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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM South Carolina
Workers Compensation Commission

Full Commission Order Dated April 28, 2017 Affirming Commissioner Melody L. James orders
dated January 04, 2013 And September 30, 2013

Case No.: 2017-001217

John McDaniel, Employee, Claimant,Appellant,

v.

Career Employment Professional d/b/a Snelling Staffing, Employer and United Wisconsin
Insurance Co., Carrier,Respondents.

RECORD ON APPEAL
VOLUME III OF III
929-959

John C. McDaniel
4537 Ilium Lane
Grand Rapids, Mi 49534

Allison Cauthen Nussbaum
Helen F. Hiser
R. Mark Davis
McAngus Goude-lock & Courie, LLC
735 Johnnie Dodds Blvd., Suite 200
Mount Pleasant, SC 29465

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South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723



WCC File #: 1116275
Carrier File #: 041100021048
March 29, 2013

NOTICE OF APPELLATE HEARING

JOHN MCDANIEL v CAREER EMPLOYMENT PROFESSIONAL

Subject: Set on Review.
Date: 04/16/13 at 03:30 PM
Location: South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29201

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5739 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by certified mail.

By: Eugenia Hollmon, SC Workers' Compensation, March 29, 2013

Party

Employee: JOHN MCDANIEL

Attorney

Thomas M. White
twhite@steinberglawfirm.com
843-572-0700

Employer: CAREER EMPLOYMENT PROFESSIONAL
Carrier: United Wisconsin Insurance Company

R. Mark Davis
mdavis@mgclaw.com
843-576-2782

MGC COPY



ATTORNEYS AT LAW

Reply To
R. MARK DAVIS
Direct Dial: (843) 576-2782
mdavis@mgclaw.com
CHARLESTON

November 5, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Commissioner Melody L. James
S. C. WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202-1715

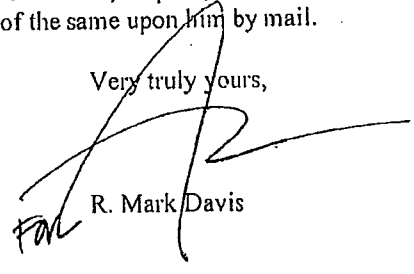
RE: John McDaniel v. Career Employment Professionals d/b/a Snelling Staffing Services and
United Wisconsin Insurance Company c/o United Heartland
Date of Accident: November 21, 2011
WCC File No.: 1116275
Our File No.: 20638.12027
Claim No.: 041100021048

Dear Commissioner James:

Please find enclosed our Pre-Hearing Brief and Notice of Witnesses and Written Medical Reports for filing in the above captioned matter.

By copy of this letter to Thomas M. White, Esquire, the claimant's attorney, we are notifying him of these submissions and serving copies of the same upon him by mail.

Very truly yours,


R. Mark Davis

RMD/gcm
Enclosures

cc: Thomas M. White, Esquire, The Steinberg Law Firm, L.L.P.
Nicole Service, United Heartland

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5739
www.wcc.sc.gov



PRE-HEARING BRIEF
WCC File No: 1116275

John McDaniel 458-99-7462
Claimant's Name SSN
700 Daniel Ellis Drive
Charleston, South Carolina 29412
Address City State Zip
Home Phone #
Work Phone #
R. Mark Davis
Preparer's Name

Snelling Staffing Services
Employer's Name
702 Mall Boulevard
Savannah, Georgia 31406
Address City State Zip
United Wisconsin Insurance Company c/o United Heartland
Insurance Carrier
(843) 576-2782
Phone Number

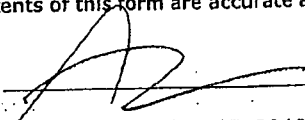
A claim for workers' compensation benefits is made based on the following grounds:

