assert that the funeral expenses have already been paid by the Employer in this matter.

The potential dependents appeared before the Commission seeking an award of death benefits pursuant to the proper application of §42-9-290. Specifically, potential dependent David Henley maintains that he was the surviving spouse of the Claimant and entitled to a presumption of dependency, and if not determined to be the surviving spouse, he asserts that he is wholly dependent, but at the very least, partially dependent upon the Claimant. Specifically, potential dependent George Williams maintains that he is the surviving spouse entitled to a presumption of dependency, asserts that there is no record of any divorce from his marriage to the Claimant, and, as a result, the Claimant's marriage to Mr. Henley is void. Mr. Williams further asserts that he was separated from Claimant for just cause based on a reason of desertion.

Potential dependents Maurice, Joel, and Jeanette Padgett maintain that neither Mr. Henley nor Mr. Williams meets the definition of a surviving spouse, and, as a result, each of them are entitled to benefits under §42-9-140(a). Potential dependents Maurice, Joel, and Jeanette Padgett further assert they would meet the definition of dependents under the statute, even though they do not meet the presumption. Potential dependents Sequoia and Damia Padgett maintain they were wholly dependent upon the Claimant, and if not deemed to be wholly dependent, they are at least partially dependent upon Claimant.

EVIDENCE OF THE CASE

Testimony of Dependency Investigator Chris Tuten

Because, as stated above, the September 19, 2012 accident was admitted as a compensable injury by accident proximately resulting in the death of the Claimant, Defendants hired Tuten Insurance Services Corporation to perform a dependency investigation. Mr. Tuten testified that he frequently conducts dependency investigations in workers' compensation claims, has done so personally, and has also testified before the Commission in the past. (Hr'g. Tr. 11:11-22). Mr. Tuten's initial dependency investigation was submitted into evidence by the Defendants as Exhibit 1, pages 1 through 9. Mr. Tuten testified that he interviewed the following witnesses as part of the initial dependency investigation: David Henley, Jeanette Padgett, Claimant's friend, Cheryl Spencer, and Claimant's sister, Annie Bucket. (Hr'g. Tr. 12:7-9). Additionally, Tuten Insurance Services Corporation recorded their interviews with these various witnesses.

Tuten Insurance Services Corporation also obtained a copy of the Divorce Decree between Mr. Henley and his first wife, Catherine W. Henley, dated June 13, 2008. (Hr'g. Tr. 13:4-6, APA pp. 13-16). They also obtained a copy of the Marriage License between David Henley and Claimant, dated March 1, 2010. (Hr'g. Tr. 13:11-14, APA p. 12). They obtained the obituary of Claimant from The State newspaper, dated September 23, 2012. (APA p. 10). They obtained the Butler & Sons Funeral Home, funeral bill, showing total funeral charges in the amount of \$13,431.42. (APA p. 11). They obtained the Death Certificate of Claimant, dated November 20, 2012. (APA p. 17). They obtained the Birth Certificates of Joel Frank Padgett (DOB: 11/26/86) and Jeanette Francine Padgett (DOB: 11/26/86). (APA p. 18).

The dependency investigation revealed the appearance that Claimant was still married to her second husband, David Henley, at the time of her accident and death. (APA p. 8). However, it also appeared that Claimant and Mr. Henley had separated around a year prior to her accident and death, and stopped living together from that point forward, although they may have visited each other from time to time. (Hr. Tr. 13:15-19, APA p. 8) The initial dependency investigation revealed that Mr. Henley and Claimant may have still been sharing some expenses at the time of her death, but the interviewees could not identify anyone who would have been financially dependent upon Claimant at the time of her accident and death, although it appeared that she did assist her children and grandchildren financially. (Hr.'g Tr. 12:15 – 13:23, APA p. 8).

Mr. Tuten testified that Jeanette Padgett revealed that she and her siblings, and her children, Claimant's grandchildren, were all financially dependent to some degree on the Claimant at the time of her accident and death. (Hr'g. Tr. 15:11 - 16:2, 29:9 – 30:9) (APA pp. 3-4). However, Mr. Tuten indicated that Ms. Padgett did not provide any bank records or statements illustrating incremental specific or ongoing payments the Claimant made to her, her siblings, or her children. (Hr'g. Tr. 16:3-11, 30:22 – 31:4). Mr. Tuten indicated that his interviews with Cheryl Spencer and Annie Bucket revealed that neither of the individuals knew of anyone that would have been financially dependent on the Claimant at the time of her accident and death. (Hr'g. Tr. 16:12 - 17:1, APA pp. 5-6). Mr. Tuten indicated that his interview with Ms. Bucket revealed that she believed Claimant was planning to divorce Mr. Henley and that they had been separated for approximately one to one-and-a-half years at the time of her accident and death. (Hr'g. Tr. 17:4-8, APA p. 5). Mr. Tuten testified that, based on his investigation, he and the interviewees were under the impression that Claimant had been divorced from Mr. Williams. (Hr'g. Tr. 17:14-21).

Mr. Tuten indicated that he performed a second dependency investigation, completed on May 15, 2013. (Hr'g. Tr. 18:24-19:5; APA pp. 19-29). This report was submitted into evidence by the Defendants as Exhibit 1, pages 19 through 29. Representatives of Tuten Insurance Services Corporation interviewed the following witnesses as part of the supplemental dependency investigation: Attorney Johnny Watson, David Henley, and George Williams. (Hr'g Tr. 19:14 – 20:12). Additionally, Tuten Insurance Services Corporation recorded their interviews with these various witnesses. (APA pp. 19-22). Tuten Insurance Services also obtained a statement from David Henley to determine the reason for his and Claimant's separation prior to her death. (Hr'g Tr. 19:14 – 20:12). Tuten Insurance Services Corporation also obtained some additional courthouse searches from Greenwood County and Edgefield County Family Court in an attempt to locate the Divorce Decree for the marriage between Claimant and Mr. Williams. (Hr'g Tr. 19:16-20, APA pp. 20, 25-29). Mr. Tuten testified that the primary reason for his supplemental investigation was to determine whether any additional information existed for an explanation as to why Mr. Henley and Claimant were living apart at the time of her death. (Hr'g. Tr. 20:8-12). As a result, Mr. Tuten learned there was not a specific reason for the separation, other than a mutual decision to separate and live apart after discussing their problems and financial issues. (Hr'g. Tr. 20:8-12, APA p. 20).

Mr. Tuten testified that the investigation revealed that Mr. Williams and the Claimant had never formally divorced, but had merely separated. (Hr'g. Tr. 20:13 – 21:4, 27:23 – 28:8, APA p. 22). Mr. Tuten also testified that Mr. Williams indicated he was not financially dependent on the Claimant in any way at the time of her accident and death. (Hr'g. Tr. 21:5-6, APA p. 22). Mr. Tuten was able to obtain a Separation Order from Greenwood County, dated January 9,

1990, and was able to confirm with the Family Court that a formal divorce was never decreed Greenwood County. (Hr'g. Tr. 21:17 - 22:8, APA pp. 26-29).

A final dependency investigation was completed on June 19, 2014. This report was submitted into evidence by the Defendants as Exhibit 1, pages 30 through 36. Representatives of Tuten Insurance Services Corporation interviewed the following witnesses as part of the dependency investigation: Joel Frank Padgett and Maurice Padgett. (APA pp. 31-34). Additionally, Tuten Insurance Services Corporation recorded their interviews with these various witnesses. They obtained the Birth Certificates of Sequoia J. Padgett (DOB: July 16, 2003) and Damia M. Padgett (DOB: June 22, 2004). (APA p. 36). Mr. Tuten testified that this final dependency investigation revealed that both Joel and Jeanette Padgett were receiving financial assistance from the Claimant at the time of her accident and death. (Hr'g. Tr. 22:17-22, 40:14 - 41:25, APA pp. 31-32). Mr. Tuten explained that Joel Padgett indicated Claimant was living alone at the time of her death. (Hr'g. Tr. 23:5-7, APA p. 32).

Mr. Tuten also testified that Joel Padgett indicated Claimant was assisting to raise Jeanette's two children, Claimant's grandchildren, and raised them from the time that they were babies until approximately two years prior to her accident and death. (Hr'g. Tr. 23:8-15, APA pp. 31-32). However, Mr. Tuten indicated that Joel Padgett could not provide any specific intermittent or regular payments regarding Claimant's financial assistance to any of her children or grandchildren. (Hr'g. Tr. 24:10-16, 30:22 - 31:4). Additionally, Mr. Tuten testified that Maurice Padgett noted himself, Joel and Jeanette were all financially dependent on Claimant at the time of her accident and death. (Hr'g. Tr. 24:17 - 25:3, 40:14 - 41:25). Both Joel and Maurice Padgett revealed that Claimant and Mr. Henley had been separated for at least one year prior to her accident and death. (APA pp. 32-33).

Ultimately, Mr. Tuten explained that his dependency investigation revealed that Claimant was living alone at the time of her death, that no one was financially dependent upon her at the time of her death, and that the statements of some of the interviewees would support the contention that they were at least partially financially dependent upon Claimant. (Hr'g. Tr. 26:23 - 27:8).

On cross-examination, Mr. Tuten explained, that based on his investigation, he believed that Mr. Henley and Claimant entered into their marriage without knowledge of any impediment to the marriage. (Hr'g. Tr. 35:25 - 36:5). He also indicated that it was his understanding that Claimant was divorced from Mr. Williams, which was later disputed by the information obtained from the courthouse searches. (Hr'g. Tr. 36:6 - 39:17). However, Mr. Tuten confirmed that he did not have any personal knowledge regarding the reason for Mr. Williams and Claimant's separation. (Hr'g. Tr. 39:24 - 40:7).

Testimony of David Henley

Mr. Henley testified that he and Claimant had been involved in a relationship for eight or nine years before they were married on March 6, 2010. (Hr'g. Tr. 43:14 - 44:5; 44:21 - 45:14). Mr. Henley testified that he began living with Claimant in 2003, with her minor children, Joel, Jeanette, and Maurice, and assisted Claimant in raising the children. (Hr'g. Tr. 44:8-20; 45:8-46:2). However, Mr. Henley indicated that the children, once they became adults, would sporadically move in and out of the home. (Hr'g. Tr. 46:3-9). Mr. Henley testified that he and Claimant had been separated, or decided to live apart, for about one year prior to her accident and death, but he also explained they continued to see each other periodically and engaged in sexual relations during their separation. (Hr'g. Tr. 46:24 - 47:1-20, 49:6-9, 52:23 - 53:8). Mr. Henley also indicated that he and Claimant assisted each other financially and that when his first

leg was amputated Claimant cared for him by cooking and cleaning and buying groceries, which was also addressed by Joel and Jeanette Padgett's testimony. (Hr'g. Tr. 47:21 - 48:23, 49:10-11, 49:20-25, 54:10 - 55:15, 84:9-20, 99:1- 100:9) Mr. Henley indicated that he and Claimant had plans to move back in together at the beginning of the year had she not passed away. (Hr'g. Tr. 51:12-24). However, no other witnesses were aware that Claimant had these plans. (Hr.'g. Tr. 56:10-24, 82:11-22, 109:17-7). Mr. Henley testified that he was not aware that Claimant was married to Mr. Williams until the dependency investigation began. (Hr'g. Tr. 50:1-17, 52:12-18, 57:10-18).

Testimony of Jeanette Padgett

Ms. Padgett is the twenty-eight-year old daughter of the Claimant. (Hr'g. Tr. 58:19 - 59:6). Ms. Padgett indicated that she moved out on her own at age seventeen for about a year, before moving back into her grandmother's house, where Claimant and Mr. Henley lived as well. (Hr'g. Tr. 61:2-21, 64:4-23). Ms. Padgett indicated that she was still receiving financial help from Claimant even when she was living in her own apartment. (Hr'g. Tr. 61:22 - 62:2). Specifically, Claimant would often assist her children with rent and utilities. (Hr'g Tr. 76:11 - 77:24). Ms. Padgett testified that she had no income at the time of the Claimant's death, but was receiving financial support from her boyfriend and her brothers, Maurice and Joel. (Hr'g. Tr. 71:9 - 72:17, 80:1-3). Ms. Padgett testified that she was not receiving child support, particularly because she was receiving help from Claimant, prior to her death, and various other individuals. (Hr'g. Tr. 68:19 - 72:17). However, Ms. Padgett could not present proof of any payments made by Claimant on Ms. Padgett's behalf. (Hr'g. Tr. 82:23 - 83:5). Ms. Padgett also testified that Claimant helped to support her children, Claimant's grandchildren, by purchasing clothes, shoes,

and paying bills. (Hr'g. Tr. 80:15 - 82:5). However, Ms. Padgett clarified that the Claimant never had custody of her children. (Hr'g. Tr. 84:4-8, 85:11-20).

Ms. Padgett testified that Claimant told her that she had been married to Mr. Williams, but was unaware whether Mr. Williams and Claimant were actually divorced. (Hr'g. Tr. 66:8 - 67:14, 72:23 - 73:13). Ms. Padgett also confirmed that Mr. Henley and Claimant had separated about a year before her death. (Hr'g. Tr. 73:20-25, 74:21 - 75:4).

Testimony of Joel Padgett

Joel Padgett is the twin brother of Ms. Jeanette Padgett (Hr'g. Tr. 87:10-11). He indicated that prior to Claimant's death, he and Jeanette lived together and each contributed financially to the household, but also received assistance from DSS and Claimant. (Hr'g. Tr. 87:24 - 88:4, 108:25 - 109:6). He testified that he works as a hair stylist periodically and was engaged in the trade when his mother was not assisting him financially prior to her death. (Hr'g. Tr. 89:2-19).

He testified that he had not worked full-time since working for Milliken from about 2005 to 2007, particularly since he received some financial assistance from Claimant and also received compensation from his job as a hair stylist. (Hr'g. Tr. 90:22 - 91:24). He testified that he and Ms. Padgett would occasionally ask Claimant for money prior to her death. (Hr'g. Tr. 93:2-24). He indicated that he was not aware that Claimant had not divorced Mr. Williams. (Hr'g. Tr. 96:3 - 97:25, 101:9-24). He also explained that he had not seen Mr. Williams since he was ten years old, until the dependency investigation began, and that Claimant had no communication with or provided any financial assistance to Mr. Williams. (Hr'g. Tr. 106:15 - 107:7). Joel Padgett testified that prior to Claimant's death she was assisting him and Ms. Padgett with their rent. (Hr'g. Tr. 102:21-25, 103:11-105:15, 108-109:7). He noted that he believed Claimant was

saving money for Maurice Padgett upon his release from prison, prior to her death. (Hr'g. Tr. 98:1-6). Finally, he indicated that he was not aware of any plans that Claimant had to reunite with Mr. Henley prior to her death. (Hr'g. Tr. 109:17-7, 110:5-7).

Testimony of Maurice Padgett

Maurice Padgett is thirty years old, the oldest son of Claimant. (Hr'g. Tr. 111:3-8). He testified that he was incarcerated at the time of Claimant's death. (Hr'g. Tr. 111:9-15). He indicated that Claimant would send him money while he was incarcerated. (Hr'g. Tr. 111:16-112:10). He explained that Claimant also wrote him letters, which indicated she would like to buy him a car upon his release. (Hr'g. Tr. 111:16-112:10). Maurice Padgett indicated that he used the money for hygiene and food and general living expenses while in the Department of Corrections, and that he had no other source of income at that time. (Hr'g. Tr. 112:6-19). However, he admitted that the Claimant's assistance was not particularly necessary since he was provided food and clothing by the prison. (Hr'g. Tr. 115:8 – 116:4). He indicated that he planned to live with the Claimant upon his release and that it was his understanding that she would provide for him, which was corroborated by Ms. Padgett and Joel Padgett's testimony. (Hr'g. Tr. 84:1-3, 112:14-113:12).

Maurice Padgett testified that he believed that his brother and sister were receiving assistance from Claimant at the time of her death. (Hr'g. Tr. 114:3-14, 116:10-117:1). Mr. Padgett indicated that he was unaware that Claimant had not divorced Mr. Williams until this dependency investigation began. (Hr'g. Tr. 118:25 - 119:8). He also explained that he was not aware of Mr. Williams providing or receiving any financial assistance to or from Claimant. (Hr'g. Tr. 113:21 – 114:2).

Testimony of George Williams

Mr. Williams confirmed that he and Claimant married in July 1988. (Hr'g. Tr. 121:17-19). He also confirmed that he and the Claimant separated about four or five months after they were married. (Hr'g. Tr. 121:20-23, 124:25 – 125:9). Mr. Williams indicated that he filed legal separation papers because he believed that Claimant had committed adultery and had effectively deserted him, two divorce grounds he believed to be one in the same. (Hr'g. Tr. 121:24 - 122:25, 126:8-9, 127:5-9, 132:23 – 133:25, 136:17 – 137:25). However, the legal separation agreement makes no mention of the alleged adultery. (Hr'g. Tr. 134:1-4, APA pp. 26-28). Mr. Williams admitted that he and Claimant were not living together at the time of her death, nor was he dependent upon her for support. (Hr'g. Tr. 132:2-6, 134:22 – 135:3, 136:5-7). He also admitted that he and Claimant did not formally divorce, but he married his current wife of twelve years despite this knowledge. (Hr'g. Tr. 127:16-24, 129:24 – 131:9).

FINDINGS OF FACT

Based upon the stipulations of the parties, the testimony, and the evidence received and produced at this hearing, the undersigned Commissioner makes the following findings of fact:

1. That all parties to this proceeding are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Claimant (deceased) as employee, and Otis Spunkmeyer Holdings, Inc. and Trumbull Insurance Company c/o The Hartford as Employer/Carrier.
2. That jurisdiction and venue are proper.
3. That pursuant to Regulation 67-902, the Employer/Carrier conducted an exhaustive good-faith dependency investigation to determine the proper people dependent upon

the Deceased Employee for support and, therefore, to whom the death benefits should be payable.

4. This is an admitted death claim that occurred on September 19, 2012, while Claimant was working on the premises of the Employer.

5. Claimant had an average weekly wage of \$695.82 with a corresponding compensation rate of \$463.90.

6. That the good faith dependency investigation performed by Tuten Insurance Services Corporation revealed seven potential dependents: (a) David Henley; (b) George Williams; (c) Jeanette Padgett; (d) Joel Padgett; (e) Maurice Padgett; (f) Sequoia Padgett; (g) Damia Padgett.

7. That the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42.

8. That Mr. George Williams is entitled to no benefits in this matter for the following reasons:

- (a) I find the testimony of Mr. Williams void of any credibility;
- (b) Claimant and Mr. Williams were lawfully married on July 15, 1988;
- (c) By Order of the Family Court on January 9, 1990, a separation document was approved. I specifically note that Mr. Williams was the moving party in that action;
- (d) I find that Mr. Williams was not dependent upon the Claimant for support;
- (e) I find that no record exists proving that the marriage ended in divorce;
- (f) I find that Mr. Williams and Claimant were not living together at the time of her death and were not living apart for justifiable cause;
- (g) I find Mr. Williams' assertion that Claimant deserted him lacks any merit;

(h) Mr. Williams re-married in spite of his assertion that he is the lawful spouse of Claimant and has been married for twelve years.

9. That Mr. David Henley is entitled to no benefits in this matter for the following reasons:

(a) I find this case different from *Thomas v. Five Star Transportation* for a number of reasons:

(1) In the instant matter, I cannot find that Claimant and Mr. Henley entered into this marriage in good faith. It is clear that the Claimant was aware of an impediment to marriage;

(2) In the instant matter, the impediment to marriage was never removed;

(3) Even if the good faith exception applies, I find that Mr. Henley and Claimant were living apart for no justifiable reason. It is clear they were living apart intentionally and I find insufficient evidence to conclude they were planning to reunite, other than Mr. Henley's self-serving testimony.

10. That Sequoia Padgett and Damia Padgett were not dependent upon the Claimant at the time of her death. While both were the beneficiaries of Claimant's generosity, it never rose to the level of dependency.

11. That Maurice Padgett, Joel Padgett, and Jeanette Padgett were not dependent upon the Claimant at the time of her death. I find that "dependent" connotes someone who relies upon another for support and is not able to exist or sustain oneself without the power or aid of someone else (see *Black's Dictionary*). It is abundantly clear that each of these individuals relied upon the support of their mother; however, it is equally clear that each of them are able to exist or sustain themselves without the assistance of their mother. The fact that each felt no

compunction about their reliance upon their mother in no way translates that reliance into dependency.

12. That Claimant left no dependents in this matter. As a result, benefits are to be divided equally according to §42-9-140(a) to her children, Maurice Padgett, Joel Padgett, and Jeanette Padgett.

13. That Maurice Padgett, Joel Padgett, and Jeanette Padgett are entitled to the commuted balance of the 500 weeks of death benefits, less burial expenses, less \$1,400 in Guardian *ad litem* fees subject to a Form 61 Attorney Fee Petition approved by the Commission, pursuant to the application of §42-9-140(a) and §42-9-290.

CONCLUSIONS OF LAW

1. Under the South Carolina Workers' Compensation Act and other applicable law, it is the determination of the undersigned Commissioner that under §42-9-290 and Regulation 67-902 and 67-904, Defendants have performed an exhaustive and good faith dependency investigation.

2. David Henley does not qualify as a surviving spouse under §42-1-175.

3. George Williams does not qualify as a surviving spouse under §42-1-175.

4. Sequoia Padgett and Damia Padgett were not dependent upon the Claimant at the time of her death. While both were the beneficiaries of Claimant's generosity, it never rose to the level of dependency. Sequoia Padgett and Damia Padgett do not qualify as dependents under §42-9-290.

5. Pursuant to Regulation 67-216(F), the Guardian *ad Litem* shall be paid from the proceeds of the claim for services rendered in the amount of \$1,400.00, subject to change through a Form 61 Attorney Fee Petition approved by the Commission.

6. Since Claimant did not leave a surviving spouse, benefits are to be divided equally according to §42-9-140(a) to her children, Maurice Padgett, Joel Padgett, and Jeanette Padgett.

7. In accordance with §42-9-290, the commuted value of 500 weeks of death benefits is 454.78 weeks, which, when multiplied by the applicable compensation rate, is equal to \$210,972.44, less the burial expenses (\$13,431.42), less guardian *ad litem* attorney's fees (\$1,400.00) subject to a Form 61 Attorney Fee Petition approved by the Commission, equals a total amount of \$196,141.02, which is subject to change pending approval of the Form 61 by the Commission.

8. In accordance with §42-9-290, Maurice Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

9. In accordance with §42-9-290, Joel Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

10. In accordance with §42-9-290, Jeanette Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of

\$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

11. Pursuant to §42-9-290, §42-9-340, Regulation 67-902, and Regulation 67-904, the Defendants performed a good faith dependency investigation in this matter and satisfied their obligations and are fully discharged of any obligations and liabilities for workers' compensation benefits of any kind arising out of this claim after making payments as set forth above herein.

12. Pursuant to §42-9-290, the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42.

13. The findings of fact as set forth are construed to be conclusions of law as applicable.

AWARD

NOW THEREFORE, based on the Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that Defendants shall pay to Maurice Padgett, Joel Padgett, and Jeanette Padgett equal one-third (1/3) portions of the total sum of the commuted death benefits, less burial expenses guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, as set forth in the Conclusions of Law.

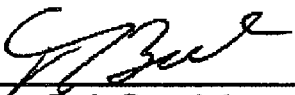
IT IS FURTHER ORDERED that the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42, absolving Defendants of its obligation to reimbursement of \$2,500.00 in burial expenses pursuant to §42-9-290.

IT IS FURTHER ORDERED that Defendants are hereby absolved of their obligation to pay additional death benefits outside of the confines of this Order based upon their satisfaction of discovery of beneficiaries with a good faith determination pursuant to §42-9-290, §42-9-340, Regulation 67-902 and Regulation 67-904.

IT IS FURTHER ORDERED that the parties are not entitled to any other benefits pursuant to §42-1-10, et. seq. the South Carolina Workers' Compensation Act.

IT IS FURTHER ORDERED that the Guardian *ad Litem* shall be paid from the proceeds of the claim for services rendered, subject to a Form 61 Attorney Fee Petition approved by the Commission pursuant to Regulation 67-216(F); and

AND IT IS SO ORDERED.



T. Scott Beck, Commissioner

CERTIFICATE OF SERVICE

This is to certify the undersigned has this date served this order in the above entitled action upon all parties to this cause by sending an electronic copy hereof by electronic mail addressed to the attorney or attorneys for said parties or by depositing a copy hereof, postage paid, in the United States certified mail addressed to any unrepresented party.

August 7, 2015

By: Shawn DeBruhl, Administrative Assistant to Commissioner Beck

Order of Appellate Panel, February 8, 2016

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

W.C.C. FILE NO: 1212974

Susie Henley

EMPLOYEE,
CLAIMANT/RESPONDENT

VS.

Otis Spunkmeyer, Inc.

EMPLOYER,

AND

Trumbull Insurance Company c/o The Hartford

CARRIER,
DEFENDANTS/APPELLANTS,

Appellate Panel Review held in Columbia, South
Carolina, on November 17, 2015 per notices timely
And properly served upon all parties of interest.

Appellate Panel Decision and Order Filed:

February 8th, 2016

APPEARANCES: Potential Dependents Jeannette Padgett, Joel Padgett, and Maurice Padgett, represented by R. Jamison Tinsley, Esquire of Tinsley & Tinsley, P.C. of Greenwood, South Carolina.

Potential Dependents Sequoia Padgett and Damia Padgett, represented by Megan Goodwin Burke, Esquire, of Greenville, South Carolina.

Defendants/Respondents represented by A. Mundi George.

STATEMENT OF THE CASE

Claimant was an employee of Otis Spunkmeyer, Inc. On September 19, 2012, Claimant was crushed by a broken dock door at the Employer's premises, which resulted in her death. The case was ruled an accidental death by the Lexington County Coroner. The cause of death was listed as asphyxiation secondary to a crush injury to the chest. This accident was accepted as a compensable death resulting proximately from an accident by the Employer and Carrier.

The Defendants thereafter retained the services of Tuten Insurance Services Corporation to perform a dependency investigation. On August 16, 2013, Defendants filed a Form 21, Employer's Request for Hearing, to determine the amount of compensation for a claim involving a fatality. The specific issue was the amount of compensation for death of an employee due to an accident pursuant to §42-9-290. A hearing was scheduled for September 24, 2013, but the hearing did not go forward since the three potential adult children dependents requested representation. The hearing was rescheduled for October 29, 2013, but did not go forward due to certain legal conflicts regarding the potential dependents' representation. On January 27, 2014, a status conference took place. Following the status conference, on June 19, 2014, Tuten Insurance Services Corporation performed a supplemental dependency investigation. Ultimately, a hearing was scheduled for April 14, 2015. Defendants appeared before the Commission seeking determination of a good faith discovery of beneficiaries pursuant to Regulations 67-902 and 67-904, a determination as to whom benefits are to be disbursed, and assert that the funeral expenses have already been paid by the Employer in this matter.

The potential dependents appeared before the Commission seeking an award of death benefits pursuant to the proper application of §42-9-290. Specifically, potential dependent David Henley maintained that he was the surviving spouse of the Claimant and entitled to a

presumption of dependency, and if not determined to be the surviving spouse, he asserted that he was wholly dependent, but at the very least, partially dependent upon the Claimant. Specifically, potential dependent George Williams maintained that he was the surviving spouse entitled to a presumption of dependency, asserts that there was no record of any divorce from his marriage to the Claimant, and, as a result, the Claimant's marriage to Mr. Henley was void. Mr. Williams further asserted that he was separated from Claimant for just cause based on a reason of desertion.

Potential dependents Maurice, Joel, and Jeannette Padgett maintained that neither Mr. Henley nor Mr. Williams met the definition of a surviving spouse, and, as a result, each of them are entitled to benefits under §42-9-140(a). Potential dependents Maurice, Joel, and Jeanette Padgett further asserted they would meet the definition of dependents under the statute, even though they did not meet the presumption. Potential dependents Sequoia and Damia Padgett maintained they were wholly dependent upon the Claimant, and if not deemed to be wholly dependent, they were at least partially dependent upon Claimant.

A hearing in this matter was held before Commissioner Beck on April 14, 2015. At the conclusion of the hearing, Commissioner Beck issued a Decision and Order making the following Findings of Fact and Conclusions of Law:

SINGLE COMMISSIONER FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Based upon the stipulations of the parties, the testimony, and the evidence received and produced at this hearing, the undersigned Commissioner makes the following findings of fact:

1. That all parties to this proceeding are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Claimant (deceased) as employee, and Otis Spunkmeyer Holdings, Inc. and Trumbull Insurance Company c/o The Hartford as Employer/Carrier.
2. That jurisdiction and venue are proper.

3. That pursuant to Regulation 67-902, the Employer/Carrier conducted an exhaustive good-faith dependency investigation to determine the proper people dependent upon the Deceased Employee for support and, therefore, to whom the death benefits should be payable.

4. This is an admitted death claim that occurred on September 19, 2012, while Claimant was working on the premises of the Employer.

5. Claimant had an average weekly wage of \$695.82 with a corresponding compensation rate of \$463.90.

6. That the good faith dependency investigation performed by Tuten Insurance Services Corporation revealed seven potential dependents: (a) David Henley; (b) George Williams; (c) Jeanette Padgett; (d) Joel Padgett; (e) Maurice Padgett; (f) Sequoia Padgett; (g) Damia Padgett.

7. That the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42.

8. That Mr. George Williams is entitled to no benefits in this matter for the following reasons:

- (a) I find the testimony of Mr. Williams void of any credibility;
- (b) Claimant and Mr. Williams were lawfully married on July 15, 1988;
- (c) By Order of the Family Court on January 9, 1990, a separation document was approved. I specifically note that Mr. Williams was the moving party in that action;
- (d) I find that Mr. Williams was not dependent upon the Claimant for support;
- (e) I find that no record exists proving that the marriage ended in divorce;
- (f) I find that Mr. Williams and Claimant were not living together at the time of her death and were not living apart for justifiable cause;
- (g) I find Mr. Williams' assertion that Claimant deserted him lacks any merit;
- (h) Mr. Williams re-married in spite of his assertion that he is the lawful spouse of Claimant and has been married for twelve years.

9. That Mr. David Henley is entitled to no benefits in this matter for the following reasons:

(a) I find this case different from *Thomas v. Five Star Transportation* for a number of reasons:

- (1) In the instant matter, I cannot find that Claimant and Mr. Henley entered into this marriage in good faith. It is clear that the Claimant was aware of an impediment to marriage;
- (2) In the instant matter, the impediment to marriage was never removed;
- (3) Even if the good faith exception applies, I find that Mr. Henley and Claimant were living apart for no justifiable reason. It is clear they were living apart intentionally and I find insufficient evidence to conclude they were planning to re-unite, other than Mr. Henley's self-serving testimony.

10. That Sequoia Padgett and Damia Padgett were not dependent upon the Claimant at the time of her death. While both were the beneficiaries of Claimant's generosity, it never rose to the level of dependency.

11. That Maurice Padgett, Joel Padgett, and Jeanette Padgett were not dependent upon the Claimant at the time of her death. I find that "dependent" connotes someone who relies upon another for support and is not able to exist or sustain oneself without the power or aid of someone else (see *Black's Dictionary*). It is abundantly clear that each of these individuals relied upon the support of their mother; however, it is equally clear that each of them are able to exist or sustain themselves without the assistance of their mother. The fact that each felt no compunction about their reliance upon their mother in no way translates that reliance into dependency.

12. That Claimant left no dependents in this matter. As a result, benefits are to be divided equally according to §42-9-140(a) to her children, Maurice Padgett, Joel Padgett, and Jeanette Padgett.

13. That Maurice Padgett, Joel Padgett, and Jeanette Padgett are entitled to the commuted balance of the 500 weeks of death benefits, less burial expenses, less \$1,400 in Guardian *ad litem* fees subject to a Form 61 Attorney Fee Petition approved by the Commission, pursuant to the application of §42-9-140(a) and §42-9-290.

CONCLUSIONS OF LAW

1. Under the South Carolina Workers' Compensation Act and other applicable law, it is the determination of the undersigned Commissioner that

under §42-9-290 and Regulation 67-902 and 67-904, Defendants have performed an exhaustive and good faith dependency investigation.

2. David Henley does not qualify as a surviving spouse under §42-1-175.

3. George Williams does not qualify as a surviving spouse under §42-1-175.

4. Sequoia Padgett and Damia Padgett were not dependent upon the Claimant at the time of her death. While both were the beneficiaries of Claimant's generosity, it never rose to the level of dependency. Sequoia Padgett and Damia Padgett do not qualify as dependents under §42-9-290.

5. Pursuant to Regulation 67-216(F), the Guardian *ad Litem* shall be paid from the proceeds of the claim for services rendered in the amount of \$1,400.00, subject to change through a Form 61 Attorney Fee Petition approved by the Commission.

6. Since Claimant did not leave a surviving spouse, benefits are to be divided equally according to §42-9-140(a) to her children, Maurice Padgett, Joel Padgett, and Jeanette Padgett.

