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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

RECEIVED

Appellate Case No. 2017-000148

JUN 14 2017  
SC Court of Appeals

Kimberly Odom, Employee/Claimant,.....Appellant,

v.

Carolinas Hospital System, Employer and Indemnity Insurance  
Company of NA, Carrier ..... Respondents.

**RESPONDENTS' PETITION FOR  
REHEARING (PANEL)**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA  
COURT OF APPEALS:

Pursuant to Rules 219, 221, and 240 of the South Carolina Appellate Court Rules, Respondents Carolinas Hospital System, Employer and Indemnity Insurance Company of NA, Carrier ("Respondents") respectfully move this Court for a rehearing by the full panel of Respondents' Motion to Dismiss Appeal. Respondents aver that a rehearing is necessary to secure or

maintain uniformity of its prior decisions regarding similar disputes. See Rule 221, SCACR. Specifically, the Court's June 7, 2017 Order denying Respondents' Motion to Dismiss Appeal does not align with the Court's prior orders on similar motions. See Cook v. Spartanburg Steel Products, Inc., App. Case No. 2014-001372, Order (March 19, 2015), attached as **Exhibit A**.

### **FACTUAL/PROCEDURAL BACKGROUND**

Appellant suffered a work-related injury to her back and left leg on June 20, 2012. On March 18, 2014, Appellant and Respondents entered into a Consent order settlement agreement based on impairment ratings to the back and left leg. The consent order resolved Appellant's back and left leg disability and left Appellant's right to allege a change of condition and future medical treatment open.

Appellant was placed on work restrictions due to the injury of her leg and back. However, despite the restrictions, Appellant attempted to return to work in a job with no lifting obligations. She worked for one week unless worsening pain in her back and lower extremity caused her to leave her job. She has been unable to work since.

Appellant continued to treat with the authorized treating physician, Dr. Richard Kline, for her back and leg pain. During one specific visit in

December 2014, Kline noted Appellant was “tearful and frustrated because this pain has completely changed her life.” During his deposition, Dr. Kline opined that Appellant should see a psychologist regarding her depression. Respondents approved Appellant to see the authorized treating psychologist, Dr. Dora Windsorova.

Appellant subsequently filed a Form 50 claiming a change of condition for the worse pursuant to S.C. Code Ann. § 42-17-90. The basis for the change of condition was “worsening depression.”

At her deposition, Dr. Windsorova opined that Appellant’s depression had worsened and diagnosed her with recurrent major depressive disorder and moderate depression. Dr. Windsorova further opined that Appellant had not reached maximum medical improvement (MMI) from a psychological standpoint. Following the deposition, Appellant continued to treat with Dr. Windsorova for her psychological symptoms. However, Appellant has never been removed from work for her psychological condition or as a result of the worsening of her psychological condition.

The Single Commissioner found: (1) a causal relationship existed between the psychological condition and the original physical injury; (2) Appellant was entitled to ongoing psychological treatment which tends to

lessen her period of disability; (3) Appellant suffered a change of condition for the worse because of her worsening psychological condition; (4) Respondents must provide reimbursement for any out of pocket expenses related to Appellant's psychological condition that were incurred for medications or treatment with her primary care physician, Dr. Reynolds and any other causally related expenses; (5) given that no physician has removed Appellant from work with regard to the worsening of her psychological condition, the issue as to Appellant's entitlement to temporary total disability benefits due to and caused by the **Appellant's change of condition was premature and reserved for further determination**; and (6) Appellant has not reached maximum medical improvement for her psychological condition.

On December 30, 2016, the Appellate Panel affirmed the Decision and Order of the Single Commissioner.

Appellant filed her Notice of Appeal with this court on or about January 26, 2016. Appellant filed her initial brief on or about February 22, 2017.

Respondents moved to dismiss the appeal on April 24, 2017. By Order dated June 7, 2017, the Court denied Respondents' motion (See Exhibit B), and directed Respondents to file their initial brief within thirty days.

## LAW/ANALYSIS

Appellant's appeal from the commission's order is not immediately appealable because the Commission found Appellant had not yet reached MMI and Appellant's entitlement to TTD benefits was premature. Because the Commission reserved the issue of TTD for further determination, the Commission's order is not a final decision and, therefore, is not immediately appealable.