Injury Illness Repetitive Trauma

1. Comp. Rate: \$328.58
2. AWW: \$ 492.85 Date of injury November 21, 2011
3. Type of injury and body part(s): left foot
4. Facts in controversy: This is an admitted claim involving the left foot. Claimant was released to maximum medical improvement by the authorized treating physician, Dr. Blake Ohlson, on August 13, 2012. Upon his release, Dr. Ohlson recommended pain management to assess the Claimant's ongoing pain complaints. Also, Dr. Ohlson released the Claimant to return to work with specific work restrictions. Based on Dr. Ohlson's recommendation for pain management, Defendants arranged and Claimant attended an appointment with Dr. Edward M. Tavel on October 30, 2012. Defendants have requested and are awaiting Dr. Tavel's report. Claimant contests the determination of the average weekly wage and corresponding compensation rate. Defendants assert that future earnings asserted by the Claimant are based on surmise, conjecture, and speculation. Defendants contend they have paid and are paying the correct TTD and TPD rate based on the average weekly wage identified on the Form 20.
5. Legal issues involved: See No. 4 above.
6. Unusual aspects: Defendants have requested Dr. Tavel's report from October 30, 2012, and will submit upon receipt. Also, Claimant's has filed a Motion to Compel seeking income information from a similar employee indicated on the Form 20. Claimant served a subpoena directly on Defendants for records from Alside Revere. Defendants have notified Claimant that Alside Revere is not our client; therefore, we are unable to respond to this request. Defendants have instructed Claimant to serve the subpoena under the South Carolina Rules of Civil Procedure directly on Alside Revere.
7. Witnesses (designate if expert): Claimant, Jim Pascutti, Dan Cobb, and/or other representatives of the Employer may be called to testify.
8. Exhibits: Exhibit (A) Claimant's wage records, 13 pages; Exhibit (B) Correspondence to Claimant's attorney dated 10/19/12, 1 page.
9. Medical evidence: (Indicate report pursuant to R.67-612; deposition or appearance) Defendants have requested and will submit Dr. Ohlson's Physician's Statement, Form 14-B, upon receipt.
10. Name, address, and specialty, if any, of the treating physician: Blake L. Ohlson, M.D. (orthopedist), Orthopaedic Specialists of Charleston, 2093 Henry Tecklenburg Drive, Suite 200, Charleston, South Carolina, 29414.
11. Impairment rating(s), body part(s), physician and date of opinion: 15 percent to left lower extremity, additional 2 percent for ankylosis of the fifth toe, Dr. Ohlson, August 13, 2012.
12. I am amending my Form 50/51 in the following manner: N/A

I verify the contents of this form are accurate and true to the best of my knowledge.

SIGNATURE

 For RMD

Email: mdavis@mgclaw.com

DATE OF HEARING: November 15, 2012

Time needed for hearing: 1 hour

On behalf of Claimant Employer

File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports.
Commissioners reserve the right to admit expert witnesses at hearings.

WCC FORM # 58 REV. DATE 9/07

58

PRE-HEARING BRIEF

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1116275

JOHN MCDANIEL,
Employee,

Claimant,
vs.
SNELLING STAFFING SERVICES,
Employer,
AND
UNITED WISCONSIN INSURANCE
COMPANY C/O UNITED HEARTLAND,
Carrier,
Defendants.

**NOTICE OF WITNESSES AND
WRITTEN MEDICAL REPORTS
TO BE INTRODUCED AS
DIRECT EVIDENCE ON BEHALF
OF DEFENDANT**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND THOMAS
M. WHITE, ESQUIRE:

YOU ARE NOTIFIED that the Defendants, pursuant to the provisions of the South Carolina Workers' Compensation Act and Section 1-23-330 of the South Carolina Code of Laws (Cum. Supp. 1988) submit the following medical records and other documents as evidence:

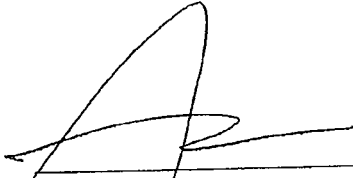
EXHIBIT	DESCRIPTION	DATES	PAGES
A.	Claimant's wage records		13 pages
B.	Correspondence to Claimant's attorney	10/19/12	1 page

YOU ARE FURTHER NOTIFIED that you have the right to cross-examine or otherwise oppose this evidence and, should you desire to exercise this right, you are to promptly schedule

the deposition of any provider whose records are submitted, for the purposes of cross-examination, or otherwise promptly submit opposing medical records into evidence.