7. In accordance with §42-9-290, the commuted value of 500 weeks of death benefits is 454.78 weeks, which, when multiplied by the applicable compensation rate, is equal to \$210,972.44, less the burial expenses (\$13,431.42), less guardian *ad litem* attorney's fees (\$1,400.00) subject to a Form 61 Attorney Fee Petition approved by the Commission, equals a total amount of \$196,141.02, which is subject to change pending approval of the Form 61 by the Commission.

8. In accordance with §42-9-290, Maurice Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

9. In accordance with §42-9-290, Joel Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

10. In accordance with §42-9-290, Jeanette Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses

and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

11. Pursuant to §42-9-290, §42-9-340, Regulation 67-902, and Regulation 67-904, the Defendants performed a good faith dependency investigation in this matter and satisfied their obligations and are fully discharged of any obligations and liabilities for workers' compensation benefits of any kind arising out of this claim after making payments as set forth above herein.

12. Pursuant to §42-9-290, the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42.

13. The findings of fact as set forth are construed to be conclusions of law as applicable.

Following the Decision and Order, potential dependent David Henley filed a Form 30 and asserted several exceptions to the Decision and Order. The exceptions are consolidated as follows:

1. Did the Single Commissioner err in finding that no record exists proving Claimant's marriage to George Williams ended in divorce?
2. Did the Single Commissioner err in concluding that Appellant David Henley is entitled to no benefits in this matter because the Commissioner could not find that Mrs. Henley and Mr. Henley entered into their marriage in good faith when the substantial and in fact all the evidence dictates such a finding, and especially when there was no evidence to the contrary?
3. Did the Single Commissioner err in concluding that Appellant David Henley is entitled to no benefits in this matter because it was clear that Mrs. Henley was aware of an impediment to marriage when no evidence was presented that Mrs. Henley was aware of an impediment when she married Mr. Henley?
4. Did the Single Commissioner erroneously imply wrong or fraud to Mrs. Henley by finding that she did not marry Mr. Henley in good faith because she was clearly aware of an impediment to marriage when the substantial and in fact all

of the evidence showed that Mrs. Henley believed and told each witness, who also believed, that she was divorced from George Williams?

5. Did the Single Commissioner err in concluding that Appellant David Henley is entitled to no benefits in this matter because the facts in this case were distinguishable from those in *Thomas v. Five Star Transportation* in that the impediment to marriage was never removed from this case?
6. Did the Single Commissioner err in concluding that even if Appellant David Henley and Mrs. Henley married in good faith, Mr. Henley is entitled to no benefits based upon the Commissioner's finding that Mr. and Mrs. Henley were living apart for no justifiable cause?
7. Did the Single Commissioner erroneously find that Appellant David Henley and Mrs. Henley were living apart for no justifiable cause when the words 'justifiable cause', as employed in the Workers' Compensation Act, have the meaning given to them in separation and divorce cases, and a spouse does not need grounds that would merit a fault-based divorce in order to live separate and apart from the other spouse?
8. Did the Single Commissioner err by finding that insufficient evidence existed to conclude that Appellant and Mrs. Henley "were planning to reunite, other than [Mr. Henley's] self-serving testimony"?
9. Did the Single Commissioner err in finding and concluding that Mrs. Henley left no dependents when the substantial evidence shows that Appellant David Henley was a surviving spouse and presumed to be and was in fact at least partially if not wholly dependent upon Mrs. Henley at the time of her death?
10. Did the Single Commissioner err in omitting Appellant David Henley from the division of benefits awarded pursuant to S.C. Code Section 42-9-140(a)?
11. Did the Single Commissioner erroneously interpret the case law and statutes in concluding that Appellant David Henley does not qualify as a surviving spouse pursuant to S.C. Code Section 42-1-175?

12. Did the Single Commissioner erroneously reduce the death benefit by the full amount of the funeral expenses and by ordering that the grandchildren's Guardian ad Litem fees for representation in this dependency hearing be paid from the proceeds of the claim rather than by the carrier?
13. Did the Single Commissioner err by absolving the carrier of its obligation to reimburse funeral expenses pursuant to S.C. Code Section 42-9-290?

The Appellant failed to appear at the time scheduled for oral argument before the Full Commission despite receiving proper service of the Form 31 Notice of Review. After waiting approximately ten (10) minutes, the Full Commission cancelled the hearing and exercised its discretion to issue a ruling on the Commission record. The Appellant arrived after the Full commission had cancelled the hearing and subsequently filed a Notice of Motion and Motion to Reschedule Oral Argument. Respondent Employer Otis Spunkmeyer timely filed a response requesting a denial of the Appellant's Motion. The Full Commission DENIED the Appellant's Motion.

EVIDENCE OF THE CASE

Testimony of Dependency Investigator Chris Tuten

Because, as stated above, the September 19, 2012 accident was admitted as a compensable injury by accident proximately resulting in the death of the Claimant, Defendants hired Tuten Insurance Services Corporation to perform a dependency investigation. Mr. Tuten testified that he frequently conducts dependency investigations in workers' compensation claims, has done so personally, and has also testified before the Commission in the past. (Hr'g. Tr. 11:11-22). Mr. Tuten's initial dependency investigation was submitted into evidence by the Defendants as Exhibit 1, pages 1 through 9. Mr. Tuten testified that he interviewed the

following witnesses as part of the initial dependency investigation: David Henley, Jeanette Padgett, Claimant's friend, Cheryl Spencer, and Claimant's sister, Annie Bucket. (Hr'g. Tr. 12:7-9). Additionally, Tuten Insurance Services Corporation recorded their interviews with these various witnesses.

Tuten Insurance Services Corporation also obtained a copy of the Divorce Decree between Mr. Henley and his first wife, Catherine W. Henley, dated June 13, 2008. (Hr'g. Tr. 13:4-6, APA pp. 13-16). They also obtained a copy of the Marriage License between David Henley and Claimant, dated March 1, 2010. (Hr'g. Tr. 13:11-14, APA p. 12). They obtained the obituary of Claimant from The State newspaper, dated September 23, 2012. (APA p. 10). They obtained the Butler & Sons Funeral Home, funeral bill, showing total funeral charges in the amount of \$13,431.42. (APA p. 11). They obtained the Death Certificate of Claimant, dated November 20, 2012. (APA p. 17). They obtained the Birth Certificates of Joel Frank Padgett (DOB: 11/26/86) and Jeanette Francine Padgett (DOB: 11/26/86). (APA p. 18).

The dependency investigation revealed the appearance that Claimant was still married to her second husband, David Henley, at the time of her accident and death. (APA p. 8). However, it also appeared that Claimant and Mr. Henley had separated around a year prior to her accident and death, and stopped living together from that point forward, although they may have visited each other from time to time. (Hr. Tr. 13:15-19, APA p. 8) The initial dependency investigation revealed that Mr. Henley and Claimant may have still been sharing some expenses at the time of her death, but the interviewees could not identify anyone who would have been financially dependent upon Claimant at the time of her accident and death, although it appeared that she did assist her children and grandchildren financially. (Hr.'g Tr. 12:15 – 13:23, APA p. 8).

Mr. Tuten testified that Jeanette Padgett revealed that she and her siblings, and her children, Claimant's grandchildren, were all financially dependent to some degree on the Claimant at the time of her accident and death. (Hr'g. Tr. 15:11 - 16:2, 29:9 - 30:9) (APA pp. 3-4). However, Mr. Tuten indicated that Ms. Padgett did not provide any bank records or statements illustrating incremental specific or ongoing payments the Claimant made to her, her siblings, or her children. (Hr'g. Tr. 16:3-11, 30:22 - 31:4). Mr. Tuten indicated that his interviews with Cheryl Spencer and Annie Bucket revealed that neither of the individuals knew of anyone that would have been financially dependent on the Claimant at the time of her accident and death. (Hr'g. Tr. 16:12 - 17:1, APA pp. 5-6). Mr. Tuten indicated that his interview with Ms. Bucket revealed that she believed Claimant was planning to divorce Mr. Henley and that they had been separated for approximately one to one-and-a-half years at the time of her accident and death. (Hr'g. Tr. 17:4-8, APA p. 5). Mr. Tuten testified that, based on his investigation, he and the interviewees were under the impression that Claimant had been divorced from Mr. Williams. (Hr'g. Tr. 17:14-21).

Mr. Tuten indicated that he performed a second dependency investigation, completed on May 15, 2013. (Hr'g. Tr. 18:24-19:5; APA pp. 19-29). This report was submitted into evidence by the Defendants as Exhibit 1, pages 19 through 29. Representatives of Tuten Insurance Services Corporation interviewed the following witnesses as part of the supplemental dependency investigation: Attorney Johnny Watson, David Henley, and George Williams. (Hr.'g Tr. 19:14 - 20:12). Additionally, Tuten Insurance Services Corporation recorded their interviews with these various witnesses. (APA pp. 19-22). Tuten Insurance Services also obtained a statement from David Henley to determine the reason for his and Claimant's separation prior to her death. (Hr.'g Tr. 19:14 - 20:12). Tuten Insurance Services Corporation

also obtained some additional courthouse searches from Greenwood County and Edgefield County Family Court in an attempt to locate the Divorce Decree for the marriage between Claimant and Mr. Williams. (Hr.'g Tr. 19:16-20, APA pp. 20, 25-29). Mr. Tuten testified that the primary reason for his supplemental investigation was to determine whether any additional information existed for an explanation as to why Mr. Henley and Claimant were living apart at the time of her death. (Hr'g. Tr. 20:8-12). As a result, Mr. Tuten learned there was not a specific reason for the separation, other than a mutual decision to separate and live apart after discussing their problems and financial issues. (Hr'g. Tr. 20:8-12, APA p. 20).

Mr. Tuten testified that the investigation revealed that Mr. Williams and the Claimant had never formally divorced, but had merely separated. (Hr'g. Tr. 20:13 – 21:4, 27:23 – 28:8, APA p. 22). Mr. Tuten also testified that Mr. Williams indicated he was not financially dependent on the Claimant in any way at the time of her accident and death. (Hr'g. Tr. 21:5-6, APA p. 22). Mr. Tuten was able to obtain a Separation Order from Greenwood County, dated January 9, 1990, and was able to confirm with the Family Court that a formal divorce was never decreed Greenwood County. (Hr'g. Tr. 21:17 - 22:8, APA pp. 26-29).

A final dependency investigation was completed on June 19, 2014. This report was submitted into evidence by the Defendants as Exhibit 1, pages 30 through 36. Representatives of Tuten Insurance Services Corporation interviewed the following witnesses as part of the dependency investigation: Joel Frank Padgett and Maurice Padgett. (APA pp. 31-34). Additionally, Tuten Insurance Services Corporation recorded their interviews with these various witnesses. They obtained the Birth Certificates of Sequoia J. Padgett (DOB: July 16, 2003) and Damia M. Padgett (DOB: June 22, 2004). (APA p. 36). Mr. Tuten testified that this final dependency investigation revealed that both Joel and Jeanette Padgett were receiving financial

assistance from the Claimant at the time of her accident and death. (Hr'g. Tr. 22:17-22, 40:14 - 41:25, APA pp. 31-32). Mr. Tuten explained that Joel Padgett indicated Claimant was living alone at the time of her death. (Hr'g. Tr. 23:5-7, APA p. 32).

Mr. Tuten also testified that Joel Padgett indicated Claimant was assisting to raise Jeanette's two children, Claimant's grandchildren, and raised them from the time that they were babies until approximately two years prior to her accident and death. (Hr'g. Tr. 23:8-15, APA pp. 31-32). However, Mr. Tuten indicated that Joel Padgett could not provide any specific intermittent or regular payments regarding Claimant's financial assistance to any of her children or grandchildren. (Hr'g. Tr. 24:10-16, 30:22 - 31:4). Additionally, Mr. Tuten testified that Maurice Padgett noted himself, Joel and Jeanette were all financially dependent on Claimant at the time of her accident and death. (Hr'g. Tr. 24:17 - 25:3, 40:14 - 41:25). Both Joel and Maurice Padgett revealed that Claimant and Mr. Henley had been separated for at least one year prior to her accident and death. (APA pp. 32-33).

Ultimately, Mr. Tuten explained that his dependency investigation revealed that Claimant was living alone at the time of her death, that no one was financially dependent upon her at the time of her death, and that the statements of some of the interviewees would support the contention that they were at least partially financially dependent upon Claimant. (Hr'g. Tr. 26:23 - 27:8).

On cross-examination, Mr. Tuten explained, that based on his investigation, he believed that Mr. Henley and Claimant entered into their marriage without knowledge of any impediment to the marriage. (Hr'g. Tr. 35:25 - 36:5). He also indicated that it was his understanding that Claimant was divorced from Mr. Williams, which was later disputed by the information obtained from the courthouse searches. (Hr'g. Tr. 36:6 - 39:17). However, Mr. Tuten confirmed that he

did not have any personal knowledge regarding the reason for Mr. Williams and Claimant's separation. (Hr'g. Tr. 39:24 - 40:7).

Testimony of David Henley

Mr. Henley testified that he and Claimant had been involved in a relationship for eight or nine years before they were married on March 6, 2010. (Hr'g. Tr. 43:14 - 44:5; 44:21 - 45:14). Mr. Henley testified that he began living with Claimant in 2003, with her minor children, Joel, Jeanette, and Maurice, and assisted Claimant in raising the children. (Hr'g. Tr. 44:8-20; 45:8-46:2). However, Mr. Henley indicated that the children, once they became adults, would sporadically move in and out of the home. (Hr'g. Tr. 46:3-9). Mr. Henley testified that he and Claimant had been separated, or decided to live apart, for about one year prior to her accident and death, but he also explained they continued to see each other periodically and engaged in sexual relations during their separation. (Hr'g. Tr. 46:24 - 47:1-20, 49:6-9, 52:23 - 53:8). Mr. Henley also indicated that he and Claimant assisted each other financially and that when his first leg was amputated Claimant cared for him by cooking and cleaning and buying groceries, which was also addressed by Joel and Jeanette Padgett's testimony. (Hr'g. Tr. 47:21 - 48:23, 49:10-11, 49:20-25, 54:10 - 55:15, 84:9-20, 99:1- 100:9) Mr. Henley indicated that he and Claimant had plans to move back in together at the beginning of the year had she not passed away. (Hr'g. Tr. 51:12-24). However, no other witnesses were aware that Claimant had these plans. (Hr.'g. Tr. 56:10-24, 82:11-22, 109:17-7). Mr. Henley testified that he was not aware that Claimant was married to Mr. Williams until the dependency investigation began. (Hr'g. Tr. 50:1-17, 52:12-18, 57:10-18).

Testimony of Jeanette Padgett

Ms. Padgett is the twenty-eight-year old daughter of the Claimant. (Hr'g. Tr. 58:19 - 59:6). Ms. Padgett indicated that she moved out on her own at age seventeen for about a year, before moving back into her grandmother's house, where Claimant and Mr. Henley lived as well. (Hr'g. Tr. 61:2-21, 64:4-23). Ms. Padgett indicated that she was still receiving financial help from Claimant even when she was living in her own apartment. (Hr'g. Tr. 61:22 - 62:2). Specifically, Claimant would often assist her children with rent and utilities. (Hr'g. Tr. 76:11 - 77:24). Ms. Padgett testified that she had no income at the time of the Claimant's death, but was receiving financial support from her boyfriend and her brothers, Maurice and Joel. (Hr'g. Tr. 71:9 - 72:17, 80:1-3). Ms. Padgett testified that she was not receiving child support, particularly because she was receiving help from Claimant, prior to her death, and various other individuals. (Hr'g. Tr. 68:19 - 72:17). However, Ms. Padgett could not present proof of any payments made by Claimant on Ms. Padgett's behalf. (Hr'g. Tr. 82:23 - 83:5). Ms. Padgett also testified that Claimant helped to support her children, Claimant's grandchildren, by purchasing clothes, shoes, and paying bills. (Hr'g. Tr. 80:15 - 82:5). However, Ms. Padgett clarified that the Claimant never had custody of her children. (Hr'g. Tr. 84:4-8, 85:11-20).

Ms. Padgett testified that Claimant told her that she had been married to Mr. Williams, but was unaware whether Mr. Williams and Claimant were actually divorced. (Hr'g. Tr. 66:8 - 67:14, 72:23 - 73:13). Ms. Padgett also confirmed that Mr. Henley and Claimant had separated about a year before her death. (Hr'g. Tr. 73:20-25, 74:21 - 75:4).

Testimony of Joel Padgett

Joel Padgett is the twin brother of Ms. Jeanette Padgett (Hr'g. Tr. 87:10-11). He indicated that prior to Claimant's death, he and Jeanette lived together and each contributed

financially to the household, but also received assistance from DSS and Claimant. (Hr'g. Tr. 87:24 - 88:4, 108:25 - 109:6). He testified that he works as a hair stylist periodically and was engaged in the trade when his mother was not assisting him financially prior to her death. (Hr'g. Tr. 89:2-19).

He testified that he had not worked full-time since working for Milliken from about 2005 to 2007, particularly since he received some financial assistance from Claimant and also received compensation from his job as a hair stylist. (Hr'g. Tr. 90:22 - 91:24). He testified that he and Ms. Padgett would occasionally ask Claimant for money prior to her death. (Hr'g. Tr. 93:2-24). He indicated that he was not aware that Claimant had not divorced Mr. Williams. (Hr'g. Tr. 96:3 - 97:25, 101:9-24). He also explained that he had not seen Mr. Williams since he was ten years old, until the dependency investigation began, and that Claimant had no communication with or provided any financial assistance to Mr. Williams. (Hr'g. Tr. 106:15 - 107:7). Joel Padgett testified that prior to Claimant's death she was assisting him and Ms. Padgett with their rent. (Hr'g. Tr. 102:21-25, 103:11-105:15, 108-109:7). He noted that he believed Claimant was saving money for Maurice Padgett upon his release from prison, prior to her death. (Hr'g. Tr. 98:1-6). Finally, he indicated that he was not aware of any plans that Claimant had to reunite with Mr. Henley prior to her death. (Hr'g. Tr. 109:17-7, 110:5-7).

Testimony of Maurice Padgett

Maurice Padgett is thirty years old, the oldest son of Claimant. (Hr'g. Tr. 111:3-8). He testified that he was incarcerated at the time of Claimant's death. (Hr'g. Tr. 111:9-15). He indicated that Claimant would send him money while he was incarcerated. (Hr'g. Tr. 111:16-112:10). He explained that Claimant also wrote him letters, which indicated she would like to buy him a car upon his release. (Hr'g. Tr. 111:16-112:10). Maurice Padgett indicated that he

used the money for hygiene and food and general living expenses while in the Department of Corrections, and that he had no other source of income at that time. (Hr'g. Tr. 112:6-19). However, he admitted that the Claimant's assistance was not particularly necessary since he was provided food and clothing by the prison. (Hr'g. Tr. 115:8 - 116:4). He indicated that he planned to live with the Claimant upon his release and that it was his understanding that she would provide for him, which was corroborated by Ms. Padgett and Joel Padgett's testimony. (Hr'g. Tr. 84:1-3, 112:14-113:12).

Maurice Padgett testified that he believed that his brother and sister were receiving assistance from Claimant at the time of her death. (Hr'g. Tr. 114:3-14, 116:10-117:1). Mr. Padgett indicated that he was unaware that Claimant had not divorced Mr. Williams until this dependency investigation began. (Hr'g. Tr. 118:25 - 119:8). He also explained that he was not aware of Mr. Williams providing or receiving any financial assistance to or from Claimant. (Hr'g. Tr. 113:21 - 114:2).

Testimony of George Williams

Mr. Williams confirmed that he and Claimant married in July 1988. (Hr'g. Tr. 121:17-19). He also confirmed that he and the Claimant separated about four or five months after they were married. (Hr'g. Tr. 121:20-23, 124:25 - 125:9). Mr. Williams indicated that he filed legal separation papers because he believed that Claimant had committed adultery and had effectively deserted him, two divorce grounds he believed to be one in the same. (Hr'g. Tr. 121:24 - 122:25, 126:8-9, 127:5-9, 132:23 - 133:25, 136:17 - 137:25). However, the legal separation agreement makes no mention of the alleged adultery. (Hr'g. Tr. 134:1-4, APA pp. 26-28). Mr. Williams admitted that he and Claimant were not living together at the time of her death, nor was he dependent upon her for support. (Hr'g. Tr. 132:2-6, 134:22 - 135:3, 136:5-7). He also admitted

that he and Claimant did not formally divorce, but he married his current wife of twelve years despite this knowledge. (Hr'g. Tr. 127:16-24, 129:24 – 131:9).

**FULL COMMISSION FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

Findings of Fact

1. That all parties to this proceeding are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Claimant (deceased) as employee, and Otis Spunkmeyer Holdings, Inc. and Trumbull Insurance Company c/o The Hartford as Employer/Carrier.

2. That jurisdiction and venue are proper.

3. That pursuant to Regulation 67-902, the Employer/Carrier conducted an exhaustive good-faith dependency investigation to determine the proper people dependent upon the Deceased Employee for support and, therefore, to whom the death benefits should be payable.

4. This is an admitted death claim that occurred on September 19, 2012, while Claimant was working on the premises of the Employer.

5. Claimant had an average weekly wage of \$695.82 with a corresponding compensation rate of \$463.90.

6. That the good faith dependency investigation performed by Tuten Insurance Services Corporation revealed seven potential dependents: (a) David Henley; (b) George Williams; (c) Jeanette Padgett; (d) Joel Padgett; (e) Maurice Padgett; (f) Sequoia Padgett; (g) Damia Padgett.

7. That the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42.

8. That Mr. George Williams is entitled to no benefits in this matter for the following reasons:

- (a) We find the testimony of Mr. Williams void of any credibility;
- (b) Claimant and Mr. Williams were lawfully married on July 15, 1988;
- (c) By Order of the Family Court on January 9, 1990, a separation document was approved. We specifically note that Mr. Williams was the moving party in that action;
- (d) We find that Mr. Williams was not dependent upon the Claimant for support;
- (e) We find that no record exists proving that the marriage ended in divorce;
- (f) We find that Mr. Williams and Claimant were not living together at the time of her death and were not living apart for justifiable cause;
- (g) We find Mr. Williams' assertion that Claimant deserted him lacks any merit;
- (h) Mr. Williams re-married in spite of his assertion that he is the lawful spouse of Claimant and has been married for twelve years.

9. That Mr. David Henley is entitled to no benefits in this matter for the following reasons:

- (a) We find this case different from *Thomas v. Five Star Transportation* for a number of reasons:
 - (1) In the instant matter, we cannot find that Claimant and Mr. Henley entered into this marriage in good faith. It is clear that the Claimant was aware of an impediment to marriage;

(2) In the instant matter, the impediment to marriage was never removed;

(3) Even if the good faith exception applies, we find that Mr. Henley and Claimant were living apart for no justifiable reason. It is clear they were living apart intentionally and we find insufficient evidence to conclude they were planning to re-unite, other than Mr. Henley's self-serving testimony.

10. That Sequoia Padgett and Damia Padgett were not dependent upon the Claimant at the time of her death. While both were the beneficiaries of Claimant's generosity, it never rose to the level of dependency.

11. That Maurice Padgett, Joel Padgett, and Jeanette Padgett were not dependent upon the Claimant at the time of her death. We find that "dependent" connotes someone who relies upon another for support and is not able to exist or sustain oneself without the power or aid of someone else (see *Black's Dictionary*). It is abundantly clear that each of these individuals relied upon the support of their mother; however, it is equally clear that each of them are able to exist or sustain themselves without the assistance of their mother. The fact that each felt no compunction about their reliance upon their mother in no way translates that reliance into dependency.

12. That Claimant left no dependents in this matter. As a result, benefits are to be divided equally according to §42-9-140(A) to her surviving non-dependent children, Maurice Padgett, Joel Padgett, and Jeanette Padgett.

13. That Maurice Padgett, Joel Padgett, and Jeanette Padgett are entitled to the commuted balance of the 500 weeks of death benefits, less burial expenses, less \$1,400 in Guardian *ad litem* fees subject to a Form 61 Attorney Fee Petition approved by the Commission, pursuant to the application of §42-9-140(A) and §42-9-290.

Conclusions of Law

1. Under the South Carolina Workers' Compensation Act and other applicable law, it is the determination of the undersigned Commissioner that under §42-9-290 and Regulation 67-902 and 67-904, Defendants have performed an exhaustive and good faith dependency investigation.

2. David Henley does not qualify as a surviving spouse under §42-1-175.

3. George Williams does not qualify as a surviving spouse under §42-1-175.

4. Sequoia Padgett and Damia Padgett were not dependent upon the Claimant at the time of her death. While both were the beneficiaries of Claimant's generosity, it never rose to the level of dependency. Sequoia Padgett and Damia Padgett do not qualify as dependents under §42-9-290.

5. Pursuant to Regulation 67-216(F), the Guardian *ad Litem* shall be paid from the proceeds of the claim for services rendered in the amount of \$1,400.00, subject to change through a Form 61 Attorney Fee Petition approved by the Commission.

6. Since Claimant did not leave a surviving spouse, benefits are to be divided equally according to §42-9-140(A) to her surviving non-dependent children, Maurice Padgett, Joel Padgett, and Jeanette Padgett.

7. In accordance with §42-9-290, the commuted value of 500 weeks of death benefits is 454.78 weeks, which, when multiplied by the applicable compensation rate, is equal to \$210,972.44, less the burial expenses (\$13,431.42), less guardian *ad litem* attorney's fees (\$1,400.00) subject to a Form 61 Attorney Fee Petition approved by the Commission, equals a

total amount of \$196,141.02, which is subject to change pending approval of the Form 61 by the Commission.

8. In accordance with §42-9-290, Maurice Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

9. In accordance with §42-9-290, Joel Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

10. In accordance with §42-9-290, Jeanette Padgett is entitled to one-third (1/3) of the total sum of the commuted death benefits, less burial expenses and guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, in the amount of \$65,380.34. A final amount of compensation is subject to change and will be determined upon approval of the Form 61 by the Commission.

11. Pursuant to §42-9-290, §42-9-340, Regulation 67-902, and Regulation 67-904, the Defendants performed a good faith dependency investigation in this matter and satisfied their obligations and are fully discharged of any obligations and liabilities for workers' compensation benefits of any kind arising out of this claim after making payments as set forth above herein.

12. Pursuant to §42-9-290 and §42-9-140(A), the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42.

13. The findings of fact as set forth are construed to be conclusions of law as applicable.

ORDER

IT IS HEREBY ORDERED that the substantial evidence supports a finding that the Decision and Order of the Single Commissioner is **AFFIRMED IN ITS ENTIRETY**.

IT IS HEREBY ORDERED that Defendants shall pay to Maurice Padgett, Joel Padgett, and Jeanette Padgett equal one-third (1/3) portions of the total sum of the commuted death benefits, less burial expenses guardian *ad litem* attorney's fees subject to a Form 61 Attorney Fee Petition approved by the Commission, as set forth in the Conclusions of Law.

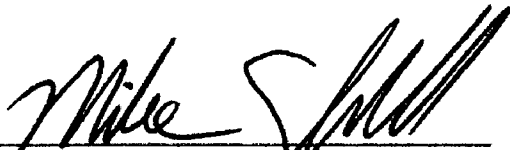
IT IS FURTHER ORDERED that the Employer has already paid the funeral expenses of Claimant, totaling \$13,431.42, and these burial expenses are to be deducted from the commuted balance under §42-9-140(A).

IT IS FURTHER ORDERED that Defendants are hereby absolved of their obligation to pay additional death benefits outside of the confines of this Order based upon their satisfaction of discovery of beneficiaries with a good faith determination pursuant to §42-9-290, §42-9-340, Regulation 67-902 and Regulation 67-904.

IT IS FURTHER ORDERED that the parties are not entitled to any other benefits pursuant to §42-1-10, et. seq. the South Carolina Workers' Compensation Act.

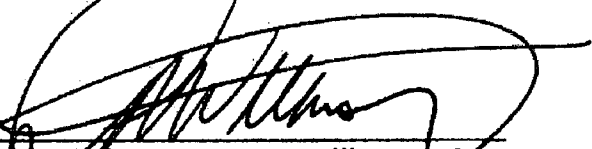
IT IS FURTHER ORDERED that the Guardian *ad Litem* shall be paid from the proceeds of the claim for services rendered, subject to a Form 61 Attorney Fee Petition approved by the Commission pursuant to Regulation 67-216(F); and

AND IT IS SO ORDERED.

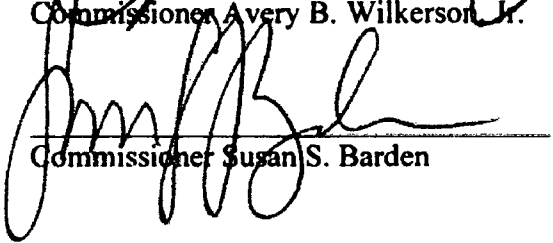


Commissioner R. Michael Campbell, II
For the Appellate Panel

WE CONCUR:



Commissioner Avery B. Wilkerson, Jr.



Commissioner Susan S. Barden

CERTIFICATE OF SERVICE

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

By Kim Falls on February 8, 2016

Respondent's Form 58

1333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5723 www.wcc.sc.gov



Employer FEIN #:

Employee's Notice of Claim and/or Request for Hearing, Death Case

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IN THE STATE BOARD OF WORKERS' COMPENSATION
STATE OF SOUTH CAROLINA

SUSIE HENLEY (deceased),

Claimant,

-VS-

OTIS SPUNKMEYER HOLDINGS, INC,

Defendant,

and

TRUMBULL INSURANCE COMPANY,

Carrier

WCC FILE NO.
1212974

HEARING

Before the Honorable T. Scott Beck
Columbia, South Carolina

Commencing on April 4, 2015 at 1:34 p.m.

APPEARANCES BY COUNSEL:

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LEGEND OF THE TRANSCRIPT

dashes [--]	intentional or purposeful interruption
[ph]	denotes phonetically written
[sic]	written as said

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P R O C E E D I N G S

COMMISSIONER BECK: Today's date is April 14, 2015.

This is workers' compensation file number 122974. The Claimant in this matter is the decedent, Susie Henley. The Employer is Otis Spunkmeyer Holdings, Inc. The Carrier is Trumbull Insurance Company. The Employer/Carrier are represented today by Attorney Mundi George. Also present today is Attorney Joyce Cheeks, she is here representing Mr. David Henley. Attorney Johnny Simpson is present today representing Mr. George Williams. Attorney Jamison Tinsley is present today representing Maurice Padgett, Joel Padgett, and Jeanette Padgett. And Attorney Megan Burke is here representing Sequoia and Damia Padgett.

Date of accident in this matter in September 19, 2012. Average weekly wage is \$695.82, yielding a compensation rate of \$463.90.

We're here today -- Mr. Henley's 52?

MS. GEORGE: Mr. Tinsley's 52 on behalf of the three adult children.

COMMISSIONER BECK: Thank you. I received APAs from the Defendant in this matter, APAs from Mr. Tinsley representing Maurice Joel and Jeanette Padgett, and I received APAs, as well as a brief, submitted by Ms. Cheeks on behalf of Mr. David Henley.

1 Are there any objections to APA's jurisdiction venue
2 for any other matter? Ms. George?

3 **MS. GEORGE:** No, Commissioner.

4 **COMMISSIONER BECK:** Ms. Cheeks?

5 **MS. CHEEKS:** None, Commissioner.

6 **COMMISSIONER BECK:** Mr. Simpson?

7 **MR. SIMPSON:** None, Your Honor.

8 **COMMISSIONER BECK:** Mr. Tinsley?

9 **MR. TINSLEY:** None, Your Honor.

10 **COMMISSIONER BECK:** Ms. Burke?

11 **MS. BURKE:** None, Your Honor.

12 **COMMISSIONER BECK:** Without objection, the Commission
13 file becomes a part of the record with the exception of
14 self-serving declarations and unstipulated medical
15 reports.

16 Also, during the pre-hearing conference in this
17 matter, the respective positions of the parties was
18 discussed. From the standpoint of the Defendants, this is
19 an admitted death claim, they're here seeking a finding of
20 a good faith dependency investigation, they're here
21 seeking a determination of to whom benefits are to be
22 disbursed, and assert that funeral expenses have already
23 been paid by the Employer in this matter.

24 Ms. George, anything in addition to that with regard
25 to the Defendants' position you'd like to get on the

1 record or any other matter you're here to litigate today,
2 ma'am?

3 **MS. GEORGE:** No, Commissioner, that's it. Thank you.

4 **COMMISSIONER BECK:** With regard to the position of
5 Mr. David Henley, it's Mr. Henley's position that he is
6 the lawful spouse of the deceased entitled to a
7 presumption of dependency. If not determined to be the
8 lawful spouse, he asserts that he is wholly dependent, but
9 at the very least partially dependent or was partially
10 dependent upon the deceased.

11 Ms. Cheeks, anything in addition to that with regard
12 to Mr. Henley's position that you'd like to get on the
13 record or any other matter you're here to litigate today?

14 **MS. CHEEKS:** Nothing, Your Honor, except I would
15 change lawful spouse to surviving spouse.

16 **COMMISSIONER BECK:** Thank you. With regard to the
17 position of Mr. George Williams, it's
18 Mr. Williams' position that he is the surviving spouse
19 entitled to a presumption of dependency, asserts that
20 there is no record of any divorce from his marriage to the
21 deceased and, as a result, the marriage to Mr. Henley is
22 void. Further asserts that his client was separated from
23 the deceased for just cause based on a reason of
24 desertion.