The Administrative Procedures Act governs judicial review of decisions of the commission. S.C. Code Ann. § 1-23-380 (Supp. 2014); Bone v. U.S. Food Serv., 404 S.C. 67, 73, 744 S.E.2d 552, 556 (2013). Section 1-23-380 of the Act limits appeals to those from a final decision of the commission. See S.C. Code Ann. § 1-23-380. A commission's order is not a final decision unless it resolves the entire action. See Price v. Peachtree Elect. Servs., Inc., 405 S.C. 455, 457, 748 S.E.2d 229, 230 (2013) ("An agency decision that does not decide the merits of a contested case is not a final agency decision subject to judicial review."); Bone, 404 S.C. at 73, 744 S.E.2d at 556 (same); see also id. at 75, 744 S.E.2d at 557 ("A final judgment disposes of the whole subject matter of the action and terminates the particular proceeding or action, leaving nothing to be done but to enforce by

execution what has been determined.” (quoting Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep’t of Health and Env’tl Control, 387 S.C. 265, 267, 692 S.E.2d 894, 895 (2010))).

Here, the commission’s order only confirms the change of condition for the worse for Appellant’s psychological condition, and does not address Appellant’s increased permanent disability, if any, from the change of condition for the worse. **The Commission specifically reserved the right to determine TTD at a later date—once Appellant reached MMI.** Because the Commission had yet to determine the issues of MMI for the worsened psychological condition or entitlement to additional permanent indemnity benefits, additional proceedings will be necessary. Thus, the Commission’s order is not a final decision and is not immediately appealable. See e.g., Rose v. JJS Trucking, LLC, Op No. 5291 (S.C. Ct. App. filed Jan. 28, 2015 (Shearouse Adv. Sh. No. 4 at 91) (finding a commissioner’s order was not a final decision and therefore, not immediately appealable, because the order left the merits of the employee’s claim for permanent disability unresolved); Ex parte S.C. Prop. & Cas. Ins. Guar. Ass’n, Op. No. 5290 (S.C. Ct. App. filed Jan. 28, 2015) (Shearouse Adv. Sh. No. 4 at 85) (finding commission’s order was not a final decision and was not immediately appealable because

the commission had not made a determination on claimant's substantive rights); see also Cook v. Spartanburg Steel Products, Inc., App. Case No. 2014-001372, Order (March 19, 2015) (stating that the commission's order indicates the issues of permanency was premature because claimant had not reached maximum medical improvement and, therefore, held that "[b]ecause the commission has yet to determine permanency and indicates additional proceedings will be necessary, the commission's order is not a final decision and not immediately appealable.").

Indeed, a determination of what benefits Appellant is entitled to has not been decided. Even more evident, Dr. Winsorova recently provided responses to a questionnaire regarding Appellant's treatment for her psychological condition, indicating, inter alia, that Plaintiff has now reached MMI. (See Exhibit C). Other matters—specifically, whether Appellant is entitled to permanent indemnity benefits as a result of her worsened psychological condition, and whether Appellant is entitled to ongoing psychological treatment—would be affected and addressed by a determination of MMI. A hearing remains pending on this specific issue. (See Exhibit C).

In short, the Commission's order from which Appellant appeals does not dispose of the whole subject matter of the action and terminates the particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined. See Bone, 404 S.C. at 75, 744 S.E.2d at 557.

In Appellant's Notice of Appeal, Appellant indicates the issue on appeal is whether the Commission erred in failing to award TTD benefits. However, the Commission expressly noted that any finding regarding TTD regarding Appellant's psychological condition would be premature at that time, since she was not on any restrictions for her psychological condition at the time of the hearing. It is clear from the Commission's order that this is not a final decision because the Commission retained jurisdiction to make a later determination of TTD and has jurisdiction to determine when Appellant reaches MMI for the worsened psychological condition. Accordingly, the Commission's decision was not immediately appealable.

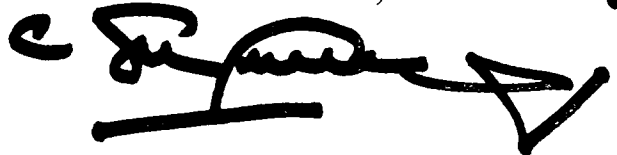
### **CONCLUSION**

This Court's June 7, 2017 order denying Respondents' Motion to Dismiss Appeal does not align with the Court's prior orders addressing the same issue. Specifically, the language the commission used in its order in

Cook is the same language used by the Single Commission and adopted in full by the commission in the case sub judice. In order to maintain uniformity with its prior orders and decisions, Respondents respectfully request the Court grant Respondents' Motion to Dismiss Appeal.