YOU ARE FURTHER NOTIFIED that these records, or photocopies of the same, will be provided to the South Carolina Workers' Compensation Commission for insertion in their file and for consideration as evidence on behalf of the Defendants.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the Defendants: Claimant, Jim Pascutti, Dan Cobb, and/or other representatives of the Employer.


FMD R. MARK DAVIS
MCANGUS GOUDELOCK & COURIE, L.L.C.
Post Office Box 650007
735 Johnnie Dodds Blvd, Suite 200
Mt. Pleasant, South Carolina 29465
(843) 534-0101
Attorneys for the Employer/Carrier

Charleston, South Carolina
November 5, 2012



SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1116275

ATTORNEYS AT LAW

JOHN MCDANIEL,

Employee,

Claimant,

vs.

SNELLING STAFFING SERVICES,

Employer,

AND

UNITED WISCONSIN INSURANCE COMPANY
C/O UNITED HEARTLAND,

Carrier,

Defendants.

CERTIFICATE
OF
SERVICE

The undersigned certifies that she is an employee at MCANGUS GOUDELCK & COURIE, and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Thomas M. White, Esquire
The Steinberg Law Firm, L.L.P.
Post Office Box 1028
Goose Creek, South Carolina 29445

S. C. WORKERS' COMPENSATION
COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202-1715

DOCUMENT: Pre-Hearing Brief and Notice of Witnesses and Written
Medical Reports

DATE OF MAILING: November 5, 2012

Gayle C. McDaniel
Legal Assistant to R. Mark Davis

State Legal - 06/04/2012 - 041100021048 - OH58449 -

Career Employment Professionals, Inc. 21100 Executive Hall Drive Suite 140 Charleston, SC 29407 94327159000000		Direct Deposit Earnings Statement			
		00192666			
		Pay Date	Start Period	End Period	
		6/1/2012	5/10/2012	5/25/2012	
Earnings					
Description	Rate	Hours	Amount	YTD Amount	Balance
Hourly Pay	\$9.10	30.75	\$279.83		\$1,642.57
Total:		30.75	\$279.83		\$1,642.57
Payroll Deductions					
Description	Amount	YTD Amount	Code	YTD Amount	Balance
			FED	\$5.22	\$29.12
			SS	\$11.75	\$69.09
			MED	\$4.06	\$23.82
			SC	\$5.96	\$25.11
Total:		\$0.00	\$0.00	\$31.00	\$147.34
Payroll Benefits			Net Wage Amounts		
Description	Amount	YTD Amount	Net wages/period		\$248.83
			Net wages YTD		\$1,498.23
Total:		\$0.00	\$0.00		
Direct Deposit Information			Miscellaneous		
Bank	Account	Amount			
Total:					

McDaniel, John C.
700 cilla drive
Apartment apt 15104
Charleston, SC 29412

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407 84327769000000		Direct Deposit Earnings Statement DD191909			
		Pay Date	Start Period	End Period	
		5/28/2012	5/11/2012	5/18/2012	
Earnings					
Description	Rate	Hours	Amount	YTD Amounts	
Hourly Pay	\$9.10	21.00	\$191.10	\$1,362.74	
Total:		21.00	\$191.10	\$1,362.74	
Payroll Deductions			Taxes		
Description	Amount	Year To Date	Code	Amount	Year To Date
			PPP	60.36	\$20.19
			SS	98.03	\$57.24
			MRD	52.77	\$19.76
			SC	82.19	\$19.15
Total:		\$0.00	\$0.00	Total:	\$118.34
Payroll Benefits			Net Wage Amounts		
Description	Amount	Year To Date	Net wages/period		\$177.76
			Net wages YTD		\$1,246.40
Total:		\$0.00	\$0.00		
Direct Deposit Information			Miscellaneous		
Bank	Account	Amount			
Total:					