25 Mr. Simpson, anything in addition to that with regard

1 to Mr. Williams' position you'd like to get on the record
2 or any other matter you're here to litigate today, sir?

3 **MR. SIMPSON:** Nothing further, Your Honor.

4 **COMMISSIONER BECK:** Thank you. With regard to the
5 position of Maurice, Joel, and Jeanette Padgett, it is
6 their intention that neither
7 Mr. Henley nor Mr. Williams meet the definition of
8 surviving spouse and, as a result, the three adult
9 children take under 42-9-140(a).

10 Mr. Tinsley, anything in addition to that with regard
11 to Maurice, Joel, and Jeanette Padgett's position you'd
12 like to get on the record or any other matter you're here
13 to litigate today, sir?

14 **MR. TINSLEY:** I will just say alternatively that they
15 would meet the definition of dependents under the statute,
16 even though they don't meet the presumption.

17 **COMMISSIONER BECK:** Wholly or partially?

18 **MR. TINSLEY:** I would say wholly, but at least
19 partially.

20 **COMMISSIONER BECK:** With regard to the position of
21 Sequoia and Damia Padgett, it is their position that they
22 are wholly dependent upon -- were wholly dependent upon
23 the deceased.

24 Ms. Burke, anything in addition to that with regard
25 to Sequoia and Damia Padgett's position you'd like to get

1 on the record or any other matter they're here to litigate
2 today?

3 **MS. BURKE:** Your Honor, I would just state that, if
4 they are not wholly dependent, they are at least partially
5 dependent, and the facts will bear that out.

6 **COMMISSIONER BECK:** Based on our pre-hearing
7 conference, it's my understanding that, although we're
8 here on Mr. Tinsley's 52, that the parties consent to Ms.
9 George calling the dependency investigator in this matter
10 first.

11 Any objection to that? Mr. Simpson?

12 **MR. SIMPSON:** No objection, Your Honor.

13 **COMMISSIONER BECK:** Ms. Cheeks?

14 **MS. CHEEKS:** None, Your Honor.

15 **COMMISSIONER BECK:** Ms. Burke?

16 **MS. BURKE:** No, Your Honor.

17 **COMMISSIONER BECK:** Mr. Tinsley?

18 **MR. TINSLEY:** No, Your Honor.

19 **COMMISSIONER BECK:** You may call your first witness.

20 **MS. CHEEKS:** Thank you. This is Chris Tuten of Tuten
21 Insurance Services.

22 *****

23 Whereupon,

24 **CHRIS TUTEN,**

25 having been first duly sworn,

1 was examined and testified as follows:

2 *****

3 **COMMISSIONER BECK:** Please state your full name for
4 the record.

5 **THE WITNESS:** Chris Tuten.

6 **COMMISSIONER BECK:** Mr. Tuten, you may be seated.
7 Ms. George.

8 **MS. GEORGE:** Thank you, Commissioner.

9 **DIRECT EXAMINATION**

10 [By Ms. George]

11 Q. Mr. Tuten, will you please tell us what you do for a
12 living and what the nature of your company is?

13 A. We do various investigations for different insurance
14 companies. In this particular case, we did a dependency
15 investigation.

16 Q. And a dependency investigation in a workers' compensation
17 claim. Is that something your company has done before?

18 A. Quite frequently, yes.

19 Q. Have you personally done them before?

20 A. Yes.

21 Q. Have you testified before this Commission before?

22 A. Yes.

23 Q. Do you have with you today a copy of all of your
24 dependency investigations and the supporting documents?

25 A. Yes, I do.

1 Q. The first dependency investigation that I submitted into
2 evidence with my APA submissions is dated January 5th of
3 2013. Is that what your records reflect?

4 A. That is.

5 Q. Can you tell me who you interviewed in preparation of that
6 report?

7 A. For that initial report, we -- let's see -- we interviewed
8 David Henley and Jeanette Padgett, a friend, Cheryl
9 Spencer, and Susie's sister, Annie Bucket.

10 Q. Are the comprehensive results of your investigation
11 contained within your written dependency report?

12 A. They are.

13 Q. And those are the reports that you submitted to me?

14 A. That's right.

15 Q. Will you just briefly tell the Commissioner the nature of
16 your investigation or your interview with Mr. David Leroy
17 Henley? What did he tell you about his relationship with
18 the Claimant?

19 A. He mentioned that they were married and it was their
20 second marriage for each of them, and he said that they
21 were separated, approximately, one year before Ms. Henley
22 passed away. And also confirmed that Susie had three
23 children, as well. Let's see what else. And he also
24 mentioned that he did not know of anyone who was
25 financially dependent on Susie at the time of her accident

1 and death, but he -- but Mr. Henley did mention that they
2 were still sharing some expenses with regards to their
3 household bills.

4 Q. Mr. Tuten, were you able to obtain a copy of the divorce
5 decree between Mr. David Hanley and his first wife, Susan?

6 A. Yes, we were.

7 Q. Were you able to obtain a copy of the application for a
8 marriage license between David Henley and the deceased
9 Claimant, Susie Henley?

10 A. Yes, we have that, too.

11 Q. And do you also have a copy -- were you able to obtain a
12 copy of the certificate of marriage between David and the
13 Claimant?

14 A. Yes, we have that.

15 Q. Did Mr. Henley tell you and is it reflected in your report
16 that he and the Claimant, Susie Henley, have been living
17 separate and apart for at least one year prior to her date
18 of death?

19 A. Yes, that's correct.

20 Q. When you asked him if they were dependent upon each other,
21 was his response that they helped each other financially
22 with bills?

23 A. That's correct.

24 Q. Did he tell you in that interview about any specific
25 regular incremental payments that the deceased Claimant

1 made to him?

2 A. No, he did not.

3 Q. Did you also interview Ms. Jeanette Francine Padgett in

4 preparation for this same report?

5 A. Yes, we did.

6 Q. Can you tell me briefly about the information she provided

7 to you?

8 A. Well, she confirmed that she was one of Susie's three

9 children. She also mentioned that, at the time of Susie's

10 accident, she stated that -- Jeanette stated that she,

11 along with her children, who would be Susie's

12 grandchildren, were financially dependent on Susie at that

13 time to a limited extent at the time of her accident and

14 that Mr. David Henley was also dependent at the time of

15 her death, as well.

16 Q. Did Jeanette Padgett confirm for you during that interview

17 that David Henley had been living separate and apart from

18 the Claimant prior to her death?

19 A. Yes, she did mention that they were separated.

20 Q. Did she indicate to you any reason why they were separated

21 and living apart?

22 A. Said that they -- I guess, according to the report here,

23 it says that they had had some altercations and some

24 disagreements in the past, and that was it.

25 Q. Did Jeanette give you any information about her siblings,

1 Joel, I think he's also sometimes referred to as JoJo, and
2 her other sibling, Maurice?

3 A. Yes, she did.

4 Q. What information did she give you about their relationship
5 to the Claimant prior to her death?

6 A. She also mentioned that Joel was financially dependent on
7 Susie, as well, at that time.

8 Q. And what about Maurice?

9 A. And Maurice was incarcerated at that time. Let me see.
10 She just mentioned that he was currently incarcerated.

11 Q. As part of your interview with Jeanette Padgett, did she
12 indicate to you that both she, herself, and her children,
13 which were the Claimant's grandchildren, were all
14 financially dependent to some extent on the Claimant at
15 the time of her death?

16 A. She did.

17 Q. And that the Claimant helped her buy clothes for the
18 children?

19 A. She did.

20 Q. And did she indicate to you that Jeanette, herself, had no
21 income at the time of her mother's death and was also not
22 receiving child support?

23 A. She did.

24 Q. Did she indicate to you that her brother, Joel, was also
25 financially dependent upon the Claimant at the time of

1 death?

2 A. She did.

3 Q. During this particular interview, did Ms. Padgett provide
4 you with any bank records, statements or testimony about
5 incremental specific and ongoing payments the Claimant
6 would have made to her?

7 A. She did not.

8 Q. Or to her brother?

9 A. She did not.

10 Q. Or to the two minor grandchildren?

11 A. She did not.

12 Q. Did you also interview a friend of the Claimant's?

13 A. We did. Cheryl Spencer.

14 Q. What was just a summary of that?

15 A. Well, I mean, she basically said that she did not know of
16 anyone who would have been financially dependent on Susie
17 at the time of her accidental death other than her
18 grandchildren, who she was helping financially.

19 Q. And another witness was Annie Bucket, a sister of the
20 Claimant, is that right?

21 A. That's correct.

22 Q. What did Annie tell you?

23 A. She stated that Susie was living alone at the time of her
24 death and she did not know of anyone who would have been
25 totally dependent on her sister, Susie, financially at the

1 time of her death.

2 Q. Did Annie also tell you anything about her relationship
3 with David Henley?

4 A. She did. Let me look back here. She mentioned that they
5 were married in February of 2010. She also mentioned that
6 Susie was planning to get a divorce from Mr. Henley and
7 that they had been separated for, approximately, one to
8 one and a half years.

9 Q. Did Ms. Bucket indicate to you near the close of the
10 interview with her that the Claimant had any financial
11 support on her?

12 A. She said that Susie would borrow money from her from time
13 to time.

14 Q. Throughout these interviews in the first increment of your
15 dependency investigation, were you and all the people you
16 interviewed still under the impression that the Claimant
17 had been divorced from George Williams at some point in
18 time?

19 A. Was our initial impression based on the initial
20 investigation that we did and the statements that we
21 obtained.

22 Q. And as part of the documentation and support for this
23 initial increment of the Defendants' investigation, did
24 you gather documents and attach them?

25 A. We did.

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1 Q. And just briefly, what were those supporting documents?

2 A. Well, we conducted searches of the probate court and the
3 family court records in both Saluda and Lexington Counties
4 where we understood that she had lived from time to time,
5 but we did not find any documents or records of a divorce
6 in either of those counties from her first husband,
7 Mr. Williams. So at that point, we, you know, had to
8 expand our search at that point, but we did get a copy of
9 -- let's see -- Mr. Henley's divorce decree from his first
10 wife was in Saluda County, and we obtained that divorce
11 decree in Saluda with Catherine Henley indicating they
12 were divorced on January 13th of 2008.

13 Q. Do you know the date on the application for the license
14 and certificate of marriage between David Henley and Susan
15 Williams?

16 A. Let's see. Yeah, it's March 1st -- yeah, the application
17 was filed March 1st of 2010.

18 Q. So more than ten years after the separation order. We
19 haven't gotten there yet. I apologize. We'll go back to
20 that. And then the actual marriage certificate underneath
21 that, what is that dated?

22 A. The actual marriage took place on, it looks like, 3/6 of
23 2010, so March 6th.

24 Q. And did I ask you to perform a supplemental dependency
25 investigation after I received the results of this one?

1 A. Yes, you did.

2 Q. Do you have that report with you?

3 A. I do.

4 Q. Dated May 15, 2013?

5 A. That's right.

6 MS. GEORGE: Commissioner, we render Defendants'
7 Exhibit 1, page 19.

8 COMMISSIONER BECK: Yes, ma'am.

9 (Whereupon, the below-described Document was marked
10 Defendant's Exhibit No. 1.)

11 Q. Did you perform additional interviews as result of this
12 second increment dependency investigation?

13 A. We did.

14 Q. And who did you talk to this time and what investigation
15 did you do?

16 A. Well, we actually conducted some additional courthouse
17 searches in an attempt to locate the divorce decree for
18 the marriage with Mr. Williams, but we also secured a
19 statement from David Henley, an additional statement, in
20 an attempt to determine the reason for their separation.

21 Q. And what did you learn during that interview with Mr.
22 Henley?

23 A. He basically stated that they -- that there was no
24 extramarital relationship that caused them to separate,
25 but they had been having problems and they had been having

1 various problems with bills and some financial problems
2 and, as a result, the two of them made a mutual decision
3 to separate.

4 Q. In this particular interview, did he indicate to you any
5 information about his financial dependency upon Ms. Henley
6 prior to the time of her death?

7 A. I don't believe so.

8 Q. And, again, did you conduct this additional interview of
9 Mr. Henley based upon my request that you find additional
10 information to explain the reasons why they were living
11 apart at the time of her death?

12 A. That's correct.

13 Q. Did you also interview George Williams or attempt to
14 interview George Williams?

15 A. We did.

16 Q. And what occurred?

17 A. We secured a statement from Mr. Williams and he confirmed
18 that he and Susie -- he did confirm that they were never
19 actually divorced and that they had separated. They lived
20 together for, approximately, four months and then
21 separated after their marriage. And then they went in
22 front of a judge in Greenwood County and at that time they
23 were not granted a divorce, but they were given a
24 separation order, but the judge would not issue a decree
25 at that time and they never followed back up with that,

1 from what I understand, to get the decree.

2 Q. Did you ask George any questions about financial
3 dependency upon the Claimant, his financial dependency
4 upon the Claimant?

5 A. He told us that he was not financially dependent on Susie
6 in any way at the time of her accident and death.

7 Q. Had he also attempted to remarry at some point?

8 A. He did. His -- let's see -- he did remarry. His wife is
9 Willa Mae Williams. He did remarry.

10 Q. On September 1st you sent me a letter providing a
11 separation agreement between George Aaron Williams and the
12 Claimant, Susan Williams, also known as Susan Culbreath
13 Henley, the Claimant, were you able to locate that
14 document yourself?

15 A. We did. This was in Greenwood County.

16 Q. What is the document?

17 A. Let's see. It's dated January 9th of 1990 and it grants
18 at that time of a legal separation from the Family Court
19 in Greenwood County.

20 Q. And on the second page of that document, which is
21 Defendants' Exhibit 1, page 27, under item 4, does it
22 indicate a reason for the separation?

23 A. What page?

24 Q. APA page 27. 066

25 A. Thank you. It lists a number of irreconcilable

1 differences making further cohabitation impossible.

2 Q. And upon that basis, does it appear that the Court granted

3 the separation order on this date?

4 A. They did.

5 Q. And it's your understanding that there was not a

6 subsequent divorce?

7 A. That's correct. And we confirmed that with the Family

8 Court in Greenwood.

9 Q. Did I ask you then to conduct a supplemental/supplemental

10 dependency investigation in June of 2014?

11 A. You did, on the 19th.

12 Q. And did you interview other potential dependents and

13 witnesses as part of this dependency investigation?

14 A. We did. We spoke with Jeanette originally. We went ahead

15 and secured statements from Joel and Maurice Padgett,

16 also.

17 Q. Can you indicate what Joel Frank Padgett told you in the

18 interview?

19 A. Joel told us that his mother -- that Susie was helping

20 both Joel and Jeanette financially at the time of her

21 accident. He mentioned that she had just moved into a new

22 home, but prior to that, they had been living together.

23 Q. For clarification, he mentioned that the Claimant had just

24 moved into a new home?

25 A. Yes, that Susie had.

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1 Q. And that, prior to that, who had been living together?

2 A. That Joel and Jeanette were still living together, but had

3 not moved in with their mother since she had recently

4 moved at the time of her death.

5 Q. Did Joel indicate to you that the Claimant was living

6 alone at the time of her death?

7 A. Yes, he did.

8 Q. Did he give you any information about the support of

9 Jeanette's two minor children, Sequoia and Damia?

10 A. Yes. Yes. She was also helping raise Jeanette's two

11 children and raised them from the time that they were

12 babies until, approximately, two years before the

13 accident.

14 Q. That the Claimant had raised them?

15 A. Yes.

16 Q. And then back on the initial part, second paragraph, did

17 you indicate they had all been living together, he,

18 Jeanette, the two children?

19 A. Yes. Which page is that?

20 Q. Under Joel Frank Padgett, page 31. Here.

21 A. Okay. Joel was living with his twin sister, Jeanette, and

22 Jeanette's two children, Sequoia and Damia, as well.

23 Q. And what about the brother, Maurice?

24 A. And Maurice was incarcerated at the time.

25 Q. Did Joel confirm for you that Susan, the Claimant, and

1 David Henley had been living separate and apart prior to
2 the date of the accident?

3 A. Yes.

4 Q. Did you also interview Maurice Padgett?

5 A. We did.

6 Q. Before we move forward, did Joel Padgett give you any
7 specific information about regular or incremental specific
8 financial payments that the Claimant made to him or on his
9 behalf?

10 A. Well, I mean, not specifically. He mentioned that she was
11 assisting with the rent and would pay, approximately, half
12 of the \$350 per month rent, but there were no specific
13 incremental regular payments of any specific amount.

14 Q. Did he provide you with any documentation of the payments
15 that she made?

16 A. No.

17 Q. Moving along to the interview with Maurice Padgett, what
18 did he explain to you in that interview?

19 A. He said that all three of the children were financially
20 dependent on Susan at the time of her accident. Said that
21 while he was in jail, though, Susan would give him money
22 from time to time while he was incarcerated. And he also
23 mentioned that Jeanette has two children who were -- the
24 Claimant's only two grandchildren and -- but he -- he
25 stated both he and his brother, Joel, do not have any

1 children themselves, so the only children would have been
2 Jeanette's two children, but he stated that Susan was
3 helping Jeanette financially along with Joel and himself.
4 Q. Were you able to obtain the birth certificates of Sequoia
5 and Damia Padgett?
6 A. Yes, we did.
7 Q. And you said that it is as a supplement to your dependency
8 investigation?
9 A. We did.
10 Q. Mr. Tuten, in summary, does it appear from your dependency
11 investigation that the Claimant married George Williams in
12 July of 1988? And if you need to verify the dates in your
13 report, please feel free to do so.
14 A. Let me just -- just to make sure, but that sounds --
15 Q. Of course.
16 A. -- sounds right.
17 Q. Marriage to George Williams.
18 A. To George, okay. Do you know which -- which report that
19 would be?
20 Q. Sure. That information is located in the divorce decree.
21 A. Okay. I've got that.
22 Q. Page 3 of the divorce decree from Greenwood County. I'm
23 sorry, the second page, second page of the divorce decree.
24 A. I just want to make sure about the date, but that does
25 sound like a correct date. I just can't find the

1 documents.

2 Q. It's part of your dependency investigation of May 15,
3 2013.

4 A. May 15th, okay. Hold on just a second.

5 Q. Okay. And I'll show you a copy of it, if that will help.

6 A. Okay. If you can just -- that will help.

7 Q. Did your independent document search produce the documents
8 submitted as part of your dependency investigation that
9 the marriage between the Claimant and George Williams
10 occurred on July 15th of 1988?

11 A. Yes.

12 Q. And then do you agree that you were able to determine that
13 there was a separation order filed for their marriage in
14 January of 1990 citing irreconcilable differences?

15 A. Yes.

16 Q. And do you agree that there was no divorce decree because
17 no divorce was ever requested, filed or ordered?

18 A. That's correct. We confirmed that with the court.

19 Q. And that subsequently, the Claimant and Mr. David Henley
20 applied for a marriage license and were married in March
21 of 2010?

22 A. That's correct.

23 Q. Did your dependency investigation finding support the fact
24 that no one was living with the Claimant at the time of
25 her death?

1 A. That's correct.

2 Q. And that no one was both living with her and financially
3 dependent upon her at the time of death?

4 A. That's correct.

5 Q. Did you determine that, potentially, some of the witnesses
6 would support that they were at least partially
7 financially dependent upon her?

8 A. Yes.

9 Q. Are you qualified to determine whether there is
10 justifiable cause for the Claimant living apart from
11 either Mr. Williams or Mr. Henley?

12 A. As far as justifiable cause, we did ask the question, but
13 I mean, it was -- it was basically disagreements that they
14 had been having over finances, was my understanding, but
15 whether that's -- I don't know.

16 MS. GEORGE: I'm certain that the attorneys for the
17 other dependents may have some questions for you, as might
18 the Commissioner. If you would please answer those.
19 Thank you.

20 COMMISSIONER BECK: Mr. Tinsley.

21 CROSS-EXAMINATION

22 [By Mr. Tinsley]

23 Q. So your investigation determined that there was never a
24 filed divorce order signed by the family court judge
25 divorcing Ms. Henley from George Williams?

1 A. That's correct.

2 Q. But she and Mr. Williams had lived apart since the late

3 '80s?

4 A. That's -- that was my understanding. It had been a long

5 time, yes.

6 Q. Was there any kind of contact between them that you

7 uncovered in your investigation?

8 A. There wasn't any.

9 Q. So no kind of financial support that you found?

10 A. No, none.

11 Q. The purported marriage to David Henley was 2010?

12 A. Yes, that's correct.

13 Q. And they had separated, roughly, a year before

14 Ms. Henley died?

15 A. That's correct.

16 Q. It sounds like from your testimony that it was basically

17 because they couldn't get along and there were some

18 financial issues?

19 A. That was -- that was as specific as Mr. Henley would tell

20 me in the statement, but yes, that was what I -- I was

21 told in the statement.

22 Q. And they weren't living together at the time of her death,

23 they had stayed separated?

24 A. That's correct.

25 Q. And my clients, two of them are Joel and Jeanette Padgett,

1 had lived with Ms. Henley for a period of time before --
2 between when she separated from
3 Mr. Henley and when she died?

4 A. Right. I think there was a time just before that they
5 had.

6 Q. But that had stopped just very -- like short in time
7 before she died?

8 A. That was my understanding, yes.

9 Q. And your investigation turned up that she was providing
10 various types of financial support for the -- for her
11 children?

12 A. Yes. There was various -- various support for all of
13 them.

14 Q. Can you tell us what it was? Was it rent?

15 A. I can -- hold on just a second. I know that she was --
16 she was saving some money for Maurice for when he was
17 released from jail, that was one thing that was mentioned
18 to us, that he could use upon his release, and that she
19 was helping with bills and other things like that, as
20 well, and specifically mentioned the rent bill.

21 Q. What about light bills?

22 A. And the light bill, as well, was paying a portion of that.

23 Q. Did you get specifically what portion that was?

24 A. Not for the light bill, but it was, approximately, half of
25 the rent that she was -- that she was paying, which was --

1 the total rent, I think, was 350, so it would be half of
2 that she was paying in addition to the light bill.

3 Q. And just to specify, that's for Joel and Jeanette Padgett?

4 A. Right. Joel and Jeanette, that's correct.

5 Q. Did you also find that Ms. Henley was bringing Maurice
6 money to prison and putting it in his account while he was
7 incarcerated?

8 A. Yes. She was saving money, but also providing him with
9 some money, too, while he was incarcerated.

10 **MS. CHEEKS:** Commissioner, Mr. Henley has indicated
11 he needs to use the restroom.

12 **MR. TINSLEY:** And I have no further questions at this
13 time, Your Honor.

14 **COMMISSIONER BECK:** Let's take about a five minutes
15 recess.

16 **MS. CHEEKS:** Thank you, Your Honor.

17 [Recess]

18 **COMMISSIONER BECK:** Ms. Cheeks, your witness, ma'am.

19 **MS. CHEEKS:** Thank you, Your Honor.

20 **CROSS-EXAMINATION**

21 [By Ms. Cheeks]

22 Q. Mr. Tuten, I recall you said that there was no concrete
23 evidence of any regular incremental payments to anybody
24 being made by Ms. Henley, is that correct, to anyone?

25 A. Right. As far as documented, yes.

1 Q. So you have no personal knowledge of any of this, is that
2 correct?

3 A. I don't, just other than general information that was
4 provided in the statements.

5 Q. So everything you're saying is basically what someone told
6 you?

7 A. That's correct.

8 Q. So even if we're talking about bills or any of that,
9 that's based solely on what the reporter at that time told
10 you, is that correct?

11 A. That's correct.

12 Q. Now, I think Ms. George asked you if your investigation
13 determined whether anybody was dependent on Ms. Henley.
14 What is your definition of dependent when you're looking
15 for that information?

16 A. Well, I mean, that's -- that's a legal term, but when I
17 say for the purposes of our investigations, I want to find
18 out anybody who is dependent to any extent financially,
19 whether it's just helping with a few bills or totally
20 dependent, but there is a legal distinction which I'm not
21 totally familiar with at that point, but I want to make
22 sure that I have all potential dependents covered and
23 that's
24 -- so when I say that, I usually mean to any extent.

25 Q. What exactly do you mean? Does that mean anybody she's

1 giving money to?

2 A. Right. I mean, there's wholly dependent and there's
3 statutory dependent, there's partial dependent, and where
4 you draw the lines, I'm not sure what that, but when I do
5 the investigation I want to make sure that I know about
6 all the people that she was assisting financially to any
7 extent, whether wholly, partially or whatever. So that's
8 what we try to do.

9 Q. So you're just looking for anybody she assists
10 financially?

11 A. Right. I leave it to other people to determine whether
12 it's partial or wholly or all that other stuff.

13 Q. So if she was giving money to a friend, that person might
14 be in here today, is that right?

15 A. Well, they would need to be noted if it was a friend,
16 yeah. I mean, if she was giving money on a regular basis
17 to anybody and supporting them financially, yes, we would
18 want to know about that.

19 Q. Now, you said that the marriage with David Henley, you
20 said they separated because of disagreements between them
21 and he decided to leave, is that -- well, you tell me what
22 you said about that.

23 A. Well, Mr. -- I said what Mr. Henley, you know, told me in
24 his statement that we took from him. Said that -- let me
25 see if I can find it in here. Well, yeah, that they had

1 been having some financial problems and some
2 disagreements, and the decision to separate was a mutual
3 decision that they both came to, and that's what
4 Mr. Henley told me.

5 Q. Did he tell you about arguments or did he say problems?

6 A. I don't know if the word was problems or arguments, but it
7 was -- it was one of those terms.

8 Q. I just want to be sure who the reporters are so it doesn't
9 get confused --

10 A. Right.

11 Q. -- who we're talking about said what.

12 A. Everything that I know was from Mr. Henley, though, in the
13 statement that I took from him, or actually the two
14 separate statements.

15 Q. Can you tell me where in your statement he said that, "We
16 were having arguments"? I didn't see it.

17 A. I think that was in the second one. Hold on just a
18 second.

19 Q. I know we got a lot of reports.

20 A. I know. Just give me a second.

21 Q. No problem.

22 A. I can find it. I think it's here. All right. It was in
23 the statement that's in the May 15, 2013 report that we
24 took on May 14th, I guess, and David explained that he and
25 the Claimant sat down one night and decided that the best

1 course of action would be for them would be to separate
2 and start living apart. There was no extramarital
3 relationship, but the two of them were having problems,
4 and the two of them together decided that a separation
5 would be the best course of action.

6 Q. So you assumed problems meant arguments or something?

7 A. I didn't make any -- I didn't make any assumptions. I
8 mean, that's just what was told to me.

9 Q. The reason I was asking, I believe it was one of the
10 children that said arguments, if I recall.

11 A. That may be correct. I think that was. Let me see.

12 Q. Well, let me move on. You can sort of gaze through that
13 as you go through. I don't want to hold this up. Now,
14 you mentioned about the light bills that Ms. Henley was
15 helping her children with. Was that on an every month
16 basis or was that just periodically when they needed some
17 assistance, is your understanding?

18 A. I mean, I didn't get into the details of whether it was a
19 month to month or the amount.

20 Q. Let me refer you to page 32 of the APAs and you can tell
21 me if that's --

22 A. That's -- yeah, that's just going to be -- do you know
23 which report that was?

24 Q. Well, I think that they're numbered consecutively.

25 **COMMISSIONER BECK:** It's the June 19th report.

1 **THE WITNESS:** June 19th? Okay. Thank you.

2 **MS. CHEEKS:** Yes, June 19th, Your Honor.

3 **COMMISSIONER BECK:** Page 3 of that report.

4 A. Okay, page 3.

5 Q. And I believe this is Joel's statement given to you?

6 A. That's correct.

7 Q. And he says in the middle of that page that Susan was

8 helping him and Jeanette by helping with their rent and

9 their light bills, but she was not paying the entire rent

10 and light bills, but some months she would pay up to half?

11 A. That's correct.

12 Q. So it was just periodically then, according to your report

13 anyway?

14 A. Right. That's correct.

15 Q. Do you know if she was providing consistent child support

16 to her grandchildren?

17 A. Well, it was my understanding from speaking with Jeanette

18 that she wasn't receiving child support for them and that

19 she was supporting them.

20 Q. Did she say why she was not receiving child support?

21 A. She didn't.

22 Q. Did she say whether she applied for child support?

23 A. She didn't. She just confirmed that she wasn't receiving

24 it.

25 Q. Well, let me ask you, based on your entire report, isn't

1 it true that the evidence is undisputed that David and
2 Susie entered into this marriage not knowing there was an
3 impediment to their marriage based on what you been -- let
4 me ask you this, --
5 A. Okay.
6 Q. Every reporter that you talked to this case about with,
7 did they tell you that Ms. Henley was divorced?
8 A. Let's see.
9 Q. From George, I'm talked about.
10 A. Now, I know that Joel knew that they weren't legally
11 divorced, so --
12 Q. But isn't it true that you talked to Joel after you
13 discovered that they were separated?
14 A. Yes. Actually, when I spoke with Joel, I did speak with
15 him after.
16 Q. After that information was already out there?
17 A. Right. Let me look at the first report then because I can
18 find out. Let's see. I spoke with Jeanette before that.
19 Q. Right. Well, let's look as we go through, just like you
20 said. Let's look at -- well, first of all, David Henley
21 certainly told you that she was divorced, right? She had
22 a first marriage and then got divorced, is that right?
23 A. Right.
24 Q. How about Mr. Bucket, Annie Bucket?
25 A. I'll have to go back and look.

1 Q. I think that goes back to the first report.
2 A. Got married and divorced.
3 Q. She told you they were married and divorced?
4 A. Yes.
5 Q. And Annie Bucket is Ms. Henley's sister, right?
6 A. That's correct.
7 Q. So it's clear that, to you anyway, that Ms. Henley had
8 told her sister that she was divorced, is that right, at
9 least that's what her sister told you, right?
10 A. That's what her sister -- I'm assuming, but I don't know.
11 Q. And what about her longtime friend?
12 A. Cheryl --
13 Q. Cheryl Spencer.
14 A. -- Spencer. She said it ended in divorce, too, first
15 marriage.
16 Q. So based on all of that, her closest relatives are her
17 sister, her husband, Mr. Henley, and her longtime friend
18 all told you that she had been married twice and divorced
19 the first husband?
20 A. That's correct. It wasn't until we did the courthouse
21 searches after doing our interviews that we noticed that
22 we couldn't find the document, at which point that became
23 a potential issue which we clarified.
24 Q. And I noticed that you spoke with Joel and Maurice. When
25 you interviewed them, this was after you had discovered

1 that she may or may not be -- that she may not have been
2 divorced from Mr. Williams, is that right?

3 A. Right. Their statements would have taken place after --
4 after that.

5 Q. Now, you were able to obtain the separation order for
6 Mr. Williams and Ms. Henley, first marriage, is that
7 right?

8 A. That's correct, in Greenwood County.

9 Q. And who brought that action?

10 A. I'd have to look at it again. Let me see. That would be
11 -- the plaintiff was George Williams.

12 Q. And when you interviewed Mr. Williams, did he voluntarily
13 tell you anything about his present wife?

14 A. No. The reason I knew about his present wife was because
15 of the telephone number that had been given to me, when I
16 originally called it, I spoke with someone who identified
17 themselves as his wife.

18 Q. I see.

19 A. But at that time I was trying to speak with him, and so
20 she put me in touch with him. So that's how I learned
21 about that marriage.

22 Q. When you spoke with her, what she surprised at the
23 information you were bringing to her?

24 A. She was.

25 Q. She was not aware that he had been married before or she

1 was not aware he was still married?

2 A. That he -- she was not aware that he had been married
3 before, I believe, as well as I recall. This isn't in the
4 report, though.

5 Q. So as far as you could tell, he never told his current
6 wife that he was still married to someone else?

7 A. That's correct.

8 Q. And he did acknowledge that he had no financial dependency
9 upon Ms. Henley at all, is that right?

10 A. That's correct.

11 Q. And had not seen, heard or talked to her in how long?

12 A. It was many years.

13 Q. But, basically, since that separation?

14 A. Right.

15 Q. And that they were together about four months --

16 A. That's correct.

17 Q. -- before they separated?

18 MS. CHEEKS: I don't have any other questions of this
19 witness.

20 COMMISSIONER BECK: Mr. Simpson.

21 MR. SIMPSON: Just a couple of questions, Your Honor.

22 CROSS-EXAMINATION

23 [By Mr. Simpson]

24 Q. Do you have any personal knowledge why Mr. Williams and
25 Ms. Henry separated?

1 A. I do not.

2 Q. And the documents in the court, it said irreconcilable
3 differences, is that correct?

4 A. That's correct.

5 Q. There was no specific reason as to why they separated, is
6 that correct?

7 A. That's correct. It wasn't mentioned in the separation.

8 MR. SIMPSON: Thank you. That's all I've got.

9 COMMISSIONER BECK: Ms. Burke.

10 MS. BURKE: I just have a couple of questions for
11 you.

12 CROSS-EXAMINATION

13 [By Ms. Burke]

14 Q. Sir, it's your report that all three of the children
15 specifically stated that Jeanette was receiving support
16 from the Claimant?