Respectfully Submitted,

COLLINS & LACY, P.C.

A handwritten signature in black ink, appearing to read 'Christian Stegmaier', written over a horizontal line.

CHRISTIAN STEGMAIER  
[cstegmaier@collinsandlacy.com](mailto:cstegmaier@collinsandlacy.com)

KELSEY J. BRUDVIG  
[kbrudvig@collinsandlacy.com](mailto:kbrudvig@collinsandlacy.com)

ASHLEY R. KIRKHAM  
[akirkham@collinsandlacy.com](mailto:akirkham@collinsandlacy.com)

Post Office Box 12487  
Columbia, South Carolina 29211  
(803) 256-2660 (voice)  
(803) 771-4484 (facsimile)

ATTORNEYS FOR  
RESPONDENTS

**RESPONDENTS' PETITION  
FOR REHEARING (PANEL)**

Columbia, South Carolina  
June 14, 2017

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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JUN 14 2017

Appellate Case No. 2017-000148

SC Court of Appeals

Kimberly Odom, Employee/Claimant,.....Appellant,

v.

Carolinas Hospital System, Employer and Indemnity Insurance  
Company of NA, Carrier .....Respondents.

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**CERTIFICATE OF SERVICE**

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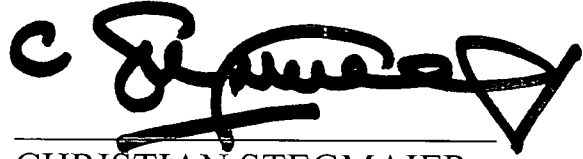
Counsel for Respondents certifies that she has served Respondents' Petition for Rehearing by Full Panel on all parties by depositing a copy of it in the United States Mail, postage prepaid, on June 13, 2017, as follows:

Stephen J. Wukela, Esquire  
Wukela Law Firm  
Post Office Box 13057  
Florence, SC 29504-3057

[SIGNATURE PAGE FOLLOWS]

Respectfully Submitted,

COLLINS & LACY, P.C.

A handwritten signature in black ink, appearing to read 'C. Stegmaier', written over a horizontal line.

CHRISTIAN STEGMAIER  
[cstegmaier@collinsandlacy.com](mailto:cstegmaier@collinsandlacy.com)

KELSEY J. BRUDVIG  
[kbrudvig@collinsandlacy.com](mailto:kbrudvig@collinsandlacy.com)

ASHLEY R. KIRKHAM  
[akirkham@collinsandlacy.com](mailto:akirkham@collinsandlacy.com)

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ATTORNEYS FOR  
RESPONDENTS

**CERTIFICATE OF SERVICE**

Columbia, South Carolina  
June 14, 2017

# The South Carolina Court of Appeals

Shannon Cook, Claimant, Respondent,

v.

Spartanburg Steel Products, Inc., Defendant, Appellant.

Appellate Case No. 2014-001372

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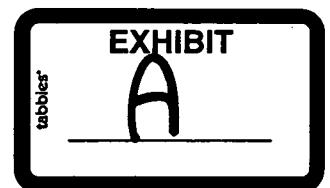
## ORDER

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Appellant petitions this court to rehear the dismissal of its appeal. Because the order indicates the appellate panel of the South Carolina Workers' Compensation Commission held the issues of temporary total disability and permanent disability in abeyance, the order is not immediately appealable. We deny the petition for rehearing.

Respondent injured his lumbar spine in 2007. In 2011, a single commissioner found Respondent was entitled to an award of twenty-five percent permanent partial disability to the spine and full medical treatment for pain medications, psychological evaluation and treatment, spinal injections, and physical therapy. The next year, Respondent filed a Form 50, alleging he suffered a change of condition for the worse from the injury to his "spine and psyche." Respondent did not request a hearing at that time. In 2013, Respondent filed a Form 50 request for a hearing, claiming injuries to his back, psyche, bilateral legs, and hips. Shortly thereafter, Respondent filed an amended Form 50, requesting a hearing and alleging a change of condition. The parties filed pre-hearing briefs and proceeded to a hearing before a single commissioner.