Medaniel, John C.
700 Ellis Drive
Apartment apt #5104
Charleston, SC 29412

State Legal - 06/04/2012 - 041100021048 - UH58449 -

Career Employment Professionals, Inc.

McDaniel, John C.
 700 4th St. Drive
 Apartment apt. #5104
 Charleston, SC 29412

EMPLOYEE ID: MCDJO000017ZCEM
 SSN: XXXXXXXXX
 START PERIOD: 5/5/2012

CHECK NUMBER: 1088
 CHECK DATE: 6/25/2012
 END PERIOD: 5/22/2012

Description	Pay Rate	Current		Year-To-Date	
		Hours	Amount	Hours	Amount
Hourly Pay	\$9.10	14.25	\$129.68	120.75	\$1,171.64

GROSS PAY \$129.68 \$1,171.64

TOTAL DEDUCTIONS \$0.00 \$0.00

FEDERAL TAX	\$0.00	\$19.83
SOCIAL SECURITY TAX	\$5.45	\$49.21
MEDICARE TAX	\$1.88	\$16.99
STATE TAX - SC	\$0.57	\$16.96

TAXES WITHHELD \$7.90 \$102.99

NET PAY \$121.78 \$1,068.65

Leave Balances		Benefits		
Description	Hours	Description	Current	YTD

State Legal - 05/24/2012 - 041100021048 - UH58449 -

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement DD191095			
		Pay Date	Start Period	End Period	
		5/18/2012	5/14/2012	5/11/2012	
Earnings					
Description	Rate	Hours	Amount	YTD Amounts	
Hourly Pay	\$9.10	20.50	\$186.55	\$1,041.96	
Total:		20.50	\$186.55	\$1,041.96	
Payroll Deductions			Taxes		
Description	Amount	Year to Date	Code	Amount	Year to Date
			FED	\$0.00	\$19.89
			SS	\$7.83	\$43.76
			MED	\$2.71	\$15.11
			SC	\$2.02	\$15.39
Total:		\$0.00	\$0.00	Total:	\$85.09
Payroll Benefits			Net Wage Amounts		
Description	Amount	Year to Date	Net wages/period		Net wages YTD
					\$173.98
					\$946.87
Total:		\$0.00	\$0.00		
Direct Deposit Information			Miscellaneous		
Bank	Account	Amount			
Total:					

McDaniel, John C.
700 Ellis Drive
Apartment apt #5104
Charleston, SC 29412

State Legal - 05/24/2012 - 041100021048 - UH58449

Carebr Employment Professionals, Inc.		Direct Deposit Earnings Statement			
2090 Executive Hall Drive Suite 140 Charleston, SC 29407		DD190279			
Pay Date		Start Period		End Period	
5/11/2012		4/27/2012		5/4/2012	
Earnings					
Description	Rate	Hours	Amount	Pay D	Amount
Hourly Pay	\$9.10	33.00	\$300.30		\$855.41
Total:		33.00	\$300.30		\$855.41
Payroll Deductions			Taxes		
Description	Amount	Code	Description	Amount	Code
			FED	\$21.28	\$19.83
			SS	\$12.62	\$35.93
			MED	\$4.35	\$12.40
			SC	\$7.06	\$14.37
Total:		\$0.00	\$0.00	Total:	\$56.34
Total:			\$0.00	\$0.00	\$82.58
Payroll Benefits			Net Wage Amounts		
Description	Amount	Code	Net wages/period		
			Net wages YTD	\$772.88	
Total:		\$0.00	\$0.00		
Direct Deposit Information			Miscellaneous		
Bank	Account	Amount			
Total:					