17 A. Yes.

18 Q. And Jeanette specifically mentioned some of those ways?

19 A. Right. She did mention some of the specifics.

20 Q. Can you go over those quickly.

21 A. Hold on.

22 Q. I know you touched upon them.

23 A. Let me look real quick.

24 Q. I think it's in the original one.

25 A. It is. Here it is. Jeanette told us in her -- in the

1 original statement that we took that she, Jeanette, as
2 well as her children and David, were all financially
3 dependent to some extent on Susie at the time of her
4 accident, but she mentioned that Susie was helping buy
5 clothes for her children, and Jeanette also confirmed that
6 she had no job or source of income at the time of her
7 mother's death and was not receiving any child support for
8 the children. And she also confirmed that Joel was
9 financially dependent, as well.

10 Q. And the statements Joel made about his mother helping with
11 rent and light bills, that was at the time he was living
12 with Jeanette and the two minor children, correct?

13 A. Hold on just a second.

14 Q. I'm sorry, I'm jumping all over.

15 A. No, that's okay. Are you talking about Joel's statement
16 on June 11, 2014?

17 Q. Yes, regarding, I believe, the payment of rent, it was up
18 to \$350, and the light bills.

19 A. It was my understanding that they were giving that money
20 even though they weren't living together at that time. I
21 believe they were -- she was still helping them out.

22 Q. And so it was at the time when Joel and Jeanette and the
23 minor children were living together that the Claimant was
24 helping?

25 A. Yes.

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1 **MS. BURKE:** Thank you. No further questions, Your
2 Honor.

3 **COMMISSIONER BECK:** Anything further from any of
4 counsel? You may step down, sir. Thank you very much.
5 Any reason why Mr. Tuten can't be excused from this
6 proceeding? Any objection to him being excused?

7 **MS. GEORGE:** No objection.

8 **MS. CHEEKS:** No objection.

9 **MR. SIMPSON:** No objection.

10 **MR. TINSLEY:** No objection.

11 **MS. BURKE:** No objection, either.

12 **COMMISSIONER BECK:** Thank you for your time today.
13 Any further witnesses on behalf of the Defendants?

14 **MS. GEORGE:** None, Commissioner.

15 **COMMISSIONER BECK:** Ms. Cheeks, you may call your
16 first witness, if you have one, please.

17 **MS. CHEEKS:** Thank you, Your Honor. I'll call David
18 Henley -- well, actually -- yeah, I'll go ahead and call
19 David Henley.

20 **COMMISSIONER BECK:** Mr. Henley.

21 *****

22 Whereupon,

23 **DAVID HENLEY,**

24 having been first duly sworn,
25 was examined and testified as follows:

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1 **COMMISSIONER BECK:** Please state your full name for
2 the record.

3 **THE WITNESS:** David Leroy Henley.

4 **COMMISSIONER BECK:** Mr. Henley, please have a seat.
5 I'm going to ask, if you would during the course of your
6 testimony, to keep your voice up. You've got a pretty low
7 voice and we have a room full of people in here and all
8 these ears got to hear you, okay?

9 **THE WITNESS:** Okay.

10 **COMMISSIONER BECK:** Ms Cheeks.

11 **MS. CHEEKS:** Thank you, Your Honor.

12 **DIRECT EXAMINATION**

13 [By Ms. Cheeks]

14 Q. Mr. Henley, you were previously married to Susie Henley?

15 A. Yes.

16 Q. When did you marry Ms. Henley?

17 A. March 6, 2010.

18 Q. Speak up a little bit.

19 A. March 6, 2010.

20 Q. Now, how long did you have any relationship with
21 Ms. Henry?

22 A. I would say about nine -- eight years or longer.

23 Q. So you married her in 2010, so are you saying that y'all
24 had a relationship even before you got married?

25 A. Yes.

1 Q. Did you live together before you got married?
2 A. Yes.
3 Q. Do you recall about when you and Ms. Henley started living
4 together?
5 A. 2003.
6 Q. Did she have minor children at the time?
7 A. Yes.
8 Q. Are those minor children Joel and Jeanette and possibly
9 Maurice?
10 A. At the time, yeah.
11 Q. Was Maurice a minor also at the time?
12 A. Yes.
13 Q. So you sort of helped raise those three children?
14 A. No, not Maurice because Maurice wasn't around that much.
15 Like I say, he was incarcerated at that time. But Joel
16 and Jeanette, you know, they pretty much was with us most
17 of the time, you know.
18 Q. So they lived with you as minors. Did they live with you
19 as adults, as well?
20 A. Yes.
21 Q. Now, tell me, you met Ms. Henley where?
22 A. In Saluda at a party, that's when I first -- you know,
23 that's when we first started seeing each other. She
24 stayed in Greenwood at the time.
25 Q. That was about 2003, I think you said, or 2004?

1 A. Yes.

2 Q. And y'all subsequently moved from Greenwood to --

3 A. No, I was already in Saluda. She came to Saluda to the

4 party, and that's where I met her at. She was staying in

5 Greenwood. I went up there for a weekend and then came

6 back and she eventually moved down here with her mama and

7 then we started, you know, dating.

8 Q. And y'all eventually moved in together with the kids?

9 A. Right.

10 Q. And that was in Saluda at that time?

11 A. Well, no, they didn't stay with us in Saluda. When we --

12 they moved in with us once we moved to Lexington.

13 Q. And when did you move to Lexington?

14 A. About 2004 or '5.

15 Q. So when y'all first married they were minors and they

16 lived with you, they were children and they lived with you

17 and Ms. Henley, is that right?

18 A. When we got married, they was grown.

19 Q. I'm sorry. When y'all were living together. When y'all

20 first started living together. I apologize. When y'all

21 first started living together, they were minors --

22 A. Yeah.

23 Q. -- and all y'all lived together?

24 A. Yes.

25 Q. Then eventually they became adults and you and

1 Ms. Henley were still living together?

2 A. Yes.

3 Q. And did they eventually move out?

4 A. Yeah, they moved out, you know, and eventually they came
5 back, you know.

6 Q. And did that go on for a period of time that they would
7 move out for a while and then move back, and move out for
8 a while and move back?

9 A. Sort of like that, yes.

10 Q. And the grandchildren, did they live with you and Ms.
11 Henley when she had the grandchildren, did they live with
12 you?

13 A. Yeah, they stayed with us for --

14 Q. And then did they eventually move out? When Jeanette
15 moved, did the children move with her or did they stay
16 with you and Ms. Henley?

17 A. Well, when Jeanette moved, the children went with her.

18 Q. So Ms. Henley never had custody of the children?

19 A. Not that I know of.

20 Q. And the children always would go with their mother when
21 their mother left the house; left, meaning not living
22 there?

23 A. Right.

24 Q. Now, you and Ms. Henley separated or decided to live apart
25 around, I think you said -- when did you and Ms. Henley

1 decide to live apart?

2 A. It was 2012, if I'm not mistaken.

3 Q. 2012. And what was the reason you moved to a separate

4 location?

5 A. We was having a disagreement, you know. We decided to --

6 when we sat down to talk, and decided just, you know,

7 separate for a while, then see how it goes from there.

8 Q. Now, you separated -- you left the house and went where?

9 A. In Saluda. Stayed with my daughter.

10 Q. And when you -- that first weekend you left, describe the

11 weekend after you left?

12 A. The weekend after I left, my wife, Susie, she came up.

13 And went back where she was doing -- you know, every other

14 weekend that she was off, she would come up, spend the

15 night with me, or either I'd go down there and spend the

16 night with her.

17 Q. Did that go on for a long period of time, you going to her

18 place for the weekend or she coming to your place for the

19 weekend?

20 A. That was going on until she passed.

21 Q. And did you provide funds to her? Well, let me ask you

22 this: I see you have a cane. What is the problem that you

23 use a cane?

24 A. I had my legs amputated, both my legs.

25 Q. Was that while you were with Ms. Henley?

1 A. Just one of them.

2 Q. One was while you were with her?

3 A. One, the left.

4 Q. And the other one, when did that happen?

5 A. While I was staying in Saluda.

6 Q. And did Ms. Henley help you with both amputations, --

7 A. Yes.

8 Q. -- help you out?

9 A. Yeah, she was there for it.

10 Q. How did she help you?

11 A. She came -- like I say, she came, she came and cooked for

12 me, you know. She even washed clothes for me. You know,

13 stuff like that.

14 Q. Did she buy groceries for you?

15 A. She bought groceries.

16 Q. How regularly did she buy groceries for you?

17 A. Well, every time she came up, you know, she would buy

18 groceries or either -- my stepdaughter would bring

19 groceries over there to me.

20 Q. Who is just stepdaughter?

21 A. Jeanette.

22 Q. Jeanette?

23 A. Yeah. She would bring groceries over there to me.

24 Q. So you and Jeanette had a pretty good relationship then,

25 is that right?

1 A. Yeah, I had a good relationship with all of them, you
2 know.

3 Q. And, in fact, how does Jeanette refer to you?

4 A. Sometimes she calls me daddy, sometimes she calls me
5 David.

6 Q. So is it fair to say that you and Mrs. Henley were living
7 apart, but y'all were still cohabitating, y'all were still
8 having sexual relations on a regular basis?

9 A. Yes, ma'am.

10 Q. Did you give her money sometimes, too?

11 A. Yes, ma'am.

12 Q. What is your source of income?

13 A. Disability.

14 Q. Social Security disability?

15 A. Social Security.

16 Q. And how much do you receive?

17 A. Eleven hundred. That's now. You know, it wasn't
18 -- because they given a raise -- I was given a raise, but
19 it was about 980 or something like that then.

20 Q. So you needed assistance from Mrs. Henley to help you make
21 ends meet and to take care of your activities of daily
22 living?

23 A. Yes.

24 Q. And she did that consistently?

25 A. Consistently.

1 Q. Did Mrs. Henley tell you that she was not married before
2 you married her?
3 A. Yes.
4 Q. Did she tell you she was not married?
5 A. Yes, she did.
6 Q. When you went to the courthouse and applied for a marriage
7 license, was there any discussion that there might be a
8 problem when you go to the courthouse and apply?
9 A. No.
10 Q. Did you have any problems applying when you did apply?
11 A. None at all.
12 Q. Did you believe when you married Ms. Henley that she was
13 not married?
14 A. Yes.
15 Q. To the best of your knowledge when you married
16 Ms. Henley, did she believe that she was not married?
17 A. Yes.
18 Q. Did you assist in giving money to the children, as well?
19 A. Yeah, when I could, I did.
20 Q. So was there any regular payments that you and
21 Ms. Henley made to them?
22 A. No, not really. You know, just whenever they needed
23 something or whatever, you know.
24 Q. And how would they acquire the funds, would they just go
25 to her and ask her, "I need some money. Can you help me?"

1 How did they -- how did that go?

2 A. Most the time, if they needed something, they'd ask, you

3 know.

4 Q. Now, at the time of Ms. Henley's death, no one lived with

5 her, is that right?

6 A. That's right.

7 Q. What were your plans -- you did not live with her either

8 at the time of her death, is that right?

9 A. That's right, I wasn't.

10 Q. You did visit back and forth on a regular basis?

11 A. Yes.

12 Q. Had you and Ms. Williams -- I'm sorry -- Ms. Henley have

13 any discussions about where this was going to lead to?

14 A. Well, we was supposed to have been moving back together

15 the first of the year.

16 Q. Why do you say that?

17 A. Because that's what we had discussed.

18 Q. Was anybody else aware of that discussion?

19 A. I don't know. I can't say.

20 Q. But you do swear under oath that the two of you had those

21 discussions about moving back together?

22 A. Yes, ma'am.

23 Q. Had you resolved your differences by then?

24 A. Yes, we had talked.

25 **MS. CHEEKS:** I don't have any other questions of this

1 witness.

2 COMMISSIONER BECK: Mr. Simpson.

3 CROSS-EXAMINATION

4 [By Mr. Simpson]

5 Q. Mr. Henley, you stated that you dated Ms. Henley for about
6 28 or 29 years?

7 A. No, I did not say that.

8 Q. What did you say about 28 or 29 years?

9 A. I said about nine or --

10 COMMISSIONER BECK: He said eight or nine years.

11 MR. SIMPSON: I'm sorry.

12 Q. But you knew Ms. Henley very well, didn't you?

13 A. Yes, I did.

14 Q. And you were not aware that she was married to George
15 Williams?

16 A. No, I wasn't.

17 Q. Even though you were very close friends?

18 A. Yeah, we were very close. I know him, yeah.

19 MR. SIMPSON: That's all I have, Your Honor.

20 COMMISSIONER BECK: Mr. Tinsley.

21 CROSS-EXAMINATION

22 [By Mr Tinsley]

23 Q. Mr. Henley, all this discussion about you and
24 Ms. Henley getting together on the weekends after you
25 separated, you didn't mention any of that to Mr. Tuten the

1 two times that he discussed this matter with you. Mr.
2 Tuten being the investigator who just testified.

3 A. No, I didn't discuss that with him because we had
4 -- this already been resolved before she started doing it,
5 you know, when Susie -- they came out as soon as this
6 happened. He came -- started asking me questions about --
7 you know, that was before this, you know. You understand
8 what I'm saying now?

9 Q. What were you talking about, saying it was resolved?

10 A. What I'm saying is, when -- you talking about the
11 investigator, right?

12 Q. Yes, the gentleman who just testified before you did.

13 A. This was after he had talked to me. All this -- okay --
14 after he had talked to me.

15 Q. Well, you talked to him twice, correct, once in May of --
16 sometime prior to May of 2013 and also in 2012 after she
17 died?

18 A. Well, I was answering the questions he asked me. You see
19 what I'm saying? That's all I can --

20 Q. But you told him that y'all separated, approximately, one
21 year prior to the accident in September and that you and
22 Susie never lived together after September, it says 2011.
23 So y'all didn't live together for about a year after you
24 separated?

25 A. Yeah.

1 Q. But you didn't mention anything about any spending the
2 weekends together?

3 A. No, I didn't mention anything to him. Like I said, I was
4 just answering the questions he asked me.

5 Q. So you didn't find that important to tell him, make sure
6 he knew, even though you are separated, y'all were still
7 getting together?

8 A. No, I just didn't -- like I said, I was answering the
9 questions he asked me.

10 Q. And you're saying that y'all still split bills. Can you
11 specify to me what bills, who was paying?

12 A. Split bills?

13 Q. Split bills. Help each other out with bills, you and Ms.
14 Henley.

15 A. While we were separated? You know, like I said, I would
16 send her some money sometimes. She would come up and get
17 money for me. You know, like we helping each other out
18 with bills and groceries and stuff like that.

19 Q. So there was nothing on a set schedule basis as far as,
20 "I'm paying this bill this month. I'm going to pay it
21 every month," nothing like that?

22 A. No, not really. The only thing was -- like I said, was
23 just paying bills, just sending money to her to help pay
24 bills with.

25 Q. And she had you on her insurance through work, her health

1 insurance?

2 A. Yes.

3 Q. But you would pay your portion of the premium every month?

4 A. Yes.

5 Q. And some time after you separated, Ms. Henley was living

6 with Joel and Jeanette, is that correct?

7 A. Yes.

8 Q. And do you know what their arrangement was regarding the

9 finances, --

10 A. No.

11 Q. -- who was paying for it? I mean, you just don't know?

12 A. I don't -- by me staying up there and they were staying --

13 what was the arrangements?

14 Q. Yes, I'm asking if you know that.

15 A. No, I don't.

16 Q. And you don't know that?

17 A. I don't know that, no.

18 Q. And you testified that Maurice wasn't around during this

19 time because he was incarcerated. Was

20 Ms. Henley going to see him while he was incarcerated?

21 A. I thought she went to see him once. I'm not -- I'm not --

22 I'm not for sure on that, but I know she was, you know.

23 Q. Were you aware of whether she was sending him money to the

24 prison?

25 A. From my understanding, she was.

1 Q. And are you aware of any arrangements she had to save
2 money for when he got out?
3 A. That's stuff -- I don't know nothing about that.
4 Q. You're not aware? You don't know one way or the other?
5 A. No, I don't know nothing about that.
6 Q. And you know Ms. Annie Bucket?
7 A. Yeah.
8 Q. That would be Ms. Henley's sister?
9 A. Yes, I know her.
10 Q. And you're aware that she reported that y'all had been
11 separated for more than a year and she was planning on
12 divorcing you?
13 A. That's something that we never discussed.
14 Q. When you say we, who are you talking about?
15 A. Me and my wife, we never discussed nothing like that,
16 filing for divorce.
17 Q. But you are aware that Ms. Bucket said that?
18 A. Well, I'm aware because, you know, what you're reading
19 now.
20 Q. And Ms. Bucket and Ms. Henley, they stayed in contact
21 during their life?
22 A. Not that much. Not that much.
23 Q. They are sisters?
24 A. Yeah, they sisters.

25 MR. SIMPSON: No further questions.

1 COMMISSIONER BECK: Ms. Burke.

2 MS. BURKE: No questions.

3 COMMISSIONER BECK: Any other questions of this
4 witness? Ms. George?

5 MS. GEORGE: No thank you, no.

6 MS. CHEEKS: Just one last one, if I may, Your Honor?

7 COMMISSIONER BECK: Yes, ma'am.

8 REDIRECT EXAMINATION

9 [By Ms. Cheeks]

10 Q. I'm not sure if I asked you this, Mr. Henley. When did
11 you first learn that Mrs. Henley was still married to --
12 let me say was not divorced, had not gotten a divorce from
13 Mr. Williams; when did you first learn about that?

14 A. Well, when the investigator set up a meeting for me to
15 talk to him, that's when I found out then.

16 Q. So in the course of this claim, that's when you first
17 learned about it?

18 A. Yes.

19 MS. CHEEKS: That's all I have, Your Honor.

20 COMMISSIONER BECK: Any follow-up? You may step
21 down, sir. Thank you very much. Any other witnesses, Ms.
22 Cheeks?

23 MS. CHEEKS: Your Honor, I'm going to call
24 Ms. Jeanette Padgett.

25 COMMISSIONER BECK: Ms. Padgett.

1 **MS. CHEEKS:** Good afternoon, Ms. Padgett. How are
2 you this afternoon?

3 **COMMISSIONER BECK:** Hold on. Hold on. Let me swear
4 the witness.

5 **MS. CHEEKS:** Thank you.

6 ****

7 Whereupon,

8 **JEANETTE PADGETT,**

9 having been first duly sworn,
10 was examined and testified as follows:

11 ****

12 **COMMISSIONER BECK:** Please state your full name for
13 the record.

14 **THE WITNESS:** Jeanette Francine Padgett.

15 **COMMISSIONER BECK:** Ms. Cheeks.

16 **MS. CHEEKS:** Thank you, Your Honor.

17 **DIRECT EXAMINATION**

18 [By Ms. Cheeks]

19 Q. Ms. Padgett, you are the daughter of the decedent,
20 Ms. Henley, is that right?

21 A. Yes, ma'am.

22 Q. And what is your birth date?

23 A. 11/26, 1986.

24 Q. Eleven or seven?

25 A. Eleven.

1 Q. 11/26?
2 A. 1986.
3 Q. So you are --
4 A. Twenty-eight.
5 Q. -- almost 29.
6 A. Uh-huh.
7 Q. And when did you first meet Mr. Henley, if you recall?
8 A. Probably about ten and a half years ago, because he been
9 in my oldest little girl's life since she was two months.
10 **COMMISSIONER BECK:** You're going to need to speak up,
11 ma'am.
12 A. Since she was two months.
13 Q. Two months?
14 A. Uh-huh.
15 Q. And your oldest daughter is what?
16 A. Eleven.
17 Q. So you've known him at least 11 years, I guess we'll say.
18 A. Well, yeah.
19 Q. And did you know him before your daughter was born even?
20 A. No.
21 Q. So you were not a minor when you first met him?
22 A. Yes.
23 Q. You were a minor, okay. I see. So how old were you when
24 you had your first child then?
25 A. Sixteen.

1 **COMMISSIONER BECK:** How old?

2 **THE WITNESS:** Sixteen.

3 **COMMISSIONER BECK:** Sixteen. Thank you.

4 Q. So you've known Mr. Henley, basically, since you were 16
5 then?

6 A. Yeah.

7 Q. And you've lived with him off and on?

8 A. Well, I lived -- well, when I was 16, we lived with my
9 grandma, and then they moved in together and we all lived
10 in off and on.

11 Q. So as you were growing up, you lived more with your
12 grandmother than your mother?

13 A. No. My mom stayed there, too, but my mom moved out when
14 she moved to Greenwood and then it was us in Greenwood
15 with her.

16 Q. I see.

17 A. Yeah.

18 Q. So she moved to Greenwood. Did David move back to
19 Greenwood with her at some point?

20 A. David didn't move to Greenwood with her. David was living
21 in Saluda at the time. They was still together, but they
22 didn't move in together.

23 Q. So they didn't move in together until they got to Saluda?

24 A. No. They moved in together in Saluda, too, but they moved
25 to Lexington first, and that was when my baby was about

1 one.

2 Q. Did you live with them at that time?

3 A. No.

4 Q. And how old were you then? You were about 17 then?

5 A. Uh-huh.

6 Q. So you moved out on your own?

7 A. I had moved into my own apartment.

8 Q. After you moved out on your own at 17, how often did you

9 live with your mother and Mr. Henley?

10 A. When I moved out on my own at 17, my mom moved in with

11 him, with David Henley at his grandmother's house. So I

12 didn't move in with them after I turned 17. When I moved

13 in my apartment, I stayed there and they moved together.

14 Q. And how long did you stay in your apartment?

15 A. About a year.

16 Q. And then what happened?

17 A. Then I moved back with them in their grandmother's house.

18 Q. Why did you move in with them at that time?

19 A. I mean, I just moved out.

20 Q. Out of the apartment?

21 A. Yeah.

22 Q. Because financially it was easier?

23 A. I mean, I didn't -- I don't know why I even took the

24 apartment, because at the end of the day I might as well

25 have stayed at home because she was still helping me with

1 the bills there and bought all the furniture for their
2 house.

3 Q. Were you working?

4 A. No. I was working when I was 16 and then I quit my job at
5 the Huddle House.

6 Q. You quit your job?

7 A. Uh-huh.

8 Q. So tell me about your history of employment.

9 A. What about it?

10 Q. You know, jobs you've had, that's all.

11 A. Well, when we moved to Lexington I worked at a Huddle
12 House for a year and a half. When we moved to West
13 Columbia by the Barnyard Flea Market, I worked at
14 McDonald's.

15 Q. Do you know what year that was?

16 A. This was 2010 at the Waffle House and -- to 2011 at the
17 Waffle House, and then 2011 in October at McDonald's until
18 May of 2012. That's when I decided I wanted to move out
19 on my own again.

20 Q. So when you were working at McDonald's you were living --

21 A. I was still at home with my mom.

22 Q. And then you decided that you needed to move out on your
23 own?

24 A. Yeah, but I didn't move at the time because she didn't
25 want her grandkids going to Greenwood schools, so I didn't

1 move out at the time, but when the time came, I did move
2 out, but --

3 Q. And where did you move to at that time?

4 A. I moved to Greenwood.

5 Q. And how long did you live in Greenwood?

6 A. About two years.

7 Q. So that would have been from 2011 to -- I mean, 2010 --

8 A. That was -- it was in -- I moved to Greenwood maybe -- I
9 want to say it was July or August, before my kids went
10 back to school.

11 Q. Of what year?

12 A. Of '12, 2012, because she had only moved in her apartment
13 a month before I moved to Greenwood.

14 Q. So how long did you stay in the house with Mr. and
15 Ms. Henley after you moved back in?

16 A. Which house?

17 Q. When you were -- I'm getting confused myself, so let's go
18 back. When you were working at the Waffle House, that was
19 2010, they had just basically just got married in 2010.

20 A. And, yes, and I was there when they got married.

21 Q. And you worked at the Waffle House and you moved in with
22 them.

23 A. I was already living with them before I started at the
24 Waffle House.

25 Q. And so you lived there at least from 2010 to --

1 A. No, I lived there from 2008 or '9, because they been in
2 Lexington for a minute. They been in -- over by Red Bank.
3 Everywhere they moved, I moved with them, basically.
4 Q. And then at some point you decided to get your own
5 apartment. What year was that that you got your own --
6 A. I was 17 when I got my own apartment. She was still in
7 Saluda at the time.
8 Q. What year was that?
9 A. I don't know what year that was.
10 Q. When you were 17?
11 A. When I was 17, yeah.
12 Q. And you were born in, what, '86 you said?
13 A. Uh-huh.
14 Q. That would be 2003. So you got your own apartment in
15 2003?
16 A. Uh-huh.
17 Q. And you stayed there about a year?
18 A. Yeah, approximately, a year. Probably not even that long,
19 but it was about ten, eleven months.
20 Q. So let's say 2004, by 2004 you had moved back in?
21 A. 2004 I was back at home because I was pregnant again.
22 Q. By now you have two children?
23 A. Uh-huh.
24 Q. So 2004 until when did you stay with them, were you
25 staying with them, 2004 until when?

1 A. 2012, I guess, because I didn't move out until, you know,
2 a month before she moved to a new apartment, and when she
3 moved into her new apartment I was up here with her, me
4 and my kids.

5 Q. You would visit her periodically?

6 A. Every weekend.

7 Q. But you had your own apartment at that time?

8 A. I had my own house at that time.

9 Q. Your own house, okay.

10 A. Uh-huh.

11 Q. You and Joel were living together in the house with your
12 children?

13 A. Me and Joel was living there together. We was waiting on
14 Maurice to get out and then Maurice moved in with us.

15 Q. So all three of y'all were going to live together to sort
16 of, I guess, keep bills under control, help everybody out
17 financially, is that right?

18 A. Uh-huh.

19 Q. And your mom -- y'all were not going to move in with your
20 mom because she had just moved into an apartment, right?

21 A. No. I was going to move back in with her. See, the thing
22 was, to try out a new school for my kids, which I did,
23 that was Greenwood School, but we had discussed that, when
24 school was over with when the summer came, we'd go back
25 home to my mom. That was the plan, but it didn't go as we

1 planned.

2 Q. So did you know about George Williams?

3 A. Yes.

4 Q. What did you know about him?

5 A. I ain't know much about him.

6 Q. Your mother told you about him?

7 A. Uh-huh.

8 Q. She told you she was divorced from him, too, didn't she?

9 A. I don't think I had that conversation with her, but I just
10 know -- I mean, when we were younger, we saw him a couple
11 of times.

12 Q. A couple of times, and then you didn't see him anymore?

13 A. Yeah.

14 Q. And it was your understanding that your mother and he had
15 gotten a divorce, right?

16 A. Yeah.

17 Q. And, as far as you know, there was never any question in
18 your mother's mind that she was divorced, right?

19 **MR. TINSLEY:** Objection. Calls for speculation.

20 **COMMISSIONER BECK:** Sustained.

21 Q. Your mother never indicated to you that she was not
22 divorced, did she?

23 A. My mom -- well, this -- this is what I told the man that
24 -- I don't know who he was -- Mr. Tuten, that she did say
25 she filed for divorce, but I'm not sure if she did or not.

1 Q. You said that at the time?

2 A. I told him that at the first beginning. So half of the
3 stuff he was saying, he was leaving out half the stuff I
4 said.

5 Q. Now, his statement says that Jeanette confirmed that her
6 mother was married two times throughout the course of her
7 life. Her first husband was named George Williams and the
8 two of them were married around 1988 or 1989 and were
9 divorced, approximately, one year before Susie married her
10 second husband, David Henley.

11 A. I didn't even know when she got married, so I know I
12 didn't say that. I didn't know when she got married to
13 him. I just know we saw him a couple of times, we have,
14 so I can't deny it.

15 Q. Now, you told me that you had also worked at McDonald's.
16 Anywhere else you've worked besides McDonald's and Waffle
17 House?

18 A. I worked at the Huddle House when I was 16.

19 Q. Those are the only places you've worked?

20 A. Yeah.

21 Q. And do you have any kind of disabilities?

22 A. Not that I know of.

23 Q. Is there any specific or particular reason that you've
24 only worked those three places?

25 A. No, there's not.

1 Q. You just have chosen not to work, or?

2 A. No, it wasn't that. It was -- I had a car accident when I

3 worked at Huddle House -- I mean, when I worked at Waffle

4 House. I had a car accident on the Interstate which a big

5 truck hit me, and the doctor said that he could have wrote

6 me a note to where it would be disability because I can't

7 stand more than 30 minutes and I'm not supposed to sit

8 longer than 30 minutes. So that's why.

9 Q. So you're not able to sit for a long time or stand for a

10 long time?

11 A. I'm not, yeah.

12 Q. But you don't have any doctor's statement of that. He

13 said he could have said that.

14 A. He -- no, he said he can write me a statement saying that

15 because -- I mean, it's the truth, but I didn't never get

16 a statement because I didn't need it.

17 Q. Because you were not applying anywhere, is that right?

18 A. No.

19 Q. So do you get child support -- you don't get child

20 support, I know you don't, because you said that before,

21 is that right?

22 A. Uh-huh.

23 Q. You don't get child support. Why is it that you don't

24 receive child support?

25 A. Because my kids' father -- I mean, well, my babies,

1 they're -- my mom always been there for them, so,
2 therefore, I didn't feel the need to sue them for
3 anything, because if I did sue them, they -- my kids
4 wouldn't get child support because they stay in and out of
5 jail. So it wouldn't have been no reason for me to sue
6 them for child support because I wouldn't get anything.

7 Q. So you just decided not to go forward with it because your
8 mother was helping you out?

9 A. Yeah. And she's the one who told me not to put them on
10 child support, because, I mean, what for? They in jail.
11 They can't do anything for the kids.

12 Q. Is there anybody else who helped? Well, let me ask you
13 this: how are you getting by now since your mother is
14 not --

15 A. My boyfriend has a job.

16 Q. You live with your boyfriend now?

17 A. Yes, I do.

18 Q. He's not the same boyfriend you had when your mother was
19 living?

20 A. I didn't have a boyfriend when my mom was living.

21 Q. So how long have you and this gentleman been together?

22 A. A year.

23 Q. Now, Mrs. Henley never paid you any regular kind of
24 payments, did she?

25 A. And by that you mean?

1 Q. I mean on a monthly basis, for example, did she, okay, "I
2 give them \$300 every month"?
3 A. Well, if they did an investigation, they would have went
4 to the DSS office and find out that my mom did pay my
5 rent. And it's all in writing that I had to have in order
6 to get my EBT. So it's all in writing. The only thing I
7 had to do was get it.
8 Q. Now, what do you mean when you say that it's in writing at
9 DSS that your mom pays --
10 A. That's right, because in order for me to get EBT they
11 wants to know how my bills are being paid.
12 Q. In order to get EBT?
13 A. Uh-huh.
14 Q. What is EBT?
15 A. Food stamps.
16 Q. So you're on food stamps?
17 A. Yes.
18 Q. So that's a source of support for you and your children,
19 food stamps?
20 A. Uh-huh.
21 Q. Any other sources of support besides EBT --
22 A. No.
23 Q. -- and your boyfriend?
24 A. Well, my oldest little girl, her daddy helps out a lot now
25 with her.

1 Q. He pays support for her?

2 A. He don't pay child support, no, he don't. He buy what she
3 need and that's it.

4 Q. So you mean you don't get a regular paycheck from him, but
5 he does help out?

6 A. I don't get no -- I don't get no paycheck. He come get
7 her, take her, get what she need, and that's it.

8 Q. How about your other child, does her father --

9 A. My boyfriend take care of that one.

10 Q. So he just happened to step in right after
11 Ms. Henley passed?

12 A. He been knowing my little girl for -- he know my little
13 girl for a little while. He knew her.

14 Q. Your current boyfriend?

15 A. Yeah, he knew my little girl before me and him started
16 dating.

17 Q. So he's been helping out with her for some time?

18 A. Uh-huh.

19 Q. How much of her bills does he pay or how much does he help
20 you out with her?

21 A. I mean, whatever she need, he gets. And then, I mean, my
22 brother, Maurice, when he works, anything I need for my
23 kids, he got it, so -- and if I ask Mr. Henley, he'll do
24 it, too, and if Joel has it, he'll give it to me, too.

25 Q. So you got a lot of support for you and your children in

1 the sense that a lot of people you can go to to get
2 assistance?

3 A. Yeah.

4 Q. And so, therefore, you really don't have to go out and
5 work, is that --

6 A. That's not the case, because I look for jobs. I am
7 looking for a job. There ain't no case for me to sit at
8 home and not do anything.

9 Q. So you have looked for jobs?

10 A. Yes, I have been applying for jobs, just waiting on calls.

11 Q. Were you looking for jobs when you were living with Mr. --

12 A. I was working when I was living with them, so I didn't
13 have to look for a job.

14 Q. You were working, okay. So you were pretty much able to
15 support yourself then when you were living with them?

16 A. When I lived with them, I helped with bills, also, because
17 I couldn't live for free, so yes.

18 MS. CHEEKS: I don't have any other questions of this
19 witness.

20 COMMISSIONER BECK: Mr. Simpson.

21 CROSS-EXAMINATION

22 [By Mr. Simpson]

23 Q. You stated under oath today that you knew your mother was
24 married to George Williams, is that correct?

25 A. Yeah, I knew that. I was the one who told the

1 investigation man because I knew that.