At the hearing, Respondent claimed he suffered a change of condition for the worse, argued he was entitled to spinal surgery, and sought reimbursement for a C.T. Myelogram and other co-pays. In her final order, the single commissioner found Respondent's spine condition had significantly worsened. The single commissioner ordered Appellant to provide ongoing medical care and reimburse



Respondent for the C.T. Myelogram, other co-pays, and filing fee. The single commissioner found Respondent had not yet reached maximum medical improvement. However, the single commissioner concluded she could not order surgery because she was limited by the 2011 award, which provided a list of future medical treatments. The single commissioner decided permanency was premature and stated, "Any issue relating to [total temporary disability] and permanency is held in abeyance, as the only issue before the undersigned was whether the claimant has sustained a change of condition for the worse."

Appellant filed a Form 30 request for review by an appellate panel of the commission. At the hearing, Appellant argued Respondent had not suffered a change of condition for the worse and the commission lacked jurisdiction due to Respondent's alleged filing errors of the Form 50. The commission affirmed the single commissioner's findings in full, including her decision that the issues of total temporary disability and permanent disability were to be held in abeyance.

Appellant appealed to this court, and Respondent moved to dismiss the appeal. This court dismissed the appeal as not immediately appealable because the commission's order indicated the issues of temporary total disability and permanent disability were held in abeyance as the issue of permanency was premature.

The Administrative Procedures Act governs judicial review of decisions of the commission. S.C. Code Ann. § 1-23-380 (Supp. 2014); *Bone v. U.S. Food Serv.*, 404 S.C. 67, 73, 744 S.E.2d 552, 556 (2013). Section 1-23-380 of the Act limits appeals to those from a "final decision" of the commission. An order of the commission is not a final decision unless it resolves the entire action. *See Price v. Peachtree Elec. Servs., Inc.*, 405 S.C. 455, 457, 748 S.E.2d 229, 230 (2013) ("An agency decision that does not decide the merits of a contested case is not a final agency decision subject to judicial review."); *Bone*, 404 S.C. at 73, 744 S.E.2d at 556 (same); *see also id.* at 75, 744 S.E.2d at 557 ("A final judgment disposes of the whole subject matter of the action or terminates the particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined.") (quoting *Charlotte-Mecklenburg Hosp. Auth. v. S.C. Dep't of Health & Env't'l Control*, 387 S.C. 265, 267, 692 S.E.2d 894, 895 (2010))).

Here, the commission's order indicates the issue of permanency was premature because Respondent had not reached maximum medical improvement. Specifically, the order states, "Any issue relating to [total temporary disability] and permanency is held in abeyance, as the only issue before the undersigned was whether the [Respondent] has sustained a change of condition for the worse."

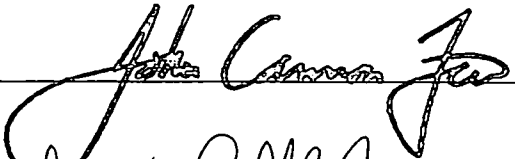
Because the commission has yet to determine permanency and indicates additional proceedings will be necessary, the commission's order is not a final decision and not immediately appealable. *See Rose v. JJS Trucking, LLC*, Op. No. 5291 (S.C. Ct. App. filed Jan. 28, 2015) (Shearouse Adv. Sh. No. 4 at 91) (finding a commission's order was not a final decision and not immediately appealable because the order left the merits of the employee's claim for permanent disability unresolved); *Ex parte S.C. Prop. & Cas. Ins. Guar. Ass'n*, Op. No. 5290 (S.C. Ct. App. filed Jan. 28, 2015) (Shearouse Adv. Sh. No. 4 at 85) (finding a commission's order was not a final decision and not immediately appealable because the commission had yet to determine the claimant's substantive rights).

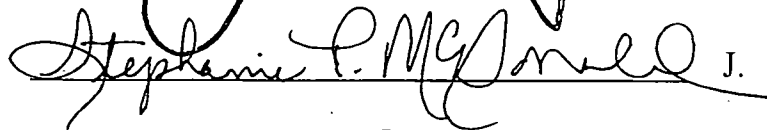
Appellant argues the commission's order is a final decision because the parties did not raise the issues of temporary total disability and permanency to the commission. Further, Appellant alleges Respondent added the "boilerplate language" of "[a]ny issue relating to [total temporary disability] and permanency is held in abeyance, as the only issue before the undersigned was whether the claimant has sustained a change of condition for the worse" to the single commissioner's proposed order, which was later adopted by the commissioner. According to Appellant, allowing a party to add vague "boilerplate language" would preclude an appeal to this court. However, Appellant did not raise this argument before the appellate panel.