McDaniel, John C.
700 Ellis Drive
Apartment apt #5104
Charleston, SC 29412

State Legal - 05/24/2012 - 0411.00021048 - UH58449 -

Career Employment Professionals, Inc. 2099 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement			
		DD189928			
		Start Period	End Period		
		5/4/2012	4/20/2012	4/27/2012	
Earnings					
Description	Rate	Hours	Amount	YTD Amount	YTD Hours
Hourly Pay	\$9.10	17.75	\$161.53	\$555.11	
Total:		17.75	\$161.53	\$555.11	
Payroll Deductions			Taxes		
Description	Rate	Amount	Description	Rate	Amount
			FED		\$0.00
			SS		\$6.78
			MED		\$2.34
			ec		\$1.32
Total:		\$0.00	\$0.00	Total:	\$10.44
Payroll Benefits			Net Wage Amounts		
Description	Rate	Amount	Net wages/period		\$151.09
Total:			Net wages YTD		\$507.80
Total:			Total:		
Total:			Total:		
Direct Deposit Information			Miscellaneous		
Bank Name	Account Number	Routing Number			
Total:					

McDaniel, John C.
700 Ellis Drive
Apartment apt #5104
Charleston, SC 29412

State Legal - 05/07/2012 - 041100021048 - UHS8196

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement DD187333		
Pay Date	Start Period	End Period		
6/13/2012	5/30/2012	6/6/2012		
Earnings				
Description	Rate	Hours	Amount	YTD Amount
Hourly Pay	\$9.10	13.25	\$120.58	\$120.58
Total:		13.25	\$120.58	\$120.58
Payroll Deductions				
Description	Rate	Hours	Amount	YTD Amount
FED			\$0.00	\$0.00
SC			\$5.06	\$5.06
MED			\$1.75	\$1.75
SC			\$0.40	\$0.40
Total:		\$0.00	\$0.00	\$7.21
Net Wage Amounts				
			Net wages/period	\$119.37
			Net wages YTD	\$113.37
Total:		\$0.00	\$0.00	
Direct Deposit Information				
Bank Name	Account Number	Routing Number	Amount	Miscellaneous
Total:				

McDaniel, John D.
700 Ellis Drive
Apartment apt 15104
Charleston, SC 29412

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement DD187911			
		Start Date	End Date	Period	Pay Period
		4/20/2012	4/19/2012		4/19/2012
Earnings					
Description	Rate	Hours	Amount	YTD Amount	Period
Hourly Pay	\$9.10	30.00	\$273.00		\$393.68
Total:		30.00	\$273.00		\$393.68
Payroll Deductions					
Description	Rate	Hours	Amount	YTD Amount	Period
			FED	\$8.55	\$8.55
			SB	\$11.47	\$16.53
			MED	\$3.96	\$5.71
			SC	\$5.59	\$5.99
Total:		\$0.00	\$0.00	\$28.57	\$36.78
Payroll Benefits					
Description	Rate	Hours	Amount	YTD Amount	Period
			Net wages/period		\$243.43
			Net wages YTD		\$356.80
Total:		\$0.00	\$0.00		
Direct Deposit Information				Miscellaneous	
Bank Name	Account Number	Routing Number	Amount		
Total:					