2 Q. And you also stated under oath that your mother never told
3 you she was divorced from Mr. Williams, is that correct?

4 A. She never discussed me -- discussed with me that she
5 divorced him. I just know she told me, when she got
6 married to Mr. Henley, which I was there when they got
7 married, she said -- I said, "Mama, how you going to get
8 married if you're not divorced?" She said, "I sent him
9 the divorce papers," is what I was told.

10 Q. She said she sent him papers and that's all, right?

11 A. That's it.

12 Q. She never said she got divorced?

13 A. That's not my business, that's her's.

14 MR. SIMPSON: Thank you. That's all I have.

15 COMMISSIONER BECK: Mr. Tinsley.

16 MR. TINSLEY: I just want to try to clear up the
17 timeline.

18 **CROSS-EXAMINATION**

19 [By Mr. Tinsley]

20 Q. So do you remember when Mr. Henley and your mother
21 separated?

22 A. Yeah.

23 Q. It looks like that was about a year before she died, do
24 you agree with that?

25 A. [Nods head.]

1 Q. Where were you living when they separated?

2 A. When they separated, we were still in the house with them.

3 We was still all in the -- in the same house before they

4 separated.

5 Q. When you say, "We were in the same house," can you tell

6 the Court who we were?

7 A. Me -- well, me and Joel Padgett, Sequoia Padgett, Damia

8 Padgett, and David Henley and Susie Henley was all in the

9 same house -- do you want me to tell you the address and

10 all this?

11 Q. Just where was it?

12 A. Lexington.

13 Q. And you said Sequoia and -- Joel's your twin brother?

14 A. Yeah.

15 Q. And you mentioned Sequoia?

16 A. Is my daughter and Damia is my daughter.

17 Q. So it was you, your brother, your two daughters, Mr.

18 Henley and your mother?

19 A. Uh-huh.

20 Q. And what happened when they separated?

21 A. I don't know why they separated, because like -- I mean,

22 that wasn't my business, though, to find out, but I know

23 when they separated, he moved back to Saluda and -- we was

24 still there, but she wanted to move out because of the

25 rent being so high. So she -- I guess she went apartment

1 shopping at the time.

2 Q. Well, how long before she moved into an apartment? How
3 long did y'all live there after Mr. Henley left before she
4 moved into an apartment?

5 A. I don't -- maybe about -- let's see. Because he left in
6 -- probably about nine, ten months, maybe.

7 Q. So about nine or ten months y'all lived together?

8 A. Uh-huh, because she moved -- she moved to her apartment a
9 month -- a month before I moved out with her, yeah.

10 Q. So what was the arraignment after Mr. Henley moved out as
11 far as paying the bills around the house?

12 A. Around what house?

13 Q. The house that you, Joel, your daughters and your mother
14 lived for that nine or ten months.

15 A. She had got on Section 8, which was supposed to have paid
16 her rent, and it kind of like paid, I want to say, like
17 five or \$600 because it was \$800 for rent, but as soon as
18 I got a job, they wanted to take her off or something.
19 I'm not sure.

20 Q. So you don't know what happened with the Section 8 at that
21 point?

22 A. They took her off because we was getting so much income in
23 the house because her job was already enough income and
24 then the job that I got made it even more income.

25 Q. Where did you work?

1 A. At Waffle House.

2 Q. And how long did you work at Waffle House?

3 A. A year and a half.

4 Q. So sometime before she died, sometime not long before she

5 died, she moved out into an apartment?

6 A. She moved into an apartment and -- she might have moved

7 into her apartment in August, yeah. She might have moved

8 into her apartment in August because I had moved out and

9 my kids had started school in Greenwood and they started

10 August the 23rd, I want to say.

11 Q. And where was she living? Where was this apartment?

12 A. She stayed on Broad River Road. I can't think of the name

13 of them apartments.

14 Q. Where were you living at that point?

15 A. At the time before she got killed?

16 Q. That's correct.

17 A. I was living in Greenwood at the time.

18 Q. And who were you living with in Greenwood?

19 A. It was me and Joel Padgett.

20 Q. And your two children?

21 A. In my two kids, yeah.

22 Q. What was y'all's arrangement for paying rent and other

23 bills?

24 A. For me and Joel or me and my mom?

25 Q. Just everybody. How did y'all make it?

1 A. I mean, Joel does hair. So if he make any money, he have
2 to pay something on bills, and I will babysit sometimes in
3 order to make money, and then if we come short, whenever
4 we do all that and bills come, we'll call my mom and be
5 like, "We need this."

6 Q. What was y'all's rent at that time?

7 A. Our rent was 350.

8 Q. What other monthly bills did y'all have going?

9 A. Just rent and light bill.

10 Q. And how often would you say that y'all had to call your
11 mother to help make the difference, how many months?

12 A. It was often.

13 Q. Are we talking almost every month or are we talking --

14 A. Maybe every other month, but she always helped with the
15 rent, so.

16 Q. When you say she always helped with the rent, you mean
17 every month on the rent?

18 A. Yeah.

19 Q. I just want to make sure that I understand what you're
20 saying. Every month she was helping with the rent and
21 with the other associated bills?

22 A. With the light bill and stuff, we have to pay on our own.

23 Q. Some months you'd have to call her and some you wouldn't?

24 A. Yeah.

25 Q. Before she died were you getting any kind of help from

1 your children's father?

2 A. No. They was incarcerated when -- I mean, they was

3 incarcerated a lot like, and then when she died, that's

4 when everybody decided they want to come around.

5 Q. When you say everybody, who are you talking about?

6 A. Their fathers and -- you know.

7 Q. So they're helping you some now, but they weren't at the

8 time?

9 A. Only one of my kids' fathers is helping me.

10 Q. And how about Maurice before she died, he was incarcerated

11 at that point?

12 A. Uh-huh.

13 Q. Did your mother still have a relationship with Maurice?

14 Was she going to see him?

15 A. Of course.

16 Q. Was it pretty frequent that she was going to see him?

17 A. No. She probably seen him a couple of times, but she

18 always writes and send him money.

19 Q. She'd send money to his account in the prison?

20 A. He would send us this little slip and we'd have to fill it

21 out and send it back.

22 Q. So you would help your mother with this process?

23 A. I would help her feel it out.

24 Q. And do you know how often or how much money she was

25 generally sending to him?

1 A. No. When we fill out the slip, she takes me to get a
2 money order and she sends it off. I don't know how much.
3 Q. So you were helping on the front end.
4 A. Yeah.
5 Q. And don't know how much the amount was. Were you doing
6 this pretty often?
7 A. She was.
8 Q. And did she have any plans for when Maurice got out of
9 prison?
10 A. Yeah, she had talked to him a couple of times on the
11 phone, because at the time he had lost his father and he
12 was going through a lot, too, so she would talk to him a
13 couple of times on the phone and she'd tell him when he
14 come home she'll have something for him, and then she'll
15 tell him he can come back home, stay at home with her, I
16 mean, because we was there anyway, so.
17 Q. So the plan was for Maurice to live with your mother when
18 he got out?
19 A. Yeah.
20 Q. And he didn't have any job or any source of income that
21 you're aware of for when he got out, anything preset?
22 A. You're talking about Maurice?
23 Q. Yes.
24 A. No, he didn't have no job, but he had been working since
25 he been out.

1 Q. And you told Mr. Tuten that at the time of your mother's
2 death you had no income at that specific time?

3 A. Uh-huh.

4 MR. TINSLEY: No further questions.

5 COMMISSIONER BECK: Ms. Burke.

6 CROSS-EXAMINATION

7 [By Ms. Burke]

8 Q. Have both your daughters always lived with you?

9 A. Yes. Well, no, not always.

10 Q. When didn't they live with you?

11 A. I'd say when -- my oldest daughter, she stayed with David
12 Henley and my mom, I want to say about two years when they
13 moved to Lexington because I didn't move up here with them
14 when they moved up here.

15 Q. So your daughters have always lived with you or your
16 mother?

17 A. Uh-huh.

18 Q. And your mother's always helped you support them?

19 A. My mama always helped me support them, that's why I never
20 had any need for anything.

21 Q. Can you tell me some specific ways she helped you support
22 them?

23 A. Like clothes, shoes. Like when we moved to Greenwood, she
24 helped on the bills because she didn't want them out in --
25 you know, she wanted them to be where it was best for

1 them, so she would do anything in her power to make it.

2 Q. How often did she buy them clothes?

3 A. You're talking about the time when she was help -- when
4 she was alive?

5 Q. Yes, when she was helping you, how often would she by
6 clothes?

7 A. When I worked, I, you know, helped with stuff, so whenever
8 they needed stuff, I'd help her with that, too, but if I
9 didn't have it, I didn't have it. It wasn't often.

10 **COMMISSIONER BECK:** Did you say wasn't often?

11 **THE WITNESS:** No.

12 Q. When was the last time she bought them clothes?

13 A. She died on, what, the Friday, a Friday I want to say.
14 That weekend before -- that weekend before she died we was
15 up there and she took them school shopping.

16 Q. And was that typical, if you needed something?

17 A. No. I had bought clothes for them before then. It was
18 more like, you know, summer-ish clothes because it was
19 still hot in August, so she decided she wanted to go ahead
20 and buy them winter clothes.

21 Q. When the girls needed something, did you rely on your
22 mother?

23 A. She was always there. I mean, I didn't even have to call
24 her and she would be calling me and saying to me she's
25 going to send this or come get this or she going to drop

1 it off at my cousin's house, whatever. She do stuff like
2 that.

3 Q. And when your daughter lived with your mother, she took
4 care of all her needs?

5 A. Yeah.

6 **MS. BURKE:** No further questions, Your Honor.

7 **COMMISSIONER BECK:** Ms. George.

8 **MS. GEORGE:** Just a few. Thank you.

9 **CROSS-EXAMINATION**

10 [By Ms. George]

11 Q. Ms. Padgett, Mr. Henley indicated in his testimony that he
12 and your mother were supposed to be moving back in
13 together at the first of the year. Were you aware of
14 those plans?

15 A. I don't know anything about that.

16 Q. Did your mother ever discuss with you intention to
17 permanently move back in with and live with
18 Mr. Henley?

19 A. She didn't talk about him with -- to me.

20 Q. Did Mr. Henley ever discuss those plans with you before
21 she died?

22 A. No.

23 Q. You mentioned earlier, too, that the DSS office would have
24 information in writing about payment your mother had that
25 you had to submit in order to get food stamps? 127

1 A. Uh-huh.

2 Q. Did you bring any of that information here with you today
3 to show regular payments that your mother made for you on
4 your behalf?

5 A. No. They didn't ask me to, so I didn't.

6 MS. BURKE: Thank you. No other questions.

7 COMMISSIONER BECK: Any other questions of this
8 witness?

9 MS. CHEEKS: I have a few follow-up.

10 COMMISSIONER BECK: Yes, ma'am.

11 REDIRECT EXAMINATION

12 [By Ms. Cheeks]

13 Q. Ms. Padgett, I just want to clear up something. When I
14 was first asking you questions, you said Maurice had
15 planned to live with you and Joel.

16 A. That's after my mama died, though. That was after my mama
17 died.

18 Q. I see.

19 A. After my mom died -- he didn't even know my mom was dead
20 until they called him, and that was like a week after she
21 died. He didn't know anything about it. So at the time
22 me and Joel was staying together, so I will write him and
23 send him pictures, and then I was like, "Well, when you
24 come home you can come stay with us," and he did, because
25 when he came home I went to pick him up.

1 Q. But initially he was going to live with your mom, is that
2 what you're saying?

3 A. Uh-huh.

4 Q. I just want to be clear because I didn't quite understand.
5 Has anyone besides you ever had custody of your children?

6 A. No.

7 Q. Not even your mother?

8 A. No.

9 Q. Did you ever visit Mr. Henley after he moved from your
10 mother's house?

11 A. Always. I look at him as my dad, so I always visit him.

12 Q. And did you and your mom ever visit him together?

13 A. Yeah.

14 Q. Did you ever take groceries, you and your mom ever take
15 groceries to his house?

16 A. Uh-huh.

17 Q. Your mom paid for that?

18 A. I would pay for it sometimes and sometimes she would, but
19 like you said, they -- I guess they had their own little
20 agreement.

21 Q. That you didn't know about?

22 A. Yeah.

23 Q. So were you aware that your mother stayed there on
24 weekends from time to time or that he would come back and
25 stay with her from time to time?

1 A. I don't know that. That's their personal business right
2 there.
3 Q. You don't know anything about it, though?
4 A. Uh-uh.
5 Q. Now, you said you were really not dependent on your mom.
6 What did you mean by that?
7 A. I said that?
8 Q. Well, at least that's what I got in my notes. Let me ask
9 you this: your mom had a choice in giving you money. Tell
10 me how that worked.
11 A. Yeah, she had a choice if she wanted to help or not, but
12 she didn't want to see her grandkids suffer for anything,
13 so that was her choice to help us.
14 Q. So she just decided to help out because --
15 A. She was going to help with them kids either way. At the
16 end of the day, she's going to help with them kids either
17 way.
18 Q. Like a typical good grandmother would do, right?
19 A. That's right, and they'd probably be still with her right
20 now.
21 Q. Still with her, meaning, --
22 A. We'll be up there --
23 Q. -- spending time with her? Y'all might be moving back in
24 --
25 A. No, we would be -- we would have been back up here with

1 her.

2 Q. In the apartment?

3 A. Uh-huh.

4 Q. All five -- seven of -- three -- five of you?

5 A. She probably wouldn't have moved into the apartment at the
6 time. She just -- I guess she was upset because I'm
7 wanting to move out and so she decided to go look for an
8 apartment because it was a bigger house that she stayed in
9 and she didn't want to stay there by herself.

10 Q. So she decided to move in an apartment to be by herself
11 for a minute?

12 A. She decided to move into an apartment because she didn't
13 want to stay in that house by herself.

14 MS. CHEEKS: I don't have any other questions.

15 COMMISSIONER BECK: Any other follow-up? You may
16 step down, ma'am. Thank you very much.

17 THE WITNESS: Thank you.

18 COMMISSIONER BECK: Ms. Cheeks, any other witnesses?

19 MS. CHEEKS: I'm going to call Joel Padgett.

20 COMMISSIONER BECK: We're going to take about a five-
21 minute recess, give the court reporter a break.

22 [Recess]

23 Whereupon,

24 JOEL PADGETT,

25 having been first duly sworn,

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1 was examined and testified as follows:

2 ****

3 COMMISSIONER BECK: Please state your full name for
4 the record.

5 THE WITNESS: Joel Frank Padgett.

6 COMMISSIONER BECK: Ms. Cheeks.

7 MS. CHEEKS: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 [By Ms. Cheeks]

10 Q. Joel, you are the twin brother of Jeanette, correct?

11 A. Yes, ma'am.

12 Q. And the son of Susan Henley, correct?

13 A. Yes, ma'am.

14 Q. When is your -- I'm sorry, that's right, '86, because
15 y'all are twins.

16 A. Yes.

17 Q. You and Jeanette are pretty close, is that right?

18 A. Yes, we very close.

19 Q. Is that why the two of you live together often?

20 A. Yes.

21 Q. So how do y'all splits bills when y'all live together?

22 A. Prior to my mother's death or after?

23 Q. Prior.

24 A. Prior to my mother's death -- well, we did have an income,
25 as she said. We did get assistance from the DSS. We both

1 got SNAP benefits from DSS. My mother would also help
2 with the other bills because at the end of the day she had
3 to sign the paper from the DSS in order for the DSS to
4 assist us.

5 Q. The paper saying that she helps --

6 A. Yes, that she helps with the bills.

7 Q. So what is your work history?

8 A. My work history, I worked at Milliken for -- in McCormick,
9 South Carolina for two and a half years. I was like --

10 Q. What years were those?

11 A. What year it was. I think it was like from --

12 Q. Do you remember how old you were?

13 A. -- '05 to -- maybe from '05 to '07, somewhere around
14 there.

15 Q. So you were living in McCormick at the time?

16 A. No.

17 Q. Where were you living?

18 A. In Saluda.

19 Q. You were living with the Henleys?

20 A. No.

21 Q. You were living by yourself?

22 A. No. I was living with family members, a relative.

23 Q. But independently, basically, during that time?

24 A. Yes.

25 Q. So '05 to '07 you worked at Milliken. And then where did

1 you go from Milliken?

2 A. I do hair.

3 Q. Have you gone to school for hair or you're just naturally

4 talented?

5 A. I'm naturally talented.

6 Q. And so you've been doing hair since '07?

7 A. It's an on and off thing. It's an on and off -- it's not

8 like a full-time job that I do every day. It's an every

9 once and a while thing. You know, if my mother's not --

10 wasn't helping us, I would do it for money.

11 Q. If she wasn't helping you?

12 A. Yeah. Yeah, I would do it for money, but it wasn't like

13 -- it wasn't like an every week thing. Like I do it when

14 I feel like it because I've been doing it for so many

15 years. I've been doing it since I was 14. So it was a

16 tiring thing, so I get tired, I might not do it for two

17 years, then I start back doing it. But my mother's hair

18 and my sister's hair and the kids' hairs I always did.

19 You know, the family comes, you know.

20 Q. What else did you do in between those times when you

21 weren't doing hair, like the two years when you didn't

22 feel like doing hair, what did you do?

23 A. I was back and forth from Virginia to -- well, to

24 Lexington helping David and my mother raise the kids.

25 Like I would be there to -- well, because they worked, so

1 I will be there to keep the kids for them because they
2 didn't have a sitter. So I would come stay maybe six to
3 eight months, then I leave, and I come back when she need
4 me again and stuff like that.

5 Q. She, being?

6 A. My mother.

7 Q. When she needed help with Jeanette's kids?

8 A. Yes, because Jeanette had moved to Lexington right away.
9 Like my mother been living in Lexington for years. So she
10 didn't move right away, so I was helping her with the
11 kids.

12 Q. Did you graduate from high school?

13 A. No.

14 Q. What was the last grade you finished?

15 A. Eleventh.

16 Q. How about Jeanette?

17 A. I don't know.

18 Q. Y'all weren't living together at the time?

19 A. She was like -- we was at two separate households because
20 I had -- you know, got out and went my way and, you know,
21 she had -- you know, she was still in school.

22 Q. And so the only work history you basically have is at
23 Milliken?

24 A. Yes.

25 Q. And why haven't you worked since that time?

1 A. Because I didn't feel the need to.

2 Q. Because your mom --

3 A. Because my mother assisted me and also I did do hair.

4 Q. So any time you needed some money, you could go out and

5 make it on your own if you just had --

6 A. I can't -- I'm not going to say that because everybody

7 know how the hair business is, you have competition, so

8 you can't just say I'm going to make this amount of money,

9 because you got other people out there that does it. I

10 mean -- and I can probably count 100 people that do hair

11 in Saluda County, so I can't just say it was reliable

12 money.

13 Q. You were doing hair.

14 A. Uh-huh.

15 Q. And you do hair sort of when you need money, essentially,

16 and otherwise you don't work, is that right?

17 A. No, I don't work.

18 Q. Do you have any kind of disability that would stop you

19 from working?

20 A. No, I don't have a -- well, it's like, I have a pin in my

21 leg that I can -- I can go back and get documents where I

22 was a child, I did receive disability for my leg because I

23 still have a pin in my leg. So we could go back and get

24 the documents from that if we need to.

25 Q. When you were a child?

1 A. When I was a child. I was in the hospital maybe two
2 months. You know, this pin is still in my leg, so I can't
3 stand up a long period of time, but I force myself to do
4 it anyway, but I just never went back to apply for
5 disability and all that. So I never went back and applied
6 for that type of stuff.

7 Q. So how are you getting along now that your mother's
8 deceased?

9 A. Family members. Family members. I have a cousin, you
10 know, she helps me. My sister, she helps me from time to
11 time. My brother, you know, he'd been a big help since he
12 been out, you know, so.

13 Q. So you're financially dependent on those people now as
14 opposed to your mother?

15 A. Yes, but you know, right now hair business have picked up,
16 so I have been doing hair, you know, constantly, you know.
17 I can probably say maybe six to eight months now doing
18 hair. Started back doing hair because, when my mother
19 passed, I did go through a depression, me and my sister,
20 both. So, you know, it did -- you know, the depression
21 stopped me from working and stuff like that because it was
22 a constant thing, because everybody know that me and my
23 mother and my sister was close.

24 Q. Yes.

25 A. So, you know, that would stop me from working, you know.

1 Other than that, you know, I have not been working.

2 Q. So who did most of the asking for money, you or your

3 sister, from your mother?

4 A. It was all -- basically, you know how the sister and

5 brother do, like you might be -- my sister might be scared

6 to ask for money and I have to ask or I might be scared to

7 ask for money and she'll ask. So, you know, it was like

8 an equal thing, but it wasn't like we had to ask her for

9 money like that because she assisted with the bills. She

10 assisted with the bills, so you know, --

11 Q. Without being asked, is that what you're saying?

12 A. It may be a couple of times she might say, "Y'all need

13 anything?" You know how the mothers do, they're like, "Do

14 you need anything?" And you know, when we don't have,

15 we'll ask.

16 Q. So she was just doing just sort of like the motherly thing

17 that mothers do.

18 A. The motherly thing to do, yes.

19 Q. Just kind of helping out where it sort of needed to be.

20 A. Yeah, because the kids plays the big part in everything.

21 Wherever the kids is, is where she's going to pay the

22 bills at because she -- like I say, she love her kids and

23 she love her grandkids, and you can ask anybody in my

24 hometown there.

25 Q. Now, how long did y'all live with David and

1 Ms. Henley, as you recall?

2 A. David and my mother moved to Lexington, I'm thinking, '07,
3 '08, around that time. I was back and forth with them
4 like -- you know, because they wasn't even married then.
5 And I was back and forth, like if they needed a babysitter
6 or whatnot, I'll come down for a couple months, help them
7 with just the kids, keep the kids for them and, you know,
8 I don't have to pay for living and all that kind of stuff
9 because they pay the bills and all that and, you know,
10 that's how it was.

11 Q. So when you lived with them, did you ever contribute to
12 the household expenses yourself?

13 A. Probably once or twice. I'm not going to say -- because I
14 never had to assist. I mean, you know, they fussed about
15 it, David and my mom, but I never had to assist with stuff
16 like that.

17 Q. So you never offered anything because they never asked you
18 for anything?

19 A. It wasn't -- I didn't have it to give.

20 Q. But you said you could have if you --

21 A. I couldn't have then because, at the end of the day, I was
22 helping with the kids. My time was occupied.

23 Q. So you were doing that full time, basically, --

24 A. Yes.

25 Q. -- helping with the kids?

1 A. Yes.

2 Q. Now, when did you first learn that David and

3 Ms. Henley were going to get married?

4 A. I think they called me maybe two months before they got

5 married and they were saying they were having

6 -- no, it was -- it was -- I think it was a last-minute

7 thing or something like that. I didn't know about it

8 until like a week before time because I couldn't rush to

9 get down there because I was in Virginia.

10 Q. You weren't even living with them?

11 A. Yeah, I wasn't living with them at that time. You know,

12 it was a back and forth thing, because at the end of the

13 day I was still on her lease at the house that we was in

14 because, when we moved into the house, we was on Section

15 8, so it was me, Jeanette, the kids, and my mother on

16 Section 8, on the Section 8 voucher. So that's when we

17 all moved to the house together. But, you know, me, like

18 I said, for the summers, I always go to Virginia. I have

19 a cousin that's stays in Virginia, stayed in Virginia, and

20 I would go up there every summer and I always come back.

21 Q. And you would work of there?

22 A. No.

23 Q. Or your cousin would take care of you up there?

24 A. No. I didn't -- yeah, basically. Yeah, she needed my

25 help because she was like, you know, sick and stuff like

1 that, so I went to helping her and her sickness and stuff
2 like that.

3 Q. So when you found out they were going to -- David and
4 Susan were going to get married, you didn't have any
5 concerns about Susie being already married, did you?

6 A. I mean, I -- I don't really know about the divorce. I
7 know after the fact he did tell me divorce -- but I did
8 know that my mother and him separated years ago, because
9 she said that he was on drugs, said that they separated
10 because he was on drugs. So after that, I don't know. I
11 know that the man that did the --

12 Q. The investigation?

13 A. -- the investigation, he was telling us that they didn't
14 have a divorce or whatnot and he was going to look further
15 into it and all that. I guess that's when that came
16 about.

17 Q. That's when you first really heard about all this, is like
18 that, right?

19 A. Yeah.

20 Q. So before that your mother had never told you that she was
21 not divorced from him, did she?

22 A. My mother didn't share her business with us. I mean,
23 she'll joke around and stuff like that, but her personal
24 business was her personal business.

25 Q. So she never told you --

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1 A. Yeah.

2 Q. -- that she was not divorced?

3 A. No.

4 Q. Okay. That's what I'm saying. Okay.

5 A. And I do want to add into the statement, they did get back
6 together. When we was in fifth grade they got back
7 together for about two months. He was working at the
8 cabstand. He did the same things over again. He had got
9 on drugs and they broke up again. Now, I did know that
10 part. I did tell him that I didn't hear him, you know,
11 say anything about that. I told the investigator that.
12 They got back together when we was in the fifth grade in
13 Greenwood because we stayed in Hillcrest Apartments.
14 Fifth grade, he moved in --

15 Q. About how old were you at that time?

16 A. Ten years old. He moved back in with us for about two
17 months, and he worked for Southside Cabstand in Greenwood,
18 and he had a drug problem and they broke up again. And
19 after that, we have not seen him since.

20 Q. So as far as you knew, they were divorced?

21 A. As far as I knew.

22 Q. Your mother didn't tell you anything otherwise, did she,
23 that they were not divorced?

24 A. She didn't tell me none of that. I was young. After
25 that, I have not seen him again.

1 Q. Now, in your statement, at least the way he presented your
2 statement, it says you stated that your mother was not
3 helping Maurice financially at the time of her death
4 because he was incarcerated, but that she was saving money
5 for Maurice --

6 A. Yes. I mean, I don't know about the thing that her and
7 Jeanette had going on with Maurice, like as Jeanette
8 filled the paperwork. Like I said, I was back and forth,
9 you know. I did know she was saving some money somewhere
10 for him. I don't know where it's at. It's like a lot of
11 things, like when she passed -- there's a lot of things
12 that we couldn't find. He even helped us. We couldn't
13 find certain things. We couldn't find the storage room
14 where she kept stuff at. We couldn't find the bank
15 accounts that she had. All kinds of stuff.

16 Q. Did David know a lot of that information?

17 A. Yeah. He tried to help us, but we couldn't find it.

18 Q. So tell me this, did you visit David after they
19 separated --

20 A. Of course.

21 Q. -- from time to time, too?

22 A. Of course.

23 Q. And did he visit y'all at the house, as well, from time to
24 time after they --

25 A. Yeah.

1 Q. Was it pretty regular?

2 A. I --

3 Q. Y'all were together --

4 A. I don't know, because like I said, I'm in and out. Like

5 maybe I'm there four days out of the week and then I'm

6 gone for the weekend. It's like I lived there, but like I

7 be gone just like every weekend. So I don't know about

8 that part.

9 Q. But you do know that your mother would go to visit him

10 from time to time?

11 A. Yeah, we would go together, me, my mother, sister and the

12 kids.

13 Q. Take groceries to him?

14 A. Yeah.

15 Q. Food?

16 A. Yeah, because some days -- like some months she might buy

17 them or some months I give her my SNAP benefit card and

18 she would get it off my card for him.

19 Q. For David?

20 A. Yes.

21 Q. So they still had an ongoing relationship then to some

22 extent?

23 A. David and my mother were always -- no matter what, if they

24 was divorced or not -- if they was to get a divorce, they

25 would always have a friendship because she care for him.

1 When his leg got amputated, we all pitched in to help him
2 and take care of him because they was together, and we
3 look at David like our father, because you know, we never
4 had a father growing up. My mother always played both
5 roles and he stepped in when we was about 16, 17.

6 Q. And sort of helped raise you guys?

7 A. Yes.

8 Q. And treated you like a father?

9 A. Yeah.

10 Q. Great. And so he was kind of dependent on your mom then
11 to large extent for helping him out, wasn't he?

12 A. To be honest, I don't know what kind of -- like depending
13 on her as in helping him out, of course, but like the
14 money arrangements, I don't know nothing about that. I
15 know that like for groceries and stuff, my sister will buy
16 it off her card some months and I buy off my card some
17 months. I don't know about the rest.

18 Q. And your mom will buy some sometimes, as well, and take it
19 to him, is that what you're saying?

20 A. Yeah. Like she -- my mother worked for Otis Spunkmeyer.

21 Q. Right.

22 A. So, you know, she get things from Otis Spunkmeyer, so she
23 might bring muffins, cakes and stuff like that. She
24 brought stuff like that home.

25 Q. So you don't have personal knowledge about them spending

1 any weekends together?

2 A. No. Like I said, I'm gone every weekend. I was at
3 parties. I partied.

4 MS. CHEEKS: I don't have any other questions,
5 Commissioner.

6 COMMISSIONER BECK: Mr. Simpson.

7 CROSS-EXAMINATION

8 [By Mr. Simpson]

9 Q. You stated that you didn't have personal knowledge about
10 many things because you didn't get involved with that kind
11 of thing, is that correct?

12 A. What do you mean, get involved?

13 Q. Well, you said you didn't have personal knowledge. You
14 kept repeating that you didn't have personal knowledge
15 about finances, about the divorce, or whether she had a
16 divorce, is that true?

17 A. I stated that I did not know that she had a divorce.

18 Q. But you didn't bother with personal things?

19 A. No, my mother did not share her personal business,
20 especially not with her kids because that's not their
21 business.

22 Q. So you have no personal knowledge --

23 A. Uh-huh.

24 Q. -- if they got a divorce or not.

25 MR. SIMPSON: That's all I have of this witness.

1 COMMISSIONER BECK: Sir?

2 CROSS-EXAMINATION

3 [By Mr. Tinsley]

4 Q. At the time of the separation between
5 Mr. Henley and your mother, y'all were living together?

6 A. Repeat the question again.

7 Q. At the time when your mother and Mr. Henley separated,
8 were y'all living together?

9 A. Yeah.

10 Q. And would it have been you, your two nieces, Jeanette,
11 your mother and Mr. Henley?

12 A. Yeah. We was living together before they separated and
13 after we was still living there.

14 Q. Who all was living there after the separation?

15 A. After the separation, was just me and my sister and the
16 two kids and my mother.

17 Q. And this was in Lexington?

18 A. Yes.

19 Q. What was your arrangement as far as paying rent?

20 A. I didn't pay rent.

21 Q. What was the arrangement? How was it paid?

22 A. It wasn't an arrangement. She paid it.

23 Q. She, being your mother?

24 A. My mother paid it. She didn't get any assistance from the
25 -- she didn't get assistance from the government no more

1 prior to Section 8. She didn't get that kind of help
2 anymore. She stopped getting that maybe six to eight
3 months after we moved into the house. We stayed at that
4 house maybe four years, three or four years.

5 Q. So it was the same house?

6 A. Yeah, it was the same house, you know, because it was
7 after the Section 8 was -- you know, turned off, her and
8 David would pay the rent.

9 Q. Until they separated?

10 A. Yes.

11 Q. What were you doing for work at that time?

12 A. Helping out. Nothing, basically.

13 Q. Were you making any money?

14 A. Some days.

15 Q. Cutting hair?

16 A. No, doing hair.

17 Q. Doing hair, okay.

18 A. Yeah.

19 Q. I'm not up on all that, I guess. At the time of her
20 death, your mother had moved to an apartment?

21 A. She moved into her apartment, I think, in August. I think
22 she -- she passed in September.

23 Q. So about a month?

24 A. Yeah, about a month.

25 Q. And what did you do at that time? Where were you living?

1 A. My sister had got a house in May, I think, but you know,
2 she was back and forth because the kids was still going to
3 school there.

4 Q. Going to school where?

5 A. Huh?

6 Q. Going to school where?

7 A. It's still in Lexington because, you know, school wasn't
8 out 'til like June, I think, and the kids -- so, you know,
9 she was back and forth helping. She still had a house in
10 Greenwood, you know, but she was back and forth. You
11 know, with the kids, they -- in Lexington County, my
12 mother wanted the kids to finish school out. So we was
13 still up into the house with her up until probably July,
14 and then I guess then she decided to move out, because I
15 went towards Greenwood to help with the kids because my
16 mother wanted me to go to Greenwood to help her with her
17 kids. So we started living together.

18 Q. When you say we now, you mean Jeanette?

19 A. The kids and -- yeah, me and my sister and two kids.

20 Q. How were y'all paying rent at that point?

21 A. Like I said, my mother help us.

22 Q. How much was she helping?

23 A. I don't know. Some months she might pay 150, some months
24 she might pay 200. I don't know.

25 Q. And what was y'all's rent?

1 A. Huh?

2 Q. What was the rent?

3 A. Three fifty.

4 Q. What about was she helping with any other bills?

5 A. She was helping with electricity.

6 Q. How much was she usually helping with it?

7 A. I don't know, because different months electricity will be

8 -- you got some months your electricity bill might be \$400

9 and you got some months it might be 150. Our electricity

10 ran off of gas, so gas is high.

11 Q. Were y'all getting assistance every month from your

12 mother?