Appellant also argues this court erred in applying *Bone* because *Bone* addressed appealability under section 1-23-390 of the South Carolina Code (Supp. 2014), while section 1-23-380 governs this case. However, we dismissed the appeal pursuant to section 1-23-380. Further, *Bone* is instructive for determining whether an order is a "final decision" of the commission. *See id.* at 73-74, 744 S.E.2d at 556. ("An agency decision which does not decide the merits of a contested case . . . is not a final agency decision subject to judicial review. . . . A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy." (citations and internal quotation marks omitted)).

Finally, Appellant asserts the order is immediately appealable because it has exhausted all other administrative remedies. *See* § 1-23-380 ("A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy."). Appellant fails to distinguish this case from any other workers' compensation case where there is no practical hope of the employer receiving a refund on its payments after a successful appeal.

Accordingly, we find the commission's order is not immediately appealable. We deny the petition for rehearing.<sup>1</sup>

 C.J.

 J.

 A.J.

Columbia, South Carolina

cc:  
Ryan Spence Montgomery, Esquire  
Bradford B. Easterling, Esquire  
Helen Faith Hiser, Esquire

**FILED**  
3/19/15

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<sup>1</sup> Because we deny the petition for rehearing, we find it unnecessary to address Respondent's motion to strike.

# The South Carolina Court of Appeals

Kimberly Odom, Employee, Claimant, Appellant,

v.

Carolinas Hospital System, Employer, and Indemnity  
Insurance Company of NA, Carrier, Respondents.

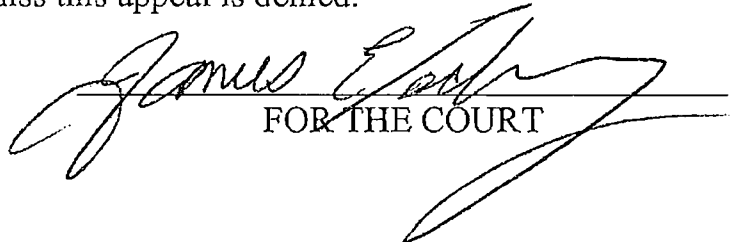
Appellate Case No. 2017-000148

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ORDER

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Respondents' motion to dismiss this appeal is denied.

  
FOR THE COURT

Columbia, South Carolina

cc:

Stephen J. Wukela, Esquire  
Ashley Ryon Kirkham, Esquire  
Christian Stegmaier, Esquire  
Kelsey Jan Brudvig, Esquire

**FILED**

June 7, 2017





Victoria A. Randall | D: 803.255.0430 | E: vrandall@collinsandlacy.com  
Senior Paralegal

April 24, 2017

Amy Bracy, Director  
Judicial Department  
SC Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202-1715

Re: Kimberly Odom v. Carolinas Hospital System & Indemnity Insurance Company  
of NA  
WCC File No.: 1208234  
Claim No.: 002020-048774-WC-01  
Date of Injury: 6/20/2012  
C&L File No.: 000511-08827

Dear Amy:

Enclosed for filing at this time, please find the Employer / Carrier's Form 21, Request for Hearing in this matter. Also enclosed is an updated Form 18, the treating physician's final medical narrative, and Collins & Lacy's \$25.00 check for filing expenses. Please schedule a hearing at your earliest convenience.

By copy of this letter to Stephen J. Wukela, Esquire, attorney for the claimant, we are hereby serving him with a copy of the same.

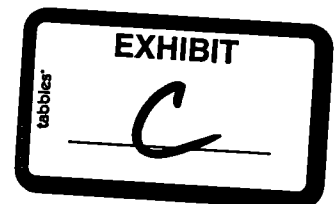
Sincerely,

Victoria A. Randall  
Senior Paralegal

:var

Enclosure

Cc: Stephen J. Wukela, Esquire  
Tammy Clark  
Dale Jeffords



South Carolina Workers' Compensation Commission  
1333 Main Street, Suite 500  
Post Office Box 1715  
Columbia, South Carolina 29202-1715  
(803) 737.5675 [www.wcc.sc.gov](http://www.wcc.sc.gov)



WCC File #: 1208234  
Carrier File #: 002020-048774-WC-01  
Carrier Code #: \_\_\_\_\_  
Employer FEIN #: 62-1762526