13 A. Yes, because we didn't have income. We had got SNAP

14 benefits from the government, but other than that, we

15 didn't have any income.

16 Q. And do you know whether your mother was paying money for

17 David or vice versa after they separated?

18 A. I know that David was on her insurance at work, I guess,

19 because his medicine would be cheaper with her insurance.

20 So, you know, they -- I guess he would, you know, pay his

21 part for the insurance. I don't know how that went.

22 Q. So consistent with how he testified earlier?

23 A. Yeah. Yeah.

24 Q. How about George Williams?

25 A. No. I don't know nothing about George. Like I said, at

1 the end of the day, all I know, that George was married
2 before she got married. He was married before my mother
3 got married.

4 Q. Are you talking about the second marriage?

5 A. Yes. Yeah, the second marriage.

6 Q. When you say before your mother got married, you mean
7 before the marriage to --

8 A. Yeah, George been married.

9 Q. -- Mr. Henley?

10 A. Yes, he been married.

11 **COMMISSIONER BECK:** One at a time, folks. The court
12 reporter can't listen to both of you.

13 Q. Let me finish my question and then answer.

14 A. Okay.

15 Q. So when was the last time you saw Mr. Williams before all
16 this court --

17 A. Last time I saw Mr. Williams, I told you when I was like
18 ten years old, ten years old, and we was in fifth grade.
19 I remember that because we lived in the Hillcrest
20 Apartments in Greenwood, South Carolina. He was working
21 at Southside Cabstand. He worked there for many years.

22 Q. Are you testifying that, after y'all lived together for
23 like two months, you never saw him again until this case
24 started?

25 A. He just popped up out of nowhere when the case started.

1 Q. As far as you know, was there any communication going on
2 between --

3 A. Never. I know that she knew that he was married. So I
4 guess she figured they had a divorce if she went ahead and
5 got married, too, because he was married first.

6 Q. To your knowledge, was she paying him any money?

7 A. Never.

8 Q. How about Maurice, when your mother died he was still
9 incarcerated?

10 A. Maurice got out, I think, February -- January or February
11 of the next year, or the next year. Yeah, he was
12 incarcerated. He got out. We all stayed together, yeah.

13 Q. Was -- your mother, was she supporting him while he was in
14 prison?

15 A. Like I said in my statement that I gave to the people, I
16 know that she has saved money for him. I don't know where
17 that money went, it just vanished. I know she was saving
18 some kind of money for him when he get out because she
19 wanted to get him a car, that was the only thing that was
20 on her mind when he got out, she wanted him to have a car.
21 Like my sister stated, I don't know about that part, about
22 her, you know, sending him money. I don't know about that
23 part.

24 Q. Did y'all have a plan for where Maurice was going to stay
25 when he got out?

1 A. He was -- as my sister stated like earlier, the rent was
2 -- it wasn't working out in Greenwood. She was helping
3 us, but you know, it wasn't working out in Greenwood. All
4 of us supposed to have moved back to Columbia, me, my
5 sister and the kids. Maurice supposed to got out in
6 December of 2012. That is when my mother passed, in 2012.
7 He was supposed to got out in December of 2012. He was
8 supposed to come and live with her, also. He was supposed
9 to come live with her, because they talked. They talked
10 often. You know, as my sister stated, his father passed a
11 month before my mother did. So, you know, she would talk
12 to him every day, on an everyday basis, because the people
13 -- I guess it was the -- the pastor or whatnot when they
14 call home often, and, you know, she would talk to him and
15 stuff like that. She would tell him that she have money
16 put back for him. But, other than that, we tried to find
17 the money and all that, but we don't know where it's at.

18 MR. TINSLEY: No further questions.

19 COMMISSIONER BECK: Ms. Burke.

20 CROSS-EXAMINATION

21 [By Ms. Burke]

22 Q. So your last residence before your mother died, who lived
23 there?

24 A. Me, my sister and the two kids.

25 Q. And how did you pay your bills?

1 A. My mother paid the bills. It was like, my sister had --
2 you know, she might get a little money from her friend one
3 month or whatnot, you know. I didn't pay any bills at
4 all.

5 Q. So neither your sister nor you had steady employment at
6 that time?

7 A. No. We didn't have steady employment at the time.

8 **MS. BURKE:** No further questions, Your Honor.

9 **COMMISSIONER BECK:** Any follow-up?

10 **MS. GEORGE:** I have one question.

11 **COMMISSIONER BECK:** I'm sorry, completely forgot
12 about you, Ms. George.

13 **MS. GEORGE:** I can speak up for myself, so we're
14 okay.

15 **CROSS-EXAMINATION**

16 [By Ms. George]

17 Q. Mr. Padgett, were you aware of any plans that your mother
18 had to reunite and move back in with David?

19 A. As I stated, my mother didn't share that type of business
20 with us. You know, her or David -- like I said, they were
21 always friends first before anything. So if they decided
22 that they was going to get back together, that was between
23 them two. I didn't know about it. She didn't share all
24 her business with us.

25 **MS. GEORGE:** Thank you.

1 COMMISSIONER BECK: Anything further?

2 MS. CHEEKS: Just one last.

3 REDIRECT EXAMINATION

4 [By Ms. Cheeks]

5 Q. You wouldn't be surprised if they were going to get back
6 together, though, would you?

7 A. No, I would, because I didn't think my mother loved David.

8 MS. CHEEKS: That's all.

9 COMMISSIONER BECK: Any follow-up? You may step
10 down. Thank you very much.

11 Ms. Cheeks, any other witnesses?

12 MS. CHEEKS: No other witnesses, Commissioner.

13 COMMISSIONER BECK: Mr. Tinsley?

14 MR. TINSLEY: Just call Maurice Padgett.

15 COMMISSIONER BECK: Mr. Padgett.

16 *****

17 Whereupon,

18 MAURICE PADGETT,

19 having been first duly sworn,
20 was examined and testified as follows:

21 *****

22 COMMISSIONER BECK: Please state your full name for
23 the record.

24 THE WITNESS: Maurice Padgett.

25 COMMISSIONER BECK: Mr. Tinsley.

DIRECT EXAMINATION

[By Mr. Tinsley]

Q. Mr. Padgett, you are the oldest son of Ms. Susie Henley?

A. Yes, sir.

Q. What's your date of birth?

A. 6/15/84.

Q. So you are 30?

A. Thirty.

Q. And you were incarcerated at the time of her death?

A. Yes, sir.

Q. What were the dates of your incarceration, roughly?

A. From January 15, 2009 to February the 1st, 2013.

Q. So that would put you getting out some four or five months after she died?

A. Yes, sir.

Q. While she was still living, did you have -- what kind of a relationship did you have with your mother?

A. She'd write me, send me money. She said she was saving money for me. Said she wanted to have a car for me when I come home. We'd talk. Every now and then I'll call on the phone.

Q. When you say she was sending you money, can you just kind of describe the process from that?

A. Like she might send this much, she might send 50 sometimes, she might send 30 some months.

1 Q. Was she doing that for you every month?
2 A. Mostly, yeah, every month.
3 Q. And how does she actually go about sending it to the --
4 A. She sent it to the Cooper Trust Fund in Columbia, South
5 Carolina.
6 **COMMISSIONER BECK:** You need to speak up, sir.
7 A. She sent it to the Cooper Trust Fund in Columbia, South
8 Carolina.
9 Q. And you had an account with the Department of Corrections?
10 A. Yeah. Yes, sir.
11 Q. Can you describe what you would use the money for while
12 you were incarcerated?
13 A. Hygiene, food.
14 Q. So your living expenses while you were in the Department
15 of Corrections?
16 A. Yes, sir.
17 Q. Did you have any other source of income while you were in
18 there?
19 A. In prison? No, sir.
20 Q. Did you have a plan for when you got out as far as what
21 you were going to do?
22 A. Yeah, I was going to move with my mom when I came home
23 before she died.
24 Q. And was she going to have money for you?
25 A. Yes, sir.

1 Q. Do you know how much?

2 A. I don't know how much. See just was telling me she was

3 saving money for me.

4 Q. And was it for anything specific that she was saving money

5 for, or?

6 A. Clothes. Stuff like clothes, food, and transportation.

7 Q. So transportation, you mean get you some sort of car?

8 A. Right. Yes, sir

9 Q. Did you have anything lined up as far as a job or any

10 source of income other than the money she'd save for when

11 you got out?

12 A. No, sir.

13 Q. Mr. Williams, can you tell us what role he's played in

14 your life?

15 A. Last time I saw Mr. Williams, when I was ten, maybe eight.

16 I don't ever remember Mr. Williams coming back. If he

17 did, I didn't see him. I don't have no knowledge of it.

18 Q. Did he and your mother stay in contact during all those

19 years?

20 A. No. I only seen him once.

21 Q. Are you aware of him providing any kind of financial

22 assistance or any kind of assistance or her providing

23 financial assistance or any kind of assistance to

24 Mr. Williams?

25 A. Last time I seen him, I was too young to even know.

1 Q. And nothing since then?

2 A. Nothing since then.

3 Q. Are you aware of the financial arrangements that your

4 mother had with your brother and sister before she died?

5 A. Well, I know --

6 Q. I understand that you weren't out, so I know you're

7 limited.

8 A. Well, like I said, it was my brother and my -- they would

9 be my mama's favorite. Anything they wanted, they got it.

10 Q. But do you know anything of specifics to do with their

11 arrangement while you were --

12 A. Maybe like -- maybe rent, because they ain't have jobs.

13 She had to pay their rent she told me and help with the

14 kids.

15 Q. How about between her and Mr. Henley after they separated?

16 A. After they separated?

17 Q. Yes.

18 A. Well, after they separated she never talked to me about

19 it, what they had going on or how much money she -- she

20 never tell me anything about it.

21 Q. We've heard talk about them possibly getting back

22 together. Are you aware of any of that?

23 A. No. She never tell me about it.

24 Q. Did she ever mention his name during the last year or so

25 of her life when you'd talk with her that you recall?

1 A. Not that I remember.

2 MR. TINSLEY: No further questions from me.

3 COMMISSIONER BECK: Ms. Cheeks.

4 MS. CHEEKS: Thank you, Commissioner. I just have a
5 few questions for Maurice.

6 CROSS-EXAMINATION

7 [By Ms. Cheeks]

8 Q. You say your mother sent you money for extras while you
9 were incarcerated?

10 A. Yes, she sent me money for food and hygiene.

11 Q. I just want to be clear for myself. You were provided
12 food and clothing and shelter there. She was just sending
13 you money for extra stuff, is that right? You didn't have
14 to pay for food, did you, there?

15 A. I'm saying sometimes I was hungry, I needed extra stuff,
16 so she sent me money for that.

17 Q. For extra stuff, pretty much, is what you're saying? I'm
18 asking.

19 A. I don't consider it extras. It's something I needed.

20 Q. But they did provide you food there?

21 A. Yeah, but --

22 Q. Sometimes you didn't like it, I understand, but they did
23 provide it, right?

24 A. Yeah.

25 Q. And they provided clothing, and I'm sure you didn't like

1 that either, but they did provide that, right?

2 A. Sometimes the clothes they give me, like the sox and

3 stuff, I had to go have my own money to buy them because

4 they only give them to you every certain amount of time.

5 Q. How long were you incarcerated?

6 A. From January 15, 2009 to February 1, 2013.

7 Q. 2009. So you were incarcerated before Ms. Henley married

8 David, is that right?

9 A. Yeah.

10 Q. I heard you say something, I just didn't quite hear it

11 correctly. Did you say that Joel and Jeanette were your

12 mother's favorites?

13 A. Yeah.

14 Q. And because of that, you feel like she gave them anything

15 they wanted?

16 A. Yeah, they depended on her.

17 Q. So what did you -- did you feel like that was unfair?

18 A. No, I didn't feel like it was unfair because I could have

19 got anything I wanted, too.

20 Q. So they weren't favorites. All y'all were favorites, is

21 that what you're saying?

22 A. Yeah, but to a certain extent. I could have got what I

23 wanted, but they the youngest.

24 Q. I see. So you're saying they're the favorites because

25 they're the babies?

1 A. Yeah.

2 Q. Did you ever contribute to the household income yourself

3 while you were living there?

4 A. No, but when I was younger I got disability from -- when I

5 -- up 'til I was 19 years old, and my mama was over it, so

6 I had to depend on her to give me what I need.

7 Q. So you do have a disability?

8 A. Yeah.

9 Q. What's your disability?

10 A. A learning disability.

11 Q. Learning disability?

12 A. Yeah.

13 Q. Do you work now?

14 A. No.

15 Q. Are you looking for work?

16 A. Yeah.

17 Q. Did you work in the past? What is your work history?

18 A. Amick Farm. I worked at Amick Farm on and off.

19 Q. Before you got incarcerated, you worked there?

20 A. Yeah. And when I came --

21 Q. How long did you work there?

22 A. Two years.

23 Q. Did you know David was still in your mother's life while

24 you were incarcerated?

25 A. I remember when I was -- like in 2010 she wrote me and

1 said -- she changed her name to Henley and said she got
2 married to David, but she never talked to me more about it
3 like that, because once she told me, I understand what she
4 was saying and she never talked to me about it again.

5 Q. And you never had a conversation -- you're the oldest,
6 right?

7 A. Yeah.

8 Q. Did she ever tell you that she was not divorced from
9 Mr. Williams?

10 A. No. She never tell me nothing about it, their
11 relationship, because it really didn't matter to me.

12 Q. So the first you even heard about her possibly being still
13 married to him was when this whole case came up, is that
14 right?

15 A. Can you repeat yourself?

16 Q. The first time you ever heard about her possibly still
17 being married to Mr. Williams was when this case came up,
18 is that right?

19 A. Yeah.

20 MS. CHEEKS: No other questions.

21 COMMISSIONER BECK: Mr. Simpson.

22 MR. SIMPSON: One question, Your Honor.

23 CROSS-EXAMINATION

24 [By Mr. Simpson]

25 Q. The truth is, you didn't know anything about whether your

1 mother was still married to
2 Mr. George or not, is that true?
3 A. Can you repeat yourself?
4 Q. I said the truth is, that you didn't know anything about
5 whether he was divorced from your mother or not?
6 A. I don't know, because --
7 Q. Thank you.
8 A. I don't know.

9 MR. SIMPSON: Thank you.

10 COMMISSIONER BECK: Ms. Burke.

11 MS. BURKE: No questions, Your Honor.

12 COMMISSIONER BECK: Ms. George?

13 MS. GEORGE: No questions. Thank you, Your Honor.

14 COMMISSIONER BECK: Sir?

15 MR. TINSLEY: I just have one.

16 COMMISSIONER BECK: Yes, sir.

17 REDIRECT EXAMINATION

18 [By Mr. Tinsley]

19 Q. When she was questioning you about Amick Farms, you said
20 you worked some there since you got out, as well?

21 A. Yeah.

22 Q. How long did you worked there after you got out?

23 A. I started like five or six months after I got out.

24 Q. How long did you work there?

25 A. Probably six months.

1 Q. And that's the only job you've had since you got out?

2 A. Yeah.

3 MR. TINSLEY: No further questions.

4 COMMISSIONER BECK: Any follow-up?

5 MS. CHEEKS: One last thing.

6 RE CROSS EXAMINATION

7 [By Ms. Cheeks]

8 Q. Why aren't you working now, Maurice?

9 A. Why? Because I can't find a job.

10 Q. You are looking, attempting --

11 A. I'm looking for a job.

12 MS. CHEEKS: Thank you, Your Honor.

13 COMMISSIONER BECK: You may step down. Thank you,
14 sir. Mr. Tinsley, any other witnesses?

15 MR. TINSLEY: That's it, Your Honor.

16 COMMISSIONER BECK: Mr. Simpson, any witnesses, sir?

17 MR. SIMPSON: Yes, Your Honor. Call
18 Mr. George Williams.

19 COMMISSIONER BECK: Mr. Williams.

20 *****

21 Whereupon,

22 GEORGE WILLIAMS,

23 having been first duly sworn,

24 was examined and testified as follows:

25 *****

165 16

1 **COMMISSIONER BECK:** Please state your full name for
2 the record.

3 **THE WITNESS:** George Aaron Williams.

4 **COMMISSIONER BECK:** Have a seat, please, sir.
5 Mr. Simpson.

6 **DIRECT EXAMINATION**

7 [By Mr. Simpson]

8 Q. Mr. Williams, where do you live?

9 A. Where I live now? I live in Gray Court, South Carolina.

10 Q. And where do you work?

11 A. I work at Rich's Bakery in Fountain Inn.

12 Q. How long have you worked there?

13 A. I've been working there for five years.

14 Q. And you were married to the Claimant in this case, is that
15 correct?

16 A. That's right.

17 Q. We heard a lot of testimony you were married around July
18 1988, is that correct?

19 A. Right.

20 Q. And you separated from the Defendant, is that correct?
21 You say that you separated for four or five months after
22 you were married?

23 A. Yes, sir.

24 Q. Please tell the Court why you separated?

25 A. Well, I found out that she was cheating on me.

1 Q. Was the cheating the reason why you separated?

2 A. Yeah. Well, I had a friend that I know that, when we were

3 married, he was telling me that he was dating her, and I

4 told that I was married, I was married to her.

5 Q. And did you confront her about that?

6 A. Yes, I did.

7 Q. And how did she react to it?

8 A. Well, you know, she didn't, you know, really go to tell

9 the truth about it, but she -- he told me that they'd been

10 together.

11 Q. And she also admitted that to you?

12 A. Well, yeah, but she -- later on she admitted to -- about

13 it, yeah.

14 Q. So the reason you separated was because of that affair, is

15 that right?

16 A. Yes. Yeah.

17 Q. You also filed a separation --

18 A. Yeah.

19 Q. -- for the legal separation in the court.

20 A. A legal separation.

21 Q. Why did you file that in court?

22 A. Well, I filed a legal separation because she was cheating

23 on me and we -- you know, we weren't getting along.

24 Q. Was that the reason why you and your wife separated?

25 A. Yeah, because she was cheating on me.

1 **MR. SIMPSON:** That's all I have of this witness for
2 now.

3 **COMMISSIONER BECK:** Ms. Cheeks.

4 **CROSS-EXAMINATION**

5 [By Ms. Cheeks]

6 Q. Mr. Williams, how many times have you participated in any
7 marriage ceremony?

8 A. How many times? Well, I was married to my first wife and
9 we got a divorce.

10 Q. When did you get that divorce?

11 A. We got it -- divorce, it was -- I believe it was '79.

12 Q. From your first wife?

13 A. From my first wife.

14 Q. What was her name?

15 A. Her name was Dr. Mae Clark.

16 Q. If I told you that my research indicates you divorced in
17 1987, would that be accurate?

18 A. '87?

19 Q. '87. December 17, 1987.

20 A. No.

21 Q. No?

22 A. Uh-uh.

23 Q. I don't mean separated from her. I mean divorced from
24 her.

25 A. Because we -- no, we -- we -- I got a divorce from her --

1 we didn't stay together long. It was -- it was, I think
2 -- well, it was in the '80s. It was in the '80s, though,
3 yeah.

4 Q. It was shortly before --

5 A. It was -- we didn't stay together long.

6 Q. You got divorced from your first wife shortly before you
7 married Ms. Henley, isn't that right, about six months
8 before you married Ms. Henley, isn't that right?

9 A. Yeah.

10 Q. Although y'all had lived together for a long time, you
11 didn't get a divorce until about six months before you
12 married Ms. Henley, is that right?

13 A. No, I already divorced when I met her.

14 Q. When you met who?

15 A. I already divorced when I met Susan.

16 Q. That's what I'm saying.

17 A. Yeah.

18 Q. You got a divorce from your first wife about six months
19 before you and Ms. Henley got married, right?

20 A. Right.

21 Q. And you were 28 at that time, right, about 28?

22 A. Yeah.

23 Q. And I think she was about 23?

24 A. Yeah.

25 Q. And you married on July 15, 1988, is that right?

1 A. Yeah, that's right.

2 Q. And y'all separated after about four months?

3 A. Yeah.

4 Q. So y'all were married, basically -- so about four months
5 together and then -- when did you file for separation?
6 How long after that did you file for separation?

7 A. Well, let me see, that was in -- that was in the '80s,
8 too, I think it was. It was the '80s.

9 Q. So you left after four months. Did you leave the house?

10 A. No, I stayed. I had my own house.

11 Q. You had your own house?

12 A. As a matter of fact, you know, when I was married, I
13 raised Jeanette and JoJo.

14 Q. When you were married to who?

15 A. To Susan.

16 Q. For the four months y'all were together you raised --

17 A. Yeah, I raised them when I -- when I married -- when I
18 marry her, she already had Jeanette and JoJo.

19 Q. How long -- so how long were y'all together all the whole
20 time? How long were you with her?

21 A. Well, we stayed together maybe about a year or two years,
22 something like it.

23 Q. Before you got married?

24 A. Well, you're talking about before I got --

25 Q. Before you married Ms. Henley.

1 A. How long we stayed together before we got married?
2 Q. Yes.
3 A. Well, we stayed together for about a year.
4 Q. About a year?
5 A. About a year.
6 Q. Before you got married?
7 A. Uh-huh.
8 Q. And then after y'all were married for about four months,
9 she left?
10 A. Well, after we got that legal separation, the judge -- you
11 know, she had to leave out the house.
12 Q. Right. Didn't she leave before you went to court? She
13 left before that, right? Y'all lived together for about
14 four months before that?
15 A. Before we went to court? What you saying now?
16 Q. What I was asking you was, after you got married, how long
17 was it before she left the house? You said she left
18 because it was your house. How long was it before she
19 left after you got married?
20 A. Well, the judge, you know, told that -- you know, we got
21 the legal separation, that she had to get out right away.
22 Q. So she was still living in the house when y'all went to
23 court?
24 A. No.
25 Q. So she had already left the house?

1 A. Yeah, she already had left.

2 Q. Now, how did that legal separation -- what did you have to

3 do? What were the terms of this separation that you're

4 talking about?

5 A. Well, it was -- that she was -- you know, she was cheating

6 on me.

7 Q. That's what's in the separation papers?

8 A. And we -- and we weren't getting along, and that's -- that

9 was what the legal separation was all about.

10 Q. Now, did you end up having to pay her \$800 at the end of

11 the separation? After the order was issued, did you have

12 to pay \$800?

13 A. \$800? Well, it's -- yeah, it was \$800, yeah.

14 Q. And you kept the house?

15 A. Yeah, I kept the house.

16 Q. So there was nothing else to be done other than get the

17 divorce, is that right? Y'all had resolved all of the

18 property issues and all of the --

19 A. Well, it was a legal separation, never was divorced.

20 Q. Right. That's what I'm saying. The only thing that was

21 left to do was get a divorce, but y'all had already

22 divided all your property, she didn't owe you anything and

23 you didn't owe her anything, --

24 A. Right. Right.

25 Q. -- right, afterwards?

1 A. Uh-huh.

2 Q. And you filed for this divorce, didn't you -- I mean for
3 the separation, didn't you?

4 A. Yes, I did.

5 Q. And you had your own private lawyer, didn't you?

6 A. No, I didn't.

7 Q. Were you represented by Alex Kinlaw of the Greenwood
8 County Bar at that separation?

9 A. Alex Kinlaw, yeah. Yeah, I remember now. Yeah. Yeah.

10 Q. And do you remember that Mrs. Henley was represented by
11 Legal Services?

12 A. Legal Services?

13 Q. Right.

14 A. Yeah, I think. Yeah.

15 Q. So she was low income?

16 A. Huh?

17 Q. She had low income at the time she was represented by
18 Legal Services, right?

19 A. She had low income?

20 Q. Right. She was represented by Legal Services of Western
21 Carolina, that was her lawyer?

22 A. Yeah. Yeah.

23 Q. And you had experience in a divorce before because you had
24 gotten a divorce before, hadn't you?

25 A. Right.

1 Q. So you knew you needed to get a divorce, right?

2 A. Well, yeah, I did, but at the time that -- you know, I
3 hadn't seen her no more and I didn't know
4 -- I thought maybe she got a divorce, but I mean, she
5 probably figured the same thing about me until all of this
6 right here come up. You know, I thought she had got a
7 divorce, too.

8 Q. So when you married the next time, tell me about that,
9 after Ms. Henley? So you were divorced before you married
10 Ms. Henley, so that's one marriage, then you married
11 Ms. Henley, that was another marriage ceremony. So tell
12 me about the next marriage ceremony you participated in.

13 A. You're talking about my wife now?

14 **MR. SIMPSON:** Objection. Irrelevant.

15 **COMMISSIONER BECK:** I'm going to allow it.

16 **MS. CHEEKS:** Thank you, Your Honor.

17 A. Our marriage is good. I don't know what you're talking
18 about, what you're saying.

19 Q. I'm just asking you, is that the next one, that's all.
20 I'm just trying to --

21 A. Yeah, that's the next one.

22 Q. The lady you are with now.

23 A. What I'm with now.

24 Q. You're married to her now?

25 A. Yeah, still married to her for 12 years.

1 Q. How did y'all get married?

2 A. We had a wedding at the church.

3 Q. Did you ever tell her that you were still --

4 A. Well, at the time that -- that -- I didn't say nothing

5 about it because -- that she -- Susan, she -- I didn't --

6 I didn't see her no more and I never did say nothing to

7 her about that, about we had been married.

8 Q. So you thought you were still married, but yet you still

9 entered into a ceremony?

10 A. No, I didn't. I thought that we -- I thought that she had

11 got a divorce.

12 Q. What made you think she got a divorce?

13 A. Well, I hadn't -- I haven't seen her no more and -- that's

14 why -- you know, she had got a divorce.

15 Q. Did you think you had gotten a divorce with this, with the

16 separation? Did you think that was a divorce?

17 A. No. No. No, I didn't think that.

18 Q. Did you ever talk to Mrs. Henley anymore after the

19 separation agreement?

20 A. Well, I didn't -- I didn't see her no more since then.

21 Q. But yet you got married to Ms. Williams, the current Ms.

22 Williams, the one -- the lady you're married to now, that

23 you've been married to for 12 years, you married her in

24 2003, is that right?

25 A. Right.

1 Q. And you had not talked to Mrs. Susie Henley --
2 A. I don't know nothing about her.
3 Q. -- during that time?
4 A. No.
5 Q. So what made you think she got a divorce?
6 A. Well, because -- that's what I'm saying, I didn't
7 -- you know, I didn't know. I ain't seen her no more.
8 Q. Well, you've had experience with divorces, right?
9 A. Uh-huh.
10 Q. What are Ms. Henley's grandchildren's names, by the way,
11 do you know?
12 A. No, I don't know.
13 Q. Have you ever met them?
14 A. No.
15 Q. Do you know her children's names?
16 A. Yeah, Jeanette and JoJo and Maurice, because I raised them
17 when they was a baby. I was married to her. I raised
18 them when they was a baby.
19 Q. You were married?
20 A. To their mama.
21 Q. For four months, basically?
22 A. Yeah.
23 Q. Now, why are you here today, Mr. Williams?
24 A. Well, I'm here because I think I'm part of this hearing
25 because -- by me, you know -- you know, being still

1 married to her, you know.

2 Q. You were not financially dependent on her at all, though,
3 were you?

4 A. No.

5 Q. Did she ever give you any money over the last 20 years?

6 A. No. She ain't give me no money, no.

7 Q. Did you ever tell your current wife that you were divorced
8 from Ms. Henley?

9 A. Well, no. At the time, I didn't say nothing to her about
10 that until now. She know about it now.

11 Q. Did you ever tell her that you had been married to
12 Ms. Henley?

13 A. Well, yeah, she knows now, yeah.

14 Q. No, I'm talking about before all of this came up, had you
15 ever told her?

16 A. No. No.

17 Q. So she didn't know anything about Ms. Henley whatsoever?

18 A. No, she -- no, she didn't know anything about it.

19 MS. CHEEKS: No other questions.

20 COMMISSIONER BECK: Mr. Tinsley.

21 CROSS-EXAMINATION

22 [By Mr. Tinsley]

23 Q. So you're alleging that Ms. Henley had an adulteress
24 relationship?

25 A. What now?

1 Q. You're alleging that Ms. Henley had an adulteress
2 relationship when y'all were married?
3 A. Adulteress relationship?
4 Q. Yes, an affair.
5 A. Did I realize that?
6 Q. That's what you're alleging here today, correct?
7 A. Well, that was what it is.
8 Q. But who was this relationship with?
9 A. You said adultery?
10 Q. Yes, who was this adultery with, this affair?
11 A. What you talking about?
12 Q. The affair that you're -- I'm just trying to figure out
13 who you're saying that she had an affair with.
14 A. Oh, you talking about the affair -- the affair -- she had
15 an affair.
16 Q. Yes.
17 A. Yeah. Well, like I was saying, that -- about the friend
18 of mine was telling me that -- that she was having an
19 affair with him.
20 Q. And that's my question, who is this guy?
21 A. Well, I just said, the friend.
22 Q. So you don't have his name?
23 A. No. No. I ain't got no business calling his name.
24 Q. And this friend isn't here to testify today, is he?
25 A. No.

1 Q. And this paperwork, the legal order of separate support
2 and maintenance, it doesn't mention anything about an
3 affair, does it?

4 A. No, it don't. No, it didn't say nothing about it.

5 Q. Isn't it true that she actually put you out because you
6 got hooked on drugs?

7 A. Put me out?

8 Q. Put you out of the house because you got hooked on drugs?

9 A. No. When me and her were together, I had my own house in
10 Greenwood, that when we got married we was in that house.
11 She never put me out.

12 Q. But you got hooked on drugs?

13 A. Well, I used to be on drugs, but God -- God done deliver
14 me from that. That been a long time ago.

15 Q. I'm glad that you've gotten over that, but back at that
16 point you did have some issues with it?

17 A. Yeah. Yeah, I did, I had an issue with, and I thank God
18 I'm not messing with that no more.

19 Q. Good. I'm glad. And y'all were together for about four
20 months before y'all separated?

21 A. Yeah.

22 Q. After that time, y'all didn't live together or speak?

23 A. No.

24 Q. No contact?

25 A. Uh-uh.

1 Q. Did you even know where she was living or anything about
2 what she was doing?
3 A. No.
4 Q. And you at that point, you started living in Orange
5 County?
6 A. Yeah. Well, I was living in Clinton, Clinton first, yeah.
7 Q. Did Ms. Henley ever live in Orange County?
8 A. No.
9 Q. Did she have any ties to Orange County?
10 A. Uh-uh.
11 Q. You say you raised JoJo and --
12 A. Jeanette and Maurice.
13 Q. But when the investigator, Mr. Tuten, called you back in
14 2013, you couldn't remember --
15 A. Yeah.
16 Q. -- any of their names, correct?
17 A. Yes, I did. I know their name well, but I don't know
18 their -- I obviously don't remember he ever asked me that.
19 Q. Do you dispute -- I can show it to you, his report says,
20 "George could not remember the names of the three
21 children."
22 A. No, I don't know about that. Yeah, I know their name.
23 Q. I'm just going to show it to you.
24 A. Okay.
25 Q. Do you see where it says, right there if you'll look --

1 A. Okay, but I do know their names.

2 Q. Okay. But you don't dispute that he reported that you
3 said you didn't?

4 A. I do know their name.

5 Q. And you also -- you were not financially dependant upon
6 Ms. Henley at the time of her accident or death?

7 A. No.

8 MR. TINSLEY: No further questions.

9 COMMISSIONER BECK: Ms. Burke.

10 MS. BURKE: No questions, Your Honor.

11 COMMISSIONER BECK: Ms. George.

12 MS. GEORGE: No questions.

13 COMMISSIONER BECK: Any follow-up?

14 MS. CHEEKS: One follow-up, Your Honor.

15 RECROSS-EXAMINATION

16 [By Ms. Cheeks]

17 Q. Your lawyer said that you and Ms. Henley separated because
18 of desertion and now we're hearing it's because of
19 adultery. Which one is it?

20 A. Adultery.

21 Q. So your lawyer was wrong, he didn't --

22 A. No, I'm not saying he was wrong, but that's -- that's what
23 it was.

24 Q. Did you at some point tell your lawyer that it was based
25 on desertion?

1 A. Well, when I got the legal separation, you know, I told --
2 well, you know.

3 Q. Have you and your lawyer ever discussed that in order to
4 get any benefits you might have to say that Ms. Henley
5 deserted you?

6 A. I had to get some benefit?

7 Q. In order to get benefits from this claim today, that you
8 would have to say that you were -- she deserted you?

9 A. No. No. No.

10 Q. So where did desertion come from?

11 A. I don't know.

12 Q. So you don't know anything about desertion?

13 A. No.

14 **MS. CHEEKS:** No further questions, Commissioner.

15 **COMMISSIONER BECK:** Any other follow-up by any other
16 attorney?

17 **MR. SIMPSON:** Just one follow-up, Your Honor.

18 **REDIRECT EXAMINATION**

19 [By Mr. Simpson]

20 Q. Mr. Williams, don't you consider desertion and infidelity
21 with affair the same thing?

22 A. Now, what now?

23 Q. Do you consider desertion and your wife committing affairs
24 the same thing?

25 A. Yeah.

1 | **MR. SIMPSON:** That's all I have of this witness.

2 | **COMMISSIONER BECK:** Anything else?

3 | **MS. CHEEKS:** Nothing from us, Your Honor.

4 **COMMISSIONER BECK:** Any other witnesses by any party
5 here today?

6 | **MS. GEORGE:** No, Your Honor.

7 **COMMISSIONER BECK:** All right. That will conclude
8 this proceeding.

9

★

10 (Whereupon, the hearing was concluded at 4:48 p.m.)

11 //

12 //

13 //

14 //

15 //

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24 //

25 //

CERTIFICATE

STATE OF SOUTH CAROLINA

I hereby certify that the foregoing transcript consisting of pages numbered 6 through 138 is a true and correct transcript of the proceeding held before me on April 14, 2015;

I further certify that I am not kin or counsel to the parties in the case, I am not in the regular employ of Counsel or said parties, nor am I otherwise interested in the result of said case.

This the 10th day of June 2015.



Christine Tatum, CCR
Certified Court Reporter

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October 8, 2013

David Henley
121 Lasalle St
Saluda, SC 29138

Dear David Henley,

Thank you for contacting Western Union to request confirmation of the money transfers sent using our services. Below you will find a summary of the transactions:

Account Number	Date	Amount	Rate	Sender	Destination
7065323955	12/21/2011	\$200.00	\$12.00	Susan Henley	USA
9731688931	02/15/2012	\$160.00	\$12.00	Susan Henley	USA
6513127466	02/22/2012	\$115.00	\$12.00	Susan Henley	USA
6952335549	04/17/2012	\$150.00	\$12.00	Susan Henley	USA
2971779800	05/15/2012	\$150.00	\$12.00	Susan Henley	USA
0762548050	06/19/2012	\$120.00	\$12.00	Susan Henley	USA
7241387816	06/20/2012	\$80.00	\$12.00	Susan Henley	USA
2567849528	07/17/2012	\$120.00	\$12.00	Susan Henley	USA

If you have any questions, please feel free to contact us at 1-800-325-6000.

Sincerely,

Western Union Correspondence Desk

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO. 1212974

SUSIE HENLEY,)
Employee/Claimant,)
)
vs.)
)
OTIS SPUNKMEYER, INC.,)
Employer, and ,)
)
TRUMBULL INSURANCE)
COMPANY C/O THE HARTFORD)
Carrier,)
Defendants.)

**BRIEF
ON BEHALF OF DAVID HENLEY**

ARGUMENT

David Henley is the surviving spouse of Susie Henley because he and Susie "married in good faith." Thomas v. 5 Star Transportation, Op. No. 5298, (S.C. Ct. App., Filed Feb. 18, 2015 (Sherouse Adv. Sh. No. 7 at 31)).

"The South Carolina Workers' Compensation Act was tailored after the North Carolina Act and opinions of the North Carolina Supreme Court construing such Act are entitled to great weight with the appellate courts of this state." *Thomas v. 5 Star Transportation*, Op No. 5298, (S.C. Ct. App., filed Feb. 18, 2015 (Sherouse Adv. Sh. No. 7 at 31); *Holley v. Owens Corning Fiberglas Corp.*, 301 S.C. 519, 523, 392 S.E.2d 804, 806 (Ct. App. 1990), *cert. granted, opinion adopted*, 302 S.C. 518, 397 S.E.2d 377 (1990). In *Thomas*, the Court of Appeals, in articulating the "good faith exception," relied on a North Carolina Supreme Court case similar to the present case which applied South Carolina law in finding that the husband and wife entered into a good faith marriage. *Bowlin v. Bowlin*, 285 S.E. 2d 273, 274, 276 (N.C. Ct. of Appeals, 1981). In that case, "Wife did not learn husband was not divorced from his previous wife when they married until she applied for social security benefits after he died. Husband "had told her that he had been to his lawyer's office and received some papers and that he had torn them up. The next day they went to South Carolina and were married." *Id.* On the day they married, husband stated, in wife's presence, he was divorced. *Id.* The court found husband's "good faith belief that he was legally divorced on the date of his marriage is supported by his mother's testimony that [he] said that he was divorced." *Id.* The court noted, "More importantly, there is no evidence to the contrary." *Id.* The court found it could not imply wrong or fraud to husband and held he and wife entered into the marriage ceremony in good faith. *Id.*" *Thomas v. 5 Star Transportation*, Op No. 5298, (S.C. Ct. App., filed Feb. 18, 2015 (Sherouse Adv. Sh. No. 7 at 31))

In *Thomas*, wife filed a workers compensation claim for benefits after husband was killed in an on-the job accident. Wife had applied for social security benefits after husband died and found out for the first time that husband's divorce from his previous wife was not final until almost five (5) months after her marriage ceremony to husband. Husband's employer denied that wife was entitled to workers compensation benefits because her marriage to husband was void. The Court

of Appeals held the Appellate Panel erred in finding wife was husband's putative spouse because no South Carolina Court has recognized the putative marriage doctrine. The Court of Appeals affirmed the Appellate Panel's decision on other grounds, however, holding that "the only evidence as to whether [husband] knew of an impediment to his marriage with [wife] was [wife's] testimony he said he was divorced from [his previous wife]. He was served with a summons and complaint for divorce from [his previous wife] more than two months prior to the marriage ceremony with wife. Much like *Bowlin*, 5 Star presented no evidence [husband] did not know he could not marry when he and [wife] had their marriage ceremony. Additionally, George and Emily continued to act as husband and wife after the impediment was removed. Accordingly, we find Emily was George's surviving spouse because she and George married in good faith." *Thomas v. 5 Star Transportation*, Op No. 5298, (S.C. Ct. App., filed Feb. 18, 2015 (Sherouse Adv. Sh. No. 7 at 31))

In the instant case, as in Thomas and Bowlin, the evidence is undisputed that David and Susie entered into their marriage in good faith. The reports of the parties'/witnesses' recorded statements reflect the following:

David Henley, purported surviving spouse of deceased: "David was not certain when Susie and her first husband, George [Williams], were married, but he did recall that their marriage ended in divorce. David married the decedent in March of 2010 in Lexington County.

Jeanette Padgett, daughter of deceased: "Jeanette confirmed that her mother was married two times throughout the course of her life. Her first husband was named George Williams and the two of them were married around 1988 or 1989 and were divorced approximately one year before [the decedent] married her second husband, David Henley....[The decedent's] second marriage, to Henley, occurred in February or March around two or three years ago."

Annie Buckett, sister of deceased: "Annie stated her sister [the decedent] had been married two times throughout the course of her life. Her first husband was named George Williams and the two of them were married and divorced a long time ago... Annie stated that Susie married her second husband, David Henley, around...February of 2010."

Cheryl Spencer, friend of deceased: Decedent "was married two times throughout the course of her life." She married her first husband "long ago. That marriage, according to Cheryl, ended in divorce....[Decedent married her second husband, David, around 2009 or 2010."

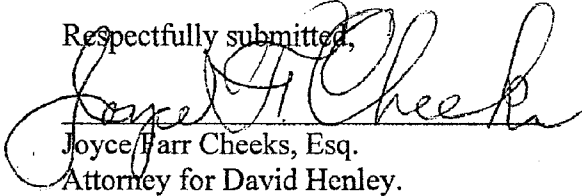
In addition to the statements above given by decedent's closest relatives and friends, the evidence includes the marriage license and certificate of decedent and David Henley, which shows they were married on March 16, 2010. Both parties stated that this was their second marriage.

Here, as in Thomas and Bowlin, the only evidence as to whether decedent knew of an impediment to her marriage with David Henley was testimony decedent said she was divorced from George Williams. "More importantly, there is no evidence to the contrary." Bowlin, at 276;

Thomas, ("Much like *Bowlin*, 5 Star presented no evidence [decedent] did not know he could not marry when he and wife had their marriage ceremony.)

Based on the foregoing, the only conclusion here is that David Henley is Susie Henley's surviving spouse because they entered into marriage with a good faith belief that they could marry. David Henley is therefore conclusively presumed to be wholly dependent for support on the decedent Susie Henley. As the only person wholly dependent on the decedent, David Henley is entitled to 100% of the workers compensation benefits.

Respectfully submitted,

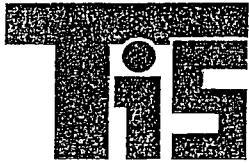
A handwritten signature in cursive script, appearing to read "Joyce Farr Cheeks", is written over a horizontal line.

Joyce Farr Cheeks, Esq.

Attorney for David Henley.

Employer's APA Submissions

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Walter A. Tuten
Senior Consultant

Christopher L. Tuten
President

January 5, 2013

Ms. A. Mundi George
Attorney at Law
McAngus, Goudelock & Courie, LLC
Post Office Box 12519
Columbia, South Carolina 29211

Re: Claim Number: YKT 07685
Employer: Otis Spunkmeyer Holdings, Inc.
Employee: Susan Culbreath Henley (deceased)
Date of Accident: September 19, 2012
Our File Number: SC112712XX40-160

Dear Mundi:

This will acknowledge receipt of the assignment we received from your office requesting that we conduct a dependency investigation in the above referenced worker's compensation claim. When we received the assignment, we understood that the claimant's husband, David Henley, was represented by Attorney Johnny Watson in Columbia.

Contact Attorney Watson:

On November 27, 2012 we contacted Attorney Johnny Watson at his office located at 2715 Edgewood Avenue, Columbia, South Carolina 29204. Attorney Watson can be reached by telephone at (803) 400-1600.

When we spoke with Attorney Watson, he was very helpful and set up a time when we could speak with his client, the claimant's husband, David Henley, at his office on November 28, 2012.

Recorded Statement – David Leroy Henley (Husband):

On November 28, 2012 we secured the attached recorded statement from the claimant's husband, David Henley. We secure Mr. Henley's statement in the presence of his attorney, Johnny Watson. David was born on February 17, 1957 and currently resides at 121 LaSalle Street, Saluda, South Carolina 29138. He can be reached by telephone at (803) 671-4740.

Ms. A. Mundi George
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Page Two

David stated that his wife, Susan Henley, was born in Saluda, South Carolina and lived most of her life in Saluda. She did, however, live for a period of time in the town of Johnston, Greenwood, and Lexington as well.

David stated that both he and his wife, Susan, had each been married one time previously. Susie's first husband was named George Williams. David was not certain when Susie and her first husband, George, were married, but he did recall that their marriage ended in divorce. Susie and her first husband, Mr. Williams, did not have any children born as a result of their marriage.

David's first wife was named Catherine Henley and David married Catherine around 1979. The two of them were divorced in Saluda County around 2008 or 2009.

David married the claimant, Susie Henley, in March of 2010 in Lexington County, South Carolina. David stated that he and the claimant were still married at the time of her accident and death and confirmed there were no children born from their marriage as well. David did state however, that although he and Susie were married at the time of her accident and death, the two of them separated approximately one year prior to her accident in September of 2011. David confirmed that he and Susie never lived together after September of 2011, although they were still legally married and had not divorced. David confirmed that to his knowledge, Susie was living alone by herself at the time of her accident and death.

David confirmed however, that Susie did have three children throughout the course of her life. These three children are two sons named Joel and Maurice Padgett and a daughter named Jeanette Padgett. Joel and Jeanette are twins and turned twenty-five years old this November. The claimant's son, Maurice Padgett, is around twenty-seven years old and is currently incarcerated in jail. David stated that he did not know of any other children that his wife, Susie, had at any point during her life other than these three children. David also stated that he did not know any information regarding the names of the fathers of these three children as well. He did recall, however, that the twins, Joel and Jeanette Padgett, had a different father from the other son, Maurice Padgett.

The claimant's parents are both deceased. Her mother was named Gladys and her father was named Otis Padgett. The claimant also came from a very large family and had a lot of siblings, but David could not recall their names. David stated that he did not know of anyone who was financially dependent upon Susie at the time of her accident and death, but David did state that he and Susie both helped each other financially with bills.

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Recorded Statement – Jeanette Francine Padgett (Daughter):

On December 3, 2012 we secured the attached recorded statement from the claimant's daughter, Jeanette Padgett. Jeanette was born on November 26, 1986 and currently resides at 160 Orange Avenue, Greenwood, South Carolina 29646. She can be reached by telephone at (803) 477-5569.

Jeanette stated that her mother, Susie Henley, was born on South Carolina and grew up in Saluda, South Carolina. She did move briefly to Atlanta, and also lived briefly in Greenwood, Lexington and Columbia, South Carolina. Jeanette recalled that the claimant lived in an apartment in Columbia for about one or two months prior to her death.

11/26/86
Jeanette confirmed that her mother was married two times throughout the course of her life. Her first husband was named George Williams and the two of them were married around 1988 or 1989 and were divorced approximately one year before Susie married her second husband, David Henley. Jeanette confirmed that her mother, Susie, and her first husband, George Williams, did not have any children born as a result of their marriage.

Susie's second marriage, to David Henley, occurred in February or March around two or three years ago. Jeanette confirmed that there also were no children born as a result of her mother's marriage to Mr. Henley and they were still married at the time of the claimant's death. Jeanette told us that David recently had one of his legs amputated, and recalled that David and Susie often had altercations. As a result of their disagreements, the couple separated at some point between five and nine months before Susie passed away. At that time the claimant moved out into her own place and she and David did not live together after their separation.

Jeanette stated that David had been married one time previously and she understood that marriage ended in divorce as well, but she did not know the name of David's first wife or when that marriage and divorce occurred.

Jeanette stated that Susie had three children throughout the course of her life, including herself; her twin brother, Joel; and an older brother named Maurice Padgett. Joel Padgett, Jeanette's twin brother, shares her birth date which is November 26, 1986. Jeanette's older brother, Maurice Padgett, is currently twenty-eight years old and his birthday is on June 15th. Jeanette stated that she did not know of any other children that her mother had at any point during her life other than these three children. Jeanette also confirmed that Maurice is currently serving time in prison, but is scheduled to be released at some point around December or January. Jeanette stated

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that once Maurice is released from prison, he will be living with her in Greenwood, South Carolina.

Jeanette confirmed that her mother, Susie, was living alone at the time of her accident, but she did stay with her husband, David, from time to time.

Jeanette stated that she, as well as her children, which were the claimant's grandchildren, and David were all financially dependent to some extent on Susie at the time of her accident and death. Specifically, Jeanette stated that her mother helped buy clothes for her children and Jeanette confirmed that she had no income at the time of her mother's death and was not receiving child support for any of her children. Jeanette also stated that Joel was financially dependent upon Susie as well at the time of her accident and death.

Recorded Statement – Cheryl Spencer (Friend):

On January 2, 2013 we secured the attached recorded statement from a long-time friend of the claimant's, Cheryl Spencer. Cheryl currently resides at 1021 Phoenix Street, Greenwood, South Carolina 29646. She can be reached by telephone at (864) 389-9273. Cheryl stated that she was a friend of the claimant's and had known Susie for about seventeen to eighteen years.

Cheryl stated that Susie was born in Saluda, but moved to the Lexington, South Carolina area around five years ago where she continued to live until the date of her death.

Cheryl stated that Susie was married two times throughout the course of her life. Her first husband was named Joe, and the two of them were married long ago. That marriage, according to Cheryl, ended in divorce and there were no children born from that marriage. Cheryl, however, did not know when Susie married her first husband, Joe, or when they were divorced.

Susie married her second husband, David, around 2009 or 2010. Cheryl told us that Susie and David were still married at the time of Susie's death, but she believed that Susie and David had separated at some point within the past year prior to Susie's death. Cheryl also confirmed that Susie and her second husband, David, did not have any children born as a result of their marriage.

Cheryl stated, however, that Susie did have three children throughout the course of her life. The three children are named "Jo-Jo", Jeanette and Maurice. Jo-Jo and Jeanette are twins and have the same father and are in their twenties. Maurice is older than Jo-Jo and Jeanette and he is about twenty-eight or twenty-nine years old and had a

sep ~ 1 1/2 yr

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different father from Jo-Jo and Jeanette. Cheryl, however, did not know the names of the fathers of any of the claimant's three children.

Cheryl stated that Susie's parents are both deceased. Her mother was named Gladys, but Cheryl did not know the name of Susie's father. Cheryl also confirmed that Susie had a large number of brothers and sisters, but she did not recall their names. Cheryl confirmed that Susie was living alone at the time of her accident and death.

Cheryl stated that she did not know of anyone who would have been financially dependent upon the claimant to any extent at the time of her accident and death other than her grandchildren, who she was assisting financially.

Recorded Statement – Annie Buckett (Sister):

On January 3, 2013 we secured the attached recorded statement from the claimant's sister, Annie Buckett. Annie currently resides at 120 Salon Road, Saluda, South Carolina 29138. Annie can be reached by telephone at (864) 993-4193.

Annie stated that her sister, Susie Henley, was born in Saluda, South Carolina and moved to the Columbia area around seven or eight years ago.

Annie stated that her sister, Susie, had been married two times throughout the course of her life. Her first husband was named George Williams and the two of them were married and divorced a long time ago. Annie, however, could not remember exactly when Susie married and divorced her first husband, Mr. Williams. Annie did confirm, however, that Susie and her first husband did not have any children born as a result of their marriage.

Annie stated that Susie married her second husband, David Henley, around one and a half years ago. She believed that the two of them were married in February of 2010 and confirmed that they were still married at the time of Susie's death. Annie told us, however, that Susie was planning to divorce her second husband, Mr. Henley, and confirmed that the two of them had been separated for approximately for one to one and a half years. Annie told us that Susie separated from David in the summertime, but she was not certain exactly how long ago it would have been, but she believed it was more than a year. Annie confirmed that Susie and her second husband, David, did not have any children born as a result of their marriage.

Annie did state, however, that the claimant had three children born throughout the course of her life. Her oldest child is a son named Maurice Padgett who is currently incarcerated in jail and is around twenty-seven or twenty-eight years old. Maurice's father is named Tom Johnson. Susie also had two other children, a twin son and

Ms. A. Mundi George
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Page Six

daughter named Jo-Jo and Jeanette. The twins are currently turned twenty-five years old this past November. Jo-Jo and Jeanette's father is named Joel Brickett. Annie confirmed that none of the claimant's three children are disabled.

Susie's parents are both deceased. Her father, Otis Padgett, died around twenty-seven years ago and her mother, Gladys Padgett, died about two years ago. Annie also stated that Susie came from a family of fourteen children including nine brothers and three sisters. Susie's siblings are named Jimmy Culbreath, John Culbreath, Joe Culbreath, Tom Culbreath, Nathaniel Culbreath, Otis Culbreath, Hannah Johnson, Jeanette Padgett, Annie Bucket, Ray Padgett, Freddie Padgett, Francy Padgett, Debbie Buckett and Susie Buckett.

Annie stated that the claimant was living alone at the time of her accident and no one was totally dependent upon her financially. Annie did recall that Susie would borrow money from her from time to time.

Neighborhood Canvass:

On December 10, 2012 we conducted a neighborhood canvass at an address where the claimant lived at one time, 401 Thyme Drive, in Lexington, South Carolina. We understood from speaking with the claimant's husband, David Henley, that the claimant moved around quite frequently during the last five to seven years of her life. David told us, however, that the claimant lived the longest period of time at the address where they lived when they were married at 401 Thyme Drive in Lexington.

We contacted a lady named Julia that lived at 405 Thyme Drive. Julia told us that she did not know the claimant but she did recall that there was an older lady that lived at the home next to her that moved out about eight or ten months ago. There was no answer at 404 or 308 Thyme Drive when we tried to contact individuals at those two addresses. We also spoke with an individual at 309 Thyme Drive that stated he did not know the claimant.

Just before we were about to leave, we saw two individuals walking out of the home at 404 Thyme Drive and although we had knocked on the door, they did not hear us. Their last name as Cullop and they recalled that there was an older lady that lived across the street with her husband who recently had his leg amputated. The Cullops were not certain if the claimant had any children, but they were certain that she would not have had any young children. They did see some younger children that were playing at the claimant's house from time to time, but they assumed that these young children were her grandchildren.

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Contact Funeral Home:

On January 3, 2013 we contacted the Butler and Sons Funeral Home located at 306 North Bouknight Ferry Road in Saluda, South Carolina. The funeral home can be reached by telephone at (864)445-0662.

When we contacted the funeral home we spoke with Warren Butler, who is funeral director at the funeral home. Mr. Butler confirmed that the claimant's funeral bill, which shows a balance of \$13,431.42, was paid in full by her employer, Otis Spunkmeyer.

Mr. Butler told us that he knew the claimant and her family fairly well. He did recall that she had several grown children, but he stated that the claimant did not have any children under eighteen. He also confirmed that she was married at the time of her death to her second husband whose name was David. Mr. Butler told us that he had buried many of the family's other members and knew the family fairly well.

Courthouse Searches (Saluda and Lexington Counties):

On December 10, 2012 we conducted courthouse searches at the Lexington and Saluda County courthouses. Specifically, we searched the Family Court records in both counties for any cases under the claimant's name indicating the existence of any paternity actions, child support orders or divorce decrees. We did not find any records under the claimant's most recent married name, Susie Henley, in the Family Courts in either county. We also did not find a record of the claimant's divorce decree from her first husband, George Williams. We searched the Family Court records in both counties for that divorce decree under the name Susie Williams and Susie Henley and there was no divorce decree in either county.

We also searched for the divorce decree for the claimant's husband, Davie Henley, which ended his first marriage with Catherine Henley. We did find David Henley's divorce decree in the Saluda County Family Court records. That divorce decree indicates that David Henley was divorced from his first wife, Catherine Henley, in Saluda County, South Carolina on January 13, 2008.

We also searched the Probate Court records in both counties and the only marriage license that we found under the claimant's name was in Lexington County where she married David Henley on March 6, 2010.

We also secured a copy of the claimant's funeral bill from Butler & Sons Funeral Home. We have also secured a copy of the claimant's current marriage license. We have also secured birth certificates for two of her children, Joel and Jeanette Padgett. The birth certificates indicate that Joel Padgett was born on December 2, 1985 and Jeanette Padgett was born on December 2, 1986. When we spoke with Jeanette Padgett, she

Ms. A. Mundi George
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stated that she did not have a copy of her older brother, Maurice's, birth certificate and she stated that he did not have a copy of his birth certificate as well and would have to order it. Since he is currently in prison, however, Jeanette stated that she did not know of any way to obtain his birth certificate until he is released. We have also secured a copy of the claimant's death certificate indicating that she died as a result of a crush injury to the chest on September 19, 2012. We are also enclosing a copy of the claimant's obituary as well.

The claimant's obituary also lists several additional children. When we asked the claimant's daughter, Jeanette, about these additional children, she stated that they were the claimant's stepchildren and were David Henley's biological children from prior relationships.

Results of Dependency Investigation:

As a result of our investigation it appears that the claimant was still legally married to her second husband, David Henley, at the time of her accident and death. It does appear, however, that at some point around a year prior to her accident and death, the claimant and Mr. Henley separated and appeared to have stopped living together from that point forward, although they may have visited each other from time to time.

None of the individuals that we spoke with knew of anyone who would have been financially dependent upon Susie at the time of her accident and death, although it appears that she did assist her children and grandchildren financially and she and David also appear to still have been sharing some expenses with regards to household bills at the time of her death.

Remarks:

Since this appears to conclude our handling of this investigation, we are taking the liberty of retiring our file and submitting our bill for services. Thank you very much for this assignment.

Very truly yours,
Tuten Insurance Services



Christopher L. Tuten
President

Enc: Recorded Statement – David Henley
Recorded Statement – Jeanette Padgett
Recorded Statement – Cheryl Spencer

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Recorded Statement – Annie Buckett
Obituary
Funeral Bill
Marriage License
Divorce Decree
Death Certificate
Birth Certificates (2)
Our Service Bill
IRS Form W-9



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Susie Culbreath Henley Obituary

Susie Culbreath Henley COLUMBIA Susie Culbreath Henley, 47, died on September 19, 2012. Born in Saluda, SC, daughter of the late Otis and Gladys Culbreath Padgett. She was an employee of Otis Spunkmeyer. She was of Baptist Faith. She is survived by: her husband, David Henley, Saluda, SC; four sons, Maurice Padgett, Columbia, SC, Joel Padgett, Greenwood, SC, Jamarrian Henley, Newberry, SC and Wantan Langford, Columbia, SC; four daughters, Jeannette Padgett, Rikeia Henley and Kawana Rosser all of Greenwood, SC and Sherika Henley, Saluda, SC; 8 brothers, Jimmy and John E. Culbreath, Atlanta, Joe Culbreath, Washington, DC, Tom Culbreath and Johnny Padgett both Saluda, SC, Freddie Padgett, Greenwood, SC, Otis L. Culbreath, McCormick, SC, Nathaniel Culbreath and Ray Culbreath both of Columbia, SC; 3 sisters, Helen (Ervin) Johnson, Annie (Collie) Buckett and Frankie Farrow all of Saluda, SC; 11 grandchildren and other relatives. Funeral services will be 2 p.m. Tuesday at the Riverside Community Center with burial in the Mt. Moriah Baptist Church Cemetery, Saluda, SC. Public viewing 1-8 p.m. Monday at the funeral Home. The body will be placed in Riverside Community Center at 1 p.m. on Tuesday. Butler & Sons Funeral Home, Saluda, SC is in charge.

Guest Book

6 entries / 1 photo

"We love and miss you Susie.

Shipping at Otis will never
be..."

- Anissa Worthy

The Guest Book is expired.

[Restore the Guest Book](#)

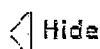
Published in The State on September 23, 2012

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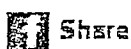
Dignity

A member of

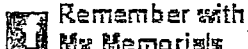
Call 1-800-D
on the
website



Hide



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Remember with
My Memorials



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Share



Email

Butler & Sons Funeral Home
308 North Boulevard Ferry Road
P.O. Box 111
Saluda, South Carolina 29138
(864) 445-2623
Fax: (864) 445-0862

DECEASED Mrs. Susie Culbreath Henley No. _____
DATE OF DEATH September 19, 2012
PLACE OF DEATH _____
DATE OF STATEMENT September 21, 2012

1. CHARGE FOR SERVICES SELECTED

1. Professional Services:	
Basic Services of Funeral Director & Staff	\$1875.00
Embalming	895.00
Other preparation of body	100.00
	\$2870.00
2. Facilities, Equipment & Staff:	
Use of Facilities & Staff for Viewing / Visitation	300.00
Use of Facilities & Staff for Funeral Ceremony	
Use of Facilities & Staff for Memorial Service	
Use of Equipment & Staff for Graveside Service	
Use of Equipment & Staff for Church Service	325.00
	625.00
3. Transportation:	
Transfer of Remains to Funeral Home	225.00
Hearse	225.00
Limousine <u>Two</u>	390.00
Sedan	
Service / Utility Vehicle	845.00
	150.00
4. Other Services / Facilities / Equipment:	
<u>24</u> Chairs	48.00
TOTAL OF SERVICES SELECTED	\$4538.00

2. CHARGE FOR MERCHANDISE SELECTED

Casket (or other receptacle)	\$3495.00
Memorial <u>NE6</u>	
Material <u>18 GA</u>	
Color <u>White/Gold</u>	
Outer Burial Container	\$1595.00
Memorial <u>Wilsonian</u>	
Material <u>Concrete</u>	
Acknowledgment Cards	25.00
Register Book	
Memory Folders / Prayer Cards	150.00
Clothing <u>Dress 162 White</u>	25.00
<u>Temp. Marker</u>	
Cremation Urn	
TOTAL OF MERCHANDISE SELECTED	\$5288.00

3. SPECIAL CHARGES

☐ Forwarding remains to: _____ ☐ Receiving remains from: _____
Immediate Burial

Direct Cremation

Other

TOTAL OF SPECIAL CHARGES

TOTAL FUNERAL HOME CHARGES **\$9826.00**
(This total does not include Cash Advances)

FUNERAL GOODS AND SERVICES SELECTED

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reason in writing below.

If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below.

CASH ADVANCES

Certified Copies of Death Certificate	
<u>5</u> @ \$ <u>12+12=</u> each	\$ 24.00
Riverside CC	350.00
Reed and Livingston	250.00
Jimmy Graham	150.00
Kay's Flowers	485.56
Field Newspaper Notice <u>The State Paper</u>	\$225.50
<u>The Index Journal Paper</u>	150.40
Cemetery Open/Close grave	650.00
Bethlehem Baptist Church Grave	500.00
Other Journey of Remembrance DVD	100.00
Tri-Fold Color Programs	350.00
TOTAL CASH ADVANCES \$	\$3235.46

We charge you for our services in obtaining (specify cash advance item)

SUMMARY

Total Funeral Home Charges	\$ 9826.00
Local Sales Tax (if applicable)	\$ 52.88
State Sales Tax (if applicable)	\$ 317.08
Total Cash Advances	\$ 3235.46
GRAND TOTAL \$	\$13,431.42

Less Credits and Payments

	\$
	\$
Total Credits	\$

BALANCE DUE \$13,431.42

Billing To Otis Spunkmeyer
West Columbia, SC

DISCLOSURES

Reason for embalming The family request for public viewing

If any law, cemetery or crematory requirements have required the purchase of any items listed, the law or requirement is explained below

ACKNOWLEDGEMENT AND AGREEMENT

I hereby acknowledge that I have the legal right to arrange the funeral services for the deceased, and I authorize this funeral establishment to perform services, furnish goods, and incur outside charges specific to this Statement. I acknowledge that I have received the General Price List and the Casket Price List and the Outer Burial Container Price List.

Terms of Payment

Full payment is due no later than _____
If any payment is not paid when due, an unanticipated LATE CHARGE of _____% per month (ANNUAL PERCENTAGE RATE _____%) on the unpaid balance will be due. I agree to pay the Balance Due listed on this Statement, plus any Late Charge, in the event I default payment to this funeral establishment. I agree to pay reasonable attorney's fees and court costs in addition to any Late Charge applicable. I understand and agree that I am assuming personal liability for the charges set forth in this Statement and that this is in addition to the liability imposed by law upon the estate of the deceased. By my signature below, I hereby agree to all of the above and acknowledge receipt of a copy of this Statement.

X _____
Sign _____ Dated _____
X _____
Sign _____ Dated _____

ACCEPTANCE: This funeral establishment agrees to provide all charges and cash advances indicated on this Statement.

STATE OF SOUTH CAROLINA LICENSE AND CERTIFICATE OF MARRIAGE

10-202		LEXINGTON	
LICENSE NUMBER		COUNTY	
GROOM-NAME (First) (Middle) (Last) (Suffix)		BIRTHDATE (Month, Day, Year)	
(1) DAVID LEROY HENLEY		(2a) 02/17/1957	
BIRTHPLACE (State or foreign country)		RACE	
(3) SOUTH CAROLINA		(4) BLACK	
RESIDENCE (Street and Number)		NO. OF THIS MARRIAGE (1st, 2nd, etc.)	
(5a) 401 THYME DRIVE		(5) 2ND	
CITY, TOWN OR LOCATION		STATE	
(6a) LEXINGTON		(6d) SOUTH CAROLINA	
BRIDE-NAME (First) (Middle) (Last) (Suffix)		BIRTHDATE (Month, Day, Year)	
(7) SUSAN CULBREATH WILLIAMS		(8a) 02/28/1965	
BIRTHPLACE (State or foreign country)		RACE	
(9) SOUTH CAROLINA		(10) BLACK	
RESIDENCE (Street and Number)		NO. OF THIS MARRIAGE (1st, 2nd, etc.)	
(11a) 401 THYME DRIVE		(11) 2ND	
CITY, TOWN OR LOCATION		STATE	
(12a) LEXINGTON		(12d) SOUTH CAROLINA	
MAIDEN NAME OF BRIDE (If Different From Above)		I CERTIFY THE BRIDE/GROOM HAVE MET THE STATUTORY REQUIREMENTS TO QUALIFY FOR THE STATE INCOME TAX CREDIT AS PROVIDED BY SECTION 20-1-230 OF THE SC CODE OF LAWS. ☐ YES ☒ NO	
(13) PADGETT		(14)	

Application for a license was filed with this court at 10:20AM (time), on the 1st day of March, 2010.

These are, therefore, to authorize any person qualified to perform marriage ceremonies to perform the marriage ceremony for the persons above named and for the so doing this shall be sufficient warrant. Given under my hand and seal

at 12:29PM (time), this the 2nd day of March, 2010.

Daniel R. Edstrom

SIGNATURE OF ISSUING OFFICER

PROBATE JUDGE

TITLE OF ISSUING OFFICER

GROOM-SIGNATURE		BRIDE-SIGNATURE	
(15) <i>David Leroy Henley</i>		(16) <i>Susan Culbreath Williams</i>	
I CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON		PLACE OF MARRIAGE	
<u>3-6-2010</u>		<u>LEXINGTON - LEXINGTON</u>	
(17) (Month) (Day) (Year)		(18) (City) (County)	
OFFICIANT-SIGNATURE		OFFICIANT-PRINT NAME	
(19a) <i>Jerry T. Posey</i>		(19b) JERRY T. POSEY	
OFFICIANT-TITLE			
(19c) <u>NOTARY PUBLIC</u>			
OFFICIANT-MAILING ADDRESS			
(19d) <u>269 CEDARCREST DR LEXINGTON, S.C. 29072</u>			

BRIDE/GROOM COPY

FORM G

STATE OF SOUTH CAROLINA)

COUNTY (1) Saluda)

(2) Catherine W. Henley)

Plaintiff,)

vs.)