Claimant's Name: Kimberly Odom SSN: 248-65-1931 Employer's Name: Carolinas Hospital System  
Address: 1746 Big Swamp Road Address: 1594 Freedom Blvd., Suite 101  
City: Pamplico State: SC Zip: 29583 City: Florence State: SC Zip: 29505  
Home Phone: (843) 598-0846 Work Phone: ( ) Insurance Carrier: Indemnity Insurance Company of NA  
Preparer's Name: Ellen M. Adams, Esquire Law Firm: Collins & Lacy, P.C. Preparer's Phone #: 803.256.2660

The date of injury reported on Form 12A is: 6/20/2012 (m/d/yyyy)

**Check appropriate section(s). The Employer's Representative requests a hearing to:**

I.  **Stop payment of compensation.** Claimant has reached maximum medical improvement and Claimant continues to receive temporary compensation payments. The employer's representative requests a hearing pursuant to § 42-9-260(D) to stop payment of temporary compensation. A hearing requested pursuant to this section must be held within sixty days of the date of the request.

Claimant reached maximum medical improvement on \_\_\_\_\_ (m/d/yyyy) (copy of medical report must be attached).  
Compensation payments are current as of \_\_\_\_\_ (m/d/yyyy) and shall continue until otherwise ordered or until Form 17 is signed by the claimant.  
A Form 17 was offered and refused on \_\_\_\_\_ (m/d/yyyy).

II.  **Address suspension, termination, or reduction of temporary disability payments for any cause.**  
 a. At any time pursuant to § 42-9-260(E).  
 b. After the one-hundred-fifty day period has expired pursuant to § 42-9-260(F), R.67-505 and R.67-506.  
The basis for the termination/ suspension is \_\_\_\_\_

III.  **Determine if compensation is due** pursuant to § 42-9-10, § 42-9-20 or § 42-9-30 and, if so, in what amount, based on the following grounds:  
Claimant is at MMI for her change of condition for the worse (psyche only per Comm. McCaskill).  
Claimant reached maximum medical improvement on 02/21/17 (m/d/yyyy) (copy of medical report must be attached).

IV.  **Request Credit for Overpayment of temporary compensation pursuant to § 42-9-210.**

V.  **Determine amount of compensation for claims involving a fatality.**  
 a. Payment of unpaid balance of compensation when employee dies pursuant to § 42-9-280.  
 b. Amount of compensation for death of employee due to accident pursuant to § 42-9-290.

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

Failure to respond pursuant to Reg. 67-208 B in writing or by submission of a Form 22 may result in ordered mediation pursuant to Reg. 67-1801 B.  
Questions regarding mediation may be submitted to [mediation@wcc.sc.gov](mailto:mediation@wcc.sc.gov).

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Stephen J. Wukela, Esquire, Post Office Box 13057 Florence, SC 29504-3057 on April 24, 2017, by:  first class postage  certified mail  personal service  electronic service. A \$25.00 filing fee and updated Form 18 is required.

akirkham Attorney at Law Email: akirkham@collinsandlacy.com Date: April 24, 2017  
Preparer's Signature Title

Questions about the use of this form should be directed to the Judicial Department at 803-737-5675, or [judicial@wcc.sc.gov](mailto:judicial@wcc.sc.gov) or [mediation@wcc.sc.gov](mailto:mediation@wcc.sc.gov)  
Refer to Regulations 67-211, 67-504, 67-505, 67-506; and 67-510.



Claimant's Name: Kimberly Odom SSN: 248-65-1931 Employer's Name: Carolinas Hospital System  
Address: 1746 Big Swamp Road Address: 1594 Freedom Blvd., Suite 101  
City: Pamplico State: SC Zip: 29583 City: Florence State: SC Zip: 29505  
Home Phone: (843) 598-0846 Work Phone: ( ) - Insurance Carrier: Indemnity Insurance Company of NA  
Preparer's Name: Ellen M. Adams, Esquire Law Firm: Collins & Lacy, P.C. Preparer's Phone #: 803.256.2660

1. Date of injury: 6/20/2012 2. Total Weeks Compensation Paid: 84 3/7  
(m/d/yyyy)

3. Type of Compensation Paid (TP or TT)/Periods of Payment:

Type: <u>TT</u>	From: <u>7/3/2012</u>	To: <u>2/3/2014</u>
	(m/d/yyyy)	(m/d/yyyy)
Type: <u>PP</u>	From: <u>3/18/14</u>	To: <u>3/18/14</u>
Type: _____	From: _____	To: _____