(3) David Leroy Henley)

Defendant.)

IN THE FAMILY COURT

FINAL DECREE OF DIVORCE

Docket No. (4) 08-DR-41-35

CLERK OF COURT
SALUDA CO. S.C.

2008 JUN 13 PM 12:18

FILED

(5) Date of Hearing: June 13 2008
Presiding Judge: R.W. Channing III
Plaintiff's Attorney: Pro Se
Defendant's Attorney: PRO SE
Court Reporter: Carolyn Shroy

The action is one for divorce which was commenced by the filing of a Summons and Complaint in the Office of the Clerk of Court on (6) Feb. 29, 2008. Present is the plaintiff who is appearing pro se. The defendant (7) ~~is/is not~~ present and (8) ~~is/is not~~ represented by an attorney.

An Affidavit of Service appeared in the file indicating that the Defendant received copies of these pleadings personally on (9) RUSTIN. (OR)

An Affidavit of Service appeared in the file indicating that the Defendant received copies of these pleadings by certified mail, restricted delivery, pursuant to South Carolina Law on (10) 3-31-08, or an Acceptance of Service ~~appeared~~ ^{was} in the file.

More than thirty-five days have passed and the defendant has not filed response, and defendant is in default (11) ____ Or, defendant filed an answer on 4/11/08, joining in plaintiff's prayer for relief, Or, defendant filed an answer on ____.

A notice of the final hearing was properly mailed to the defendant.

Prior to the taking of any testimony, the Court carefully inquired of the Plaintiff as to the possibility of a reconciliation between the parties. Plaintiff stated definitively that no such possibility exists, and I so find.

^{myr #2}
WJH
Based on the pleadings, sworn testimony, and other evidence of record, I make the following Findings of Fact and Conclusions of Law:

1. The Court has jurisdiction over the parties and the subject matter of this action and venue in (12) Saluda County is proper.
2. There is no possibility of a reconciliation between the parties.
3. The parties were married on (13) Feb. 8, 1979 in (14) Saluda, SC
4. The parties last lived together in Saluda County and separated on (15) Nov. 1981 and have lived separate and apart since that time; and, Plaintiff's testimony is properly corroborated.
5. The parties have lived separate and apart without cohabitation for a

period of more than one (1) year.

6. The Plaintiff has established grounds for divorce on the basis of South Carolina Code of Laws, 20-3-10 (5) 1976, as amended, for one (1) year's continuous separation.

7. There ^{WERE TWO} ~~are no minor~~ children born to the parties during the course of their marriage ^{AND BOTH ARE ADULTS NOW.}

8. The parties own no property, real or otherwise, which needs to be equitably divided by this Court and no debt.

9. The Plaintiff's rights to alimony are waived.

10. The Defendant's rights to alimony should be barred.

11. The parties have not colluded for the purpose of securing this divorce.

12. ~~The Wife requests to resume her maiden name of (16) ^{W.A.}~~
~~and such request is not made for the purpose of avoiding criminal prosecution or~~
~~creditors.~~

Now, therefore, having fully considered the evidence of record, as well as the testimony presented,

IT IS HEREBY ORDERED that:

1. Plaintiff is granted a divorce on the grounds set forth in 20-3-10 (5) of the South Carolina Code of Laws, 1976, as amended, forever dissolving the bonds of marriage between them.

2. All and any rights the Plaintiff may have to alimony are now and forever waived.

3. All and any rights the Defendant may have to alimony are now and forever barred.

4. ~~The Wife shall be allowed to resume use of her maiden name of~~

~~(17) NA~~

AND IT IS SO ORDERED.

(18)

W. Channing
JUDGE OF THE FAMILY COURT

- R. Channing

Saluda, South Carolina

June 13, 2008.

STATE OF SOUTH CAROLINA
CERTIFICATION OF VITAL RECORD

DEATH CERTIFICATION

STATE FILE NUMBER: 139-12-029993

DECEDENT'S NAME: *SUSIE CULBREATH HENLEY*

AKA's: NA

ARMED FORCES: NO

DATE OF BIRTH: FEBRUARY 28, 1965

TYPE OF PLACE OF DEATH: OTHER (SPECIFY)

NAME AND ADDRESS OF PLACE OF DEATH: 167 OVERLAND DRIVE, CAYCE, SC 29172

PLACE OF DISPOSITION: BETHLEHEM BAPTIST CHURCH CEMETERY

DISPOSITION LOCATION: SALUDA, SOUTH CAROLINA

METHOD OF DISPOSITION: BURIAL

DECEDENT'S RESIDENCE: 217 BRYTON TRACE, COLUMBIA, RICHLAND COUNTY, SC, 29012

PLACE OF BIRTH: SOUTH CAROLINA

SURVIVING SPOUSE'S NAME: DAVID HENLEY

FATHER'S NAME: OTIS PADGETT

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: GLADYS CULBREATH

INFORMANT'S NAME: DAVID HENLEY

MAILING ADDRESS: 121 LASALLE STREET, SALUDA, SC, 29138

FUNERAL HOME: BUTLER & SONS FUNERAL HOME, 306 N. BOUKNIGHT FERRY ROAD, SALUDA, SC, 29138-0111

FUNERAL DIRECTOR: ALMASTINE P BUTLER

EMBALMER'S NAME: WARREN BUTLER

ACTUAL OR PRESUMED DATE OF DEATH: SEPTEMBER 19, 2012

ACTUAL OR PRESUMED TIME OF DEATH: 2328

CAUSE OF DEATH - PART I

ASPHYXIATION

CRUSH INJURY TO CHEST

SEX: FEMALE

SOCIAL SECURITY NUMBER: [REDACTED]

AGE: 47 YEARS

COUNTY OF DEATH: LEXINGTON

MARITAL STATUS: MARRIED

RELATIONSHIP: FAMILY MEMBER

LICENSE NUMBER: 2781

LICENSE NUMBER: 1341

MANNER OF DEATH: ACCIDENT

OTHER SIGNIFICANT CONDITIONS - PART II:

NA

CORONER CONTACTED? YES

AUTOPSY PERFORMED? YES

AUTOPSY AVAILABLE? YES

DATE OF INJURY: SEPTEMBER 19, 2012

TIME OF INJURY: 2328

INJURY AT WORK? YES

PLACE OF INJURY: DECEDENT'S WORKPLACE

LOCATION OF INJURY: 167 OVERLAND DRIVE, WEST COLUMBIA, LEXINGTON COUNTY, SC, 29170

HOW THE INJURY OCCURRED?

DECEDENT WAS CRUSHED BY LOADING DOCK PLATE

CERTIFIER NAME AND TITLE: CORONER HARRY O. HARMAN

LICENSE NUMBER: NA

CERTIFIER'S ADDRESS: 117 DUFFIE DRIVE, LEXINGTON, SC, 29072

DATE FILED: SEPTEMBER 25, 2012

DATE OF ISSUANCE: SEPTEMBER 26, 2012

SPECIAL INSTRUCTIONS:

NA

RECEIVED

NOV 20 2012

Division of Claims
Claims Administrator
S.C. Workers' Comp. Comm

SC 02440344

205

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

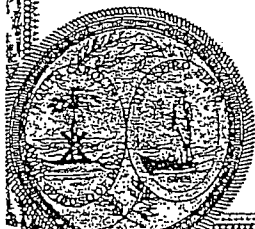
Catherine Templeton
Catherine Templeton
Director and State Registrar

Huang Zhao
Huang Zhao
Assistant State Registrar

This copy is not valid unless prepared on an engraved border displaying the state seal and issuing agency logo.

Revision Date: 03/21/2012

-17-



SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Division of Vital Records - Columbia, S.C.

DATE ISSUED	BIRTH NO.
AUG 03 2011	~~XXXX-XXXX~~
NAME	
JOEL FRANK PADGETT	
BIRTH DATE	SEX
NOV 26 ~~XXXX~~	MALE
BIRTH PLACE-COUNTY	
GREENWOOD	DEC 02 1986

This is a true certification of name and birth facts recorded in this office.

C. Earl Hunter
 COMMISSIONER AND STATE REGISTRAR

James Blair
 DIRECTOR AND ASSISTANT STATE REGISTRAR

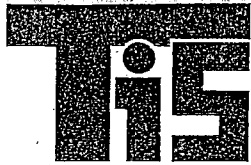
SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Division of Vital Records - Columbia, S.C.

DATE ISSUED	BIRTH NO.
NOV 02 2009	~~XXXX-XXXX~~
NAME	
JEANNETTE FRANKLINE PADGETT	
BIRTH DATE	SEX
NOV 26 ~~XXXX~~	FEMALE
BIRTH PLACE-COUNTY	
GREENWOOD	DEC 02 1986

This is a true certification of name and birth facts recorded in this office.

C. Earl Hunter
 COMMISSIONER AND STATE REGISTRAR

James Blair
 DIRECTOR AND ASSISTANT STATE REGISTRAR



Walter A. Tuten
Senior Consultant

Christopher L. Tuten
President

May 15, 2013

Ms. A. Mundi George
Attorney at Law
McAngus, Goudelock & Courie, LLC
Post Office Box 12519
Columbia, South Carolina 29211

Re: Claim Number: YKT 07685
Employer: Otis Spunkmeyer Holdings, Inc.
Employee: Susan Culbreath Henley (deceased)
Date of Accident: September 19, 2012
Our File Number: SC112712XX40-160 Supplement

Dear Mundi:

This will acknowledge receipt of this assignment we received from your office requesting that we conduct some additional investigation to supplement our initial dependency report of January 5, 2013. In that report, we established that the claimant and her husband, David Henley, separated approximately one year prior to the claimant's accident and death. Specifically, we were requested to secure an additional statement from Mr. Henley to determine the exact reason why he and the claimant separated.

Contact Attorney Johnny Watson:

On April 23, 2013 we contacted Attorney Johnny Watson, who is representing the claimant's current husband, David Henley. We left a voice mail for Attorney Watson on April 23rd. We left an additional voice mail for Attorney Watson on April 25th. On May 5, 2013 we spoke with Attorney Watson and during that conversation he agreed to set up a time when we could secure the additional statement from his client, David Henley on May 14, 2013.

Attorney Watson told us during his conversation that he understood from our initial report that we had been unable to locate a divorce decree ending the claimant's first marriage to her first husband, George Williams. As a result of this, we also conducted several additional courthouse searches in addition to the two counties that we had previously searched, Saluda and Lexington counties, where the claimant lived most of her life.

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Ms. A. Mundi George
File Number: SC112712XX40-160 Supplement
May 15, 2013
Page Two

• **Courthouse Search – Greenwood County:**

On May 5, 2013 we contacted Jane Harvey, who is a clerk with the Greenwood County Family Court. Jane can be reached by telephone at (864) 943-8081. We explained to Jane that we were conducting a dependency investigation regarding this worker's compensation claim, and requested for her to conduct a search of the Greenwood County Family Court records to determine if there was a divorce decree between a Susan Williams and a George Williams in Greenwood County. After some research, Jane called us back and stated that there was a separation order that was issued in Greenwood County in 1990, but after doing further research, Jane confirmed that there was never a divorce decree ending this marriage.

Courthouse Search – Edgefield County:

On May 5, 2013 we contacted Michelle, who works with the Edgefield County Family Court. Michelle can be reached by telephone at (803) 637-4081. Michelle conducted a search of the Family Court records in Edgefield County and confirmed that was no divorce decree filed in Edgefield County involving a Susan Williams and a George Williams. Michelle conducted a search of their records going back to 1970.

Recorded Statement – David Henley:

On May 14, 2013 we contacted the claimant's husband, David Henley. David currently resides at 121 LaSalle Street, Saluda, South Carolina 29138. David was born on February 17, 1957 and can be reached by telephone at (803) 671-4740.

David confirmed that he and the claimant separated around September of 2011, approximately one year prior to the claimant's death. We asked David specifically if he could state the reason why he and his wife separated. David was unable to provide us with a very specific answer despite asking the question several times. David did mention that he and the claimant had been having some problems with several bills not being paid and they were having some financial issues. David stated, however, that the decision to separate was a mutual decision. David explained that he and the claimant sat down one night and decided that the best course of action for them would be to separate and start living apart. David stated that there was no extramarital relationship that caused them to separate, but the two of them were having problems, and the two of them together decided that a separation would be the best course of action.

Again, we asked David for a specific reason as to why they separated and he stated that there was no specific reason other than the fact they were not getting along and the decision was a mutual decision that they both reached after discussing their problems.

Ms. A. Mundi George
File Number: SC112712XX40-160 Supplement
May 15, 2013
Page Three

Additional Contact with Attorney Johnny Watson:

On May 14, 2013 we spoke with Attorney Johnny Watson regarding this claim. Attorney Watson explained to us that he believed that he had a telephone number for George Williams, the claimant's first husband. Johnny explained that his client, David Henley, has a cousin who went to high school with the brother of George Williams. Through this connection, Johnny was able to find a telephone number for George Williams and provided us with that number. That telephone number was (864) 735-6853.

On May 14, 2013 we called the telephone number that had been provided to us by Attorney Watson for George Williams. A lady answered the phone when we called and told us that her name was Willa Mae. Willa Mae told us that she was George William's wife. We explained to Willa Mae the reason for our call and that we were conducting a dependency investigation and we were requesting to speak with her husband, George Williams regarding a prior marriage to Susan Culbreath. Willa Mae initially told us that we had the wrong telephone number, because her husband, George Williams, was never married to anyone named Susan. She did confirm, however, that she and her husband, George, lived in Saluda and George is from the Saluda area. We requested that Willa Mae have her husband contact us because it was important that we speak with him to determine if he was in fact the correct George Williams that was at one time married to the claimant, or if he may possibly know of another George Williams in the area.

Approximately thirty minutes later we received an additional telephone call from Willa Mae in which she informed us that we did have the correct telephone number and the correct George Williams. During Willa Mae's subsequent conversation with us, she gave us a cell phone number for her husband, George, of (864) 200-1415.

Recorded Statement – George A. Williams (Husband):

On May 14, 2013 we secured the attached recorded statement from the claimant's first husband, George Williams. George was born on September 28, 1959 and currently resides at 201 Reedy Fork Road, Apartment B-2, Laurens, South Carolina 29360. He has an additional mailing address at Post Office Box 78, Laurens, South Carolina 29360. George can be reached by telephone at (864) 200-1415.

George stated that he had known the claimant, Susan Culbreath, since the 1980's. George confirmed that the claimant was born in Saluda, South Carolina and had always lived in and around that area as far as he was aware. George recalled that he and the claimant were married during the summertime, or possibly in the month of April, at some point around the year 1986. George told us that his marriage to the claimant was the claimant's only marriage as far as he was aware and confirmed that his marriage to

Ms. A. Mundi George
File Number: SC112712XX40-160 Supplement
May 15, 2013
Page Four

Susan was her first marriage. George confirmed that he and the claimant did not have any children that were born as a result of their marriage.

George stated, however, that he and the claimant were never actually divorced. George stated that after he and the claimant were married, they lived together for approximately four months and then separated. At some point shortly after their separation, they went before a judge in Greenwood County and the judge issued a separation order, but did not issue a divorce decree at that time. George explained that he and the claimant had recently moved to Greenwood County and that was the reason that the separation order was filed in Greenwood County.

George confirmed that he and the claimant never lived together or spoke or had any contact at all after their separation. George confirmed that he did not keep in contact with the claimant after their separation and did not know where she was living or any information about her subsequent to their separation.

George confirmed that the claimant had three children, and all three of these children would now be grown and over eighteen. George could not remember the names of the three children, but he recalled that the three children were under the age of eighteen at the time of his marriage to the claimant.

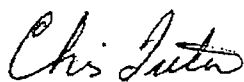
George confirmed that he had been married one time prior to his marriage to the claimant and George's first marriage prior to his marriage to Susan ended in divorce around 1981.

George confirmed that he was not financially dependent upon the claimant in any way at the time of her accident and death; and told us further that he did not know of anyone who would have been financially dependent upon her at the time of her death.

Remarks:

Since this appears to conclude our investigation at this time, we are taking the liberty of retiring our file and submitting our bill for services. Thank you very much for this assignment.

Very truly yours,
Tuten Insurance Services



Christopher L. Tuten
President

Ms. A. Mundi George
File Number: SC112712XX40-160 Supplement
May 15, 2013
Page Five

Enc: Recorded Statement – David Leroy Henley
Recorded Statement – George A. Williams
Our Service Bill



Walter A. Tuten
Senior Consultant

Christopher L. Tuten
President

September 1, 2013

Ms. A. Mundi George
Attorney at Law
McAngus, Goudelock & Courie, LLC
Post Office Box 12519
Columbia, South Carolina 29211

Re: Claim Number: YKT 07685
Employer: Otis Spunkmeyer Holdings, Inc.
Employee: Susan Culbreath Henley (deceased)
Date of Accident: September 19, 2012
Our File Number: SC112712XX40-160 Supplement # 2

Dear Mundi:

We are enclosing a copy of the separation agreement between George Aaron Williams and the claimant, Susan Williams, now Susan Culbreath Henley. The separation agreement was granted on January 9, 1990 in Greenwood County and states there were no children born from the marriage. The degree states "they have experienced a number of irreconcilable differences making further cohabitation virtually impossible"; however, none of these differences are defined in the separation agreement.

We are also enclosing a letter from the Deputy Clerk in Greenwood County stating that she was unable to locate a divorce document pertaining to George and Susan Williams.

If you find you need anything further, please let us know.

Very truly yours,
Tuten Insurance Services

A handwritten signature in cursive script, appearing to read 'Chris Tuten'.

Christopher L. Tuten
President

Enc: Copy of Separation Agreement
Letter from Greenwood County Deputy Clerk

212

County of Greenwood

CLERK OF COURT



TELEPHONE
(864) 942-8551

ROOM 114
GREENWOOD COUNTY COURTHOUSE
528 MONUMENT STREET
GREENWOOD, SOUTH CAROLINA 29646

August 22, 2013

Cynthia B. Tuten
Tuten Insurance Services

Dear Ms. Tuten:

Per your request, I am writing to let you know that I have been unable to locate a divorce document for George & Susan Williams. Enclosed you will find a true copy of their separation document. If you need further assistance please feel free to call our office at 864-943-8081.

Respectfully,
Jane Harvey
Child Support /Deputy Clerk

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ATTEST A TRUE COPY

Angela Woodhurst
ANGELA WOODHURST,
FAMILY COURT
GREENWOOD COUNTY
S. C.

STATE OF SOUTH CAROLINA)

COUNTY OF GREENWOOD)

GEORGE AARON WILLIAMS)
Plaintiff,)

vs)

SUSAN WILLIAMS)
Defendant,)

IN THE FAMILY COURT

Filed Family Court
Eighth Judicial Court
Greenwood, South Carolina
1-16-90 Date

ORDER

89-DR-24-442

42492

This matter came before me for final hearing on January 4, 1990. The Plaintiff seeks the issuance of an order by this Court allowing Plaintiff to live separate and apart from the Defendant along with certain other related relief. This action was commenced by the filing of a Summons and verified Complaint in the office of the Clerk of Court for the Greenwood County Family Court on July 6, 1989.. Service was thereafter accomplished on the Defendant pursuant to statute.

The hearing was attended by Plaintiff and his attorney, Alex Kinlaw, Jr., Esquire of the Greenwood County Bar. The Defendant was also present and represented by Tommy Stanford, Esquire of the Legal Services Agency of Western Carolina.

Upon further examination of the record in this matter, I find that the Defendant did file with this Court through Counsel an answer and Counterclaim dated October 27, 1989.

Counsel for both parties stated that an agreement had been reached on all of the issues and further that the same had been voluntarily entered into by the parties. After determining to be fair and voluntarily entered the Court made the following findings of fact:

WKC

1. That the Plaintiff is a citizen and resident of the aforementioned County and State and has been for more than one (1) year prior to the commencement of this action. Further that the parties last lived together as husband and wife in this County and State.

2. I find that the Plaintiff and Defendant were duly and lawfully married on July 15, 1988, in Greenwood County, South Carolina.

3. I also find that as a result of said marriage no children have been born to the parties.

4. I further find that throughout the course of the marriage of the parties, they have experienced a number of irreconcilable differences making further cohabitation virtually impossible at this time. Based upon such, I find that the Plaintiff is entitled to the issuance of an order by this Court allowing him to live separate and apart from the Defendant. I so find.

5. I find that the parties have no jointly owned property either real or personal to be divided by this Court other than the marital residence and lot located and situated at 403 Windmill Circle, Greenwood, South Carolina as well as a Video Cassette Recorder and Color Television contained therein. I find that the parties have agreed that the Plaintiff will pay the sum of Eight Hundred and 00/100 (800.00) Dollars to the Defendant within two (2) weeks representing her interest in the marital residence as well as the personal items contained therein. Based upon the lack of any equity contained in the marital home, I find the same to be fair and I so find.

CONCLUSIONS OF LAW

The Court concludes as a matter of law that it has jurisdiction to hear and determine all issues in this action and of the parties.

Based upon the findings of fact as well the agreement of the parties:

IT IS THEREFORE ORDERED:

1. That the Plaintiff be and is hereby granted the right to live

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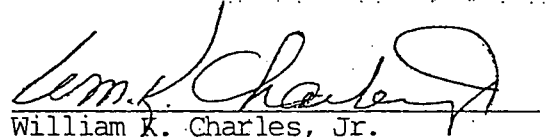
separate and apart from the Defendant.

2. That the Plaintiff be and is hereby granted the complete ownership and possession of the parties' marital residence located at 403 Windmill Circle, Greenwood, South Carolina with the Plaintiff further ordered to pay the Defendant the sum of Eight Hundred and 00/100 (800.00) Dollars representing any and all interest she may have in the aforesaid marital residence as well the the items contained. Such sum shall be paid to the Defendant within two (2) weeks from the date of this hearing.

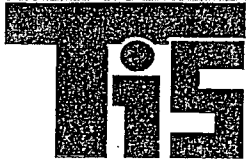
AND IT IS SO ORDERED.

Greenwood, South Carolina

January 9th 1990


William K. Charles, Jr.
Family Court Judge
Eight Judicial Circuit

H 3



Walter A. Tuten
Senior Consultant

Christopher L. Tuten
President

August 20, 2013

Ms. Jane Harvey
Greenwood County Family Court
528 Monument Street
Greenwood, South Carolina 29646

Re: Copy of Legal Separation and Affirmation There Was No Divorce
Wife's Name: Susan Williams
Husband's Name: George Williams
Date of Legal Separation: About 1990

Dear Ms. Harvey:

We are conducting a dependency investigation pertaining to the death of a Susan Henley. At one time Susan Henley was married to a George Williams and we understand there was a legal separation between Susan Williams and George Williams filed in Greenwood County. We believe the legal separation occurred around 1990.

Our findings will be provided to the Worker's Compensation Commission during the course of a hearing to determine who will receive worker's compensation benefits. We are requesting a copy of the legal separation and also a written confirmation that there was no actual divorce.

If you have any questions pertaining to our request, please feel free to contact me at (803) 783-2008 or by e-mail at Cynthia@Tuten.Com. I'm enclosing our company check in the amount of \$2.00 along with a stamped self-addressed envelope.

Thank you for your cooperation.

Very truly yours,
Tuten Insurance Services

A handwritten signature in cursive script that reads 'Cynthia B. Tuten'.

Cynthia B. Tuten
Senior Adjuster

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Walter A. Tuten
Senior Consultant

Christopher L. Tuten
President

June 19, 2014

Ms. A. Mundi George
Attorney at Law
McAngus, Goudelock & Courie, LLC
Post Office Box 12519
Columbia, South Carolina 29211

Re: Claim Number: YKT 07685
Employer: Otis Spunkmeyer Holdings, Inc.
Employee: Susan Culbreath Henley (deceased)
Date of Accident: September 19, 2012
Our File Number: SC112712XX40-160 Supplement # 3

Dear Mundi:

This will acknowledge receipt of this assignment we received from you requesting that we conduct some additional work regarding this dependency investigation. This report will supplement our initial dependency investigation report of January 5, 2013 and subsequent report of September 1, 2013. Specifically, we were requested to contact the claimant's other two children with whom we had not spoken with and secure their statements, and any information regarding any possible level of dependency by the claimant's two grandchildren as well.

When we conducted our initial investigation we secured a recorded statement from Jeanette Padgett, the claimant's daughter. In Jeanette's original statement she claimed that she and both of her children, the claimant's two grandchildren, were financially dependent upon the claimant at the time of her accident.

Contact Attorney Jamison Tinsley:

After receiving this most recent request, we understood that the claimant's children were now represented by Attorney Jamison Tinsley in Greenville, South Carolina. Attorney Tinsley can be reached by telephone at (864) 223-0770. We contacted Attorney Tinsley's office and he was able to provide us with telephone numbers for the claimant's two other children that we had not secured statements from, Joel Padgett and Maurice Padgett. Attorney Tinsley gave us permission to go ahead and contact his clients directly to secure their statements to supplement our previous reports.

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Recorded Statement – Joel Frank Padgett (Son):

On June 11, 2014 we secured the attached recorded statement from the claimant's son, Joel Padgett. Joel was born on November 26, 1986 and currently resides at 1825 Cagney Street, Charlotte, North Carolina 28262. Joel can be reached by telephone at (704) 232-5077.

Joel stated that his mother, Susan Culbreath Henley, was born in Johnston, South Carolina, which is in Saluda County. Joel stated that his mother moved around a good bit, and lived in Saluda, Greenwood, and Lexington Counties at various times. At the time of the claimant's death, she was living in Columbia and had just moved into that home and was living alone there at the time of her death. At that time, Joel was living with his twin sister, Jeannette Padgett, and Jeanette's two children, Saquoya and Dameia Padgett. Jeanette's two children, Saquoya and Dameia, are both under the age of eighteen. Saquoya is around eleven years old and Dameia is around ten years old. Joel stated that Saquoya and Dameia are the claimant's only two grandchildren. Joel confirmed that neither he nor his brother, Maurice, had any children.

Joel stated that his mother, Susan, was married one time throughout the course of her life and that marriage was to her husband, George Williams. The claimant and Mr. Williams were married around 1987 and there were no children born as a result of the marriage. Joel told us that it was his understanding that his mother and Mr. Williams had a legal separation, but were never legally divorced. Joel also stated that both his mother, Susan, and her first husband, George Williams, both remarried after their separation.

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about this
Empty history

Joel stated that his mother, Susan, married a second time after her separation from George Williams and that marriage was to David Henley. Joel told us, however, that since his mother and George Williams were never legally divorced, he did not believe that their marriage was a legal marriage. Joel confirmed that Susan and David Henley separated at least one year prior to her accident. At the time that the claimant and David Hensley separated, both Joel and Jeanette were living with the claimant at that time.

Joel stated that his mother, Susan, had two other children throughout the course of her life. One of those children is Joel's twin sister, Jeanette Padgett, who was also born on November 26, 1986. Susan also had one other child, Joel's brother Maurice Padgett, who was born on June 15, 1984. Both of the claimant's parents are deceased. Her father was named Otis Padgett and her mother was named Gladys Padgett. The claimant also had quite a few siblings, and Joel told us that his mother came from a large family of fourteen children all together.

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Joel stated that at the time of his mother's accident on September 19th of 2012, she was helping both Joel and Jeanette financially at that time. Joel explained that Susan had just moved into a new home and was living there alone at the time of her death. Joel and Jeanette, however, were still living together, but had not moved in with their mother since she had recently moved at the time of her death. As a result, at the time of Susan's accident, she was helping Joel and Jeanette both by paying part of the household bills while the two of them were still living together prior to moving in with Susan. Specifically, Susan was helping Joel and Jeanette by helping with their rent bill and their light bills as well. The claimant was not paying the entire rent and light bills, but on some months she would pay as much as half of those bills. The monthly rent that Joel and Jeanette were still paying at the time that Susan had moved into her new home was \$350.00 per month, and Susan was paying approximately half of that. She was also paying a portion of the light bill as well. Joel also told us that his mother, Susan, also helped raise Jeanette's two children and raised them from the time that they were babies up until approximately two years before Susan's accident. Approximately two years before Susan's accident, Jeanette then started raising her two children. Joel stated that his mother, Susan, was not helping his other brother, Maurice, financially at the time of her death because he was incarcerated at that time. Joel did confirm, however, that the claimant was saving money for Maurice to use once he was released from jail. Joel also stated that his sister, Jeanette, was not receiving child support for either of her two children.

*Not every month.
who asked for it most*

Joel stated that he did not know of anyone who would have been financially dependent upon the claimant at the time of her accident and death other than Joel and his sister, Jeanette.

Recorded Statement – Maurice Padgett (Son):

On June 11, 2014 we secured the attached recorded statement from the claimant's son, Maurice Padgett. Maurice was born on June 15, 1984 and currently resides at 560 Orange Avenue, Greenwood, South Carolina 29646. Maurice can be reached by telephone at (864) 321-2587 or at (864) 450-8345.

Maurice stated that his mother, Susan Culbreath Henley, was born in Greenwood, South Carolina and was raised in Saluda County where she spent most of her life. She also lived briefly for a period of time in Lexington County and DeKalb County, Georgia in Atlanta.

Maurice stated this mother, Susan, was married two times throughout the course of her life. Susan's first husband was named George Williams. Susan and George were married at some point around 1987 or 1988. Maurice confirmed that his mother and Mr. Williams separated, but he was not sure if they were ever legally divorced. Maurice was

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not certain exactly when his mother and George separated, but Maurice told us that he had not seen George since he was three years old. As a result, Maurice estimated that his mother and George had been separated for around twenty-seven years. Maurice confirmed that his mother, Susan, and George Williams, did not have any children born as a result of their marriage.

Susan married a second time, after her separation from George Williams, and that marriage was to David Henley. Susan and David were married at some point around 2010 and Susan and David separated at some point at least one year before the claimant's accident and death. Maurice confirmed that his mother, Susan, and David Henley did not have any children born as a result of their marriage.

At the time of Susan's accident she was living alone. Maurice told us that at the time of Susan's accident, he was incarcerated, but he was planning to live in with his mother once he was released from jail.

Maurice stated that his mother had three children throughout the course of her life, including himself. Susan's other two children are Maurice's brother, Joseph Joel Padgett and his sister, Jeanette Padgett. Joel and Jeanette Padgett are twins and were born on November 26, 1986. Maurice's father is named James Johnson. Joel and Jeanette's father has a last name of Pariski. Maurice, however, was not certain about the spelling of the last name of Joel and Jeanette's father.

Both of Susan's parents are deceased. Her father was named Otis Padgett and her mother was named Gladys Padgett. The claimant also came from a very large family which included nine brothers and six sisters.

Maurice stated that at the time of Susan's accident and death, all three of her children, Maurice, Joel and Jeanette Padgett, were financially dependent upon her at that time. Maurice told us that while he was in jail, his mother, Susan, would give him some money from time to time while he was incarcerated. Maurice told us that his sister, Jeanette, has two children as well, and these two children are the claimant's only two grandchildren. Maurice stated that both he and his brother, Joel, did not have any children themselves. Maurice told us that to his knowledge, his mother, Susan, was helping Jeanette financially, along with Joel and himself. Jeanette did have a job at the time of her mother's accident, and Maurice believed that Susan was giving money to Jeanette, but not directly to either of Jeanette's two children. Maurice was certain, however, how Jeanette was using the money that his mother was providing to her at the time of her accident. Maurice also told us that his mother was saving money that he could use after he was released from prison to purchase clothes, shoes, and was going to help Maurice get a job as well after he was released from prison.

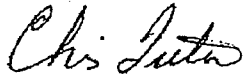
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Maurice stated that he did not know of anyone who would have been financially dependent upon his mother, Susan, at the time of her accident and death other than himself and his two siblings, Joel and Jeanette Padgett.

Remarks:

Since this appears to conclude our supplemental report, we are going ahead and taking the liberty of retiring our file and submitting our bill for services. Thank you very much for this assignment.

Very truly yours,
Tuten Insurance Services



Christopher L. Tuten
President

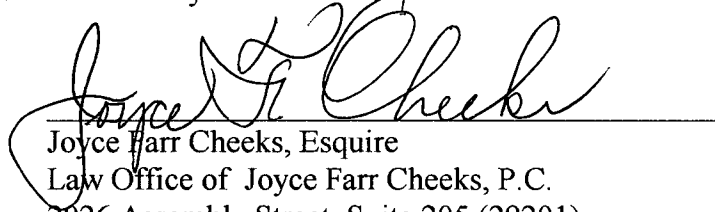
Enc: Recorded Statement – Maurice Padgett
Recorded Statement – Joel Padgett
Our Service Bill
IRS Form W-9 for 2014

Certificate of Appellant

Certificate of Appellant

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

January 17, 2017

A handwritten signature in cursive script, reading "Joyce Farr Cheeks", is written over a horizontal line. The signature is fluid and stylized, with the first name "Joyce" and last name "Cheeks" clearly legible.

Joyce Farr Cheeks, Esquire

Law Office of Joyce Farr Cheeks, P.C.

2026 Assembly Street, Suite 205 (29201)

Post Office Box 881

Columbia, South Carolina 29202

(803) 256-3352 office

Attorney for Appellant