4. Date of First Payment: 7/3/12  
(m/d/yyyy)

5. Total Amount Paid (a) Compensation: \$170,214.01  
(b) Medical (Include Nursing, Hospital, Drugs, Etc.): \$78,374.88

6. Informal Conference is Requested:  Yes  No (check one)

Use these lines to send a memo to the Commission:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Asaley K. McInane  
Employer's Representative

( ) -  
Phone

4/24/2017  
Date

Type or print all information. File this form six months after the alleged injury date and each six months until the Commission's File is closed. Form 18 must be filed whether or not compensation is ongoing. Check "yes" after Number 6 to request an informal conference. Refer to R.67-413, R.67-507, and R.67-804 for further information.



Ashley R. Kirkham | D: 803.255.0415 | E: akirkham@collinsandlacy.com

February 10, 2017

Dora Windsorova, M.D.  
2137 Hoffmeyer Road  
Suite D  
Florence, SC 29501

Re: Kimberly Odom v. Carolinas Hospital System & Indemnity Insurance Company of NA  
WCC File No.: 1208234  
Claim No.: 002020-048774-WC-01  
Date of Injury: 6/20/2012  
Our File No.: 000511-08827

Dear Dr. Windsorova:

I represent the employer/carrier with regard to the above-referenced workers' compensation claim. It is my understanding you released Ms. Odom from ongoing treatment on June 15, 2016. Accordingly, I request that you please answer the following questions, stating your opinions to a reasonable degree of medical certainty:

1. Has Ms. Odom reached maximum medical improvement with regard to her psychological condition? YES

---

2. If not, what additional treatment do you recommend for Ms. Odom for her psychological condition? /

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3. Do you recommend any ongoing medical treatment or medications for Ms. Odom's psychological condition as a result of this work injury?  
WILL DEFER TO HER MEDICAL DOCTOR

---

4. If so, do you anticipate this medical treatment for Ms. Odom's lifetime?  
AS ABOVE

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5. Does Ms. Odom have any permanent work restrictions as a result of her work Accident from a psychological standpoint? NO

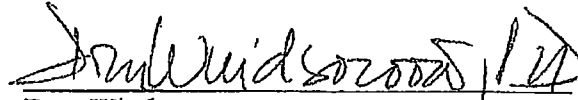
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6. Are all of your opinions stated to a reasonable degree of medical certainty?  
YES

---

7. ADDITIONAL COMMENTS: \_\_\_\_\_

\_\_\_\_\_



Dora Windsorova

Dated: 2/21/17

Thank you again for treating Ms. Odom. If you have any questions regarding this questionnaire, please do not hesitate to contact me.

Sincerely,



Ashley R. Kirkham

ARK/hmb

Cc: Tammy Clark  
Steve Wukela, Esquire

## CERTIFICATE OF SERVICE

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

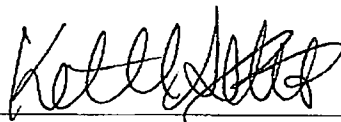
**INDIVIDUAL(S) SERVED:**

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

Stephen J. Wukela, Esquire  
Wukela Law Firm  
Post Office Box 13057  
Florence, SC 29504-3057

**PLEADING(S):**

SC WCC Form 21



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April 24, 2017

Columbia, South Carolina



Christian Stegmaier | D: 803.255.0454 | E: cstegmaier@collinsandlacy.com

June 14, 2017

RECEIVED

JUN 14 2017

SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**Re: *Kimberly Odom, Appellant v. Carolinas Hospital System, Employer and Indemnity Insurance Company of NA, Carrier, Respondents***  
**Claim No. 002020-048774-WC-01**  
**Appellate Case No. 2017-00148**  
**C&L File No. 000511-08827**

Dear Ms. Kitchings:

Please find enclosed the original unbound and seven (7) copies of Respondents' Petition for Rehearing (Panel) together with the \$25.00 filing fee in connection with the above referenced matter. Please file the original and return one copy to our office via our courier.

By copy of this letter, I am serving a copy to all counsel of record.

Thank you for your time and attention.

Respectfully,

Christian Stegmaier

CS/emb  
Enclosures

cc: Stephen J. Wukela, Esquire