McDaniel, John C.
700 ellis drive
apartment apt #5104
Charleston, SC 29412

06/11/2012

Jun-11-2012 02:36 PM United Heart 7045544773

State Legal - 05/24/2012 - 041100021048 - UH58449

Week Monday-Friday	Location	Hourly Wage	Hours	Pay Stub	Quarter April-June	Quarter July-Sept	Quarter Oct-Dec Not staffed
5/9/11-5/13/11	Ben Arnold	11.5	35.5	408.25	Started May	559.19	October
5/15/11-5/20/11	Ben Arnold	11.5	42	494.5		382.38	
5/23/11-5/27/11	Ben Arnold	11.5	43.25	516.06		675.63	
5/30/11-6/3/11	Ben Arnold	11.5	42.25	498.81		649.75	
6/6/11-6/10/11	Ben Arnold	11.5	44.75	541.94		684.25	
6/13/11-6/17/11	Ben Arnold	11.5	42.25	498.91		554.88	
6/20/11-6/24/11	Ben Arnold	11.5	44.25	533.31		481.56	
6/27/11-7/1/11	Ben Arnold	11.5	46	563.5		520.38	
7/4/11-7/8/11	Ben Arnold	11.5	45.75	559.19		520.38	
7/11/11-7/15/11	Ben Arnold	11.5	33.25	382.38		402.5	
				503.13 &			
7/18/11-7/22/11	Ben Arnold	11.5	52.5	172.50		336.38	
7/25/11-7/29/11	Ben Arnold	11.5	51	649.75		554.88	
8/1/11-8/5/11	Ben Arnold	11.5	53	684.25		593.69	
8/8/11-8/12/11	Ben Arnold	11.5	45.5	554.88		6395.47	
8/15/11-8/19/11	Ben Arnold	11.5	41.25	481.56			
8/22/11-8/26/11	Ben Arnold	11.5	43.5	520.38			
8/29/11-9/2/11	In Texas	0	0	0			
9/5/11-9/9/11	Ben Arnold	11.5	35	402.5			
9/12/11-9/16/11	Ben Arnold	11.5	29.25	336.38			
9/19/11-9/23/11	Ben Arnold	11.5	45.5	554.88			
9/26/11-9/30/11	Ben Arnold	11.5	47.75	593.69			
10/3/11-10/7/11	Not Staffed	0	0	0			
10/10/11-10/14/11	Not Staffed	0	0	0			
10/17/11-10/21/11	Not Staffed	0	0	0			
10/24/11-10/28/11	Not Staffed	0	0	0			
10/31/11-11/4/11	Not Staffed	0	0	0			

no wages:

Not Staffed Mon 11/7-Thurs 11/10: Staffed
11/7/11-11/11/11 Friday 11/11/11 Revere Building 13 9 117
11/14/11-11/18/11 Revere Building Supply 15 45 627.25
Monday 11/21/11 Injured Revere Building Supply 13 8 104

Employee Pay Summary

Employee ID: 000017ZC

SSN: XXX-XX-7462

Name: Mcdaniel, John Christopher

Period: 1/1/2011 to 8/6/2012

Week Ending	Check Date	Check Number	Gross Pay	FICA W/H	Fed. W/H	State W/H	Local W/H	Other Ded.	Net Pay	Misc Pay	Reg Hrs.	OT Hrs.
5/13/2011	5/20/2011	DD154926	408.25	23.07	25.66	13.76	0.00	0.00	345.76	0.00	35.50	0.00
5/20/2011	5/27/2011	DD155540	494.50	27.94	38.60	19.19	0.00	0.00	408.77	0.00	40.00	2.00
5/27/2011	6/3/2011	DD156102	516.06	29.15	41.83	20.66	0.00	0.00	424.42	0.00	40.00	3.25
6/3/2011	6/10/2011	DD156726	498.81	28.19	39.24	19.46	0.00	0.00	411.92	0.00	40.00	2.25
6/10/2011	6/17/2011	DD157399	541.94	30.61	45.71	22.47	0.00	0.00	443.15	0.00	40.00	4.75
6/17/2011	6/24/2011	DD157940	498.81	28.19	39.24	19.46	0.00	0.00	411.92	0.00	40.00	2.25
6/24/2011	7/1/2011	DD158683	533.31	30.13	44.42	21.87	0.00	0.00	436.89	0.00	40.00	4.25
7/1/2011	7/8/2011	DD159289	563.50	31.84	48.95	23.98	0.00	0.00	458.73	0.00	40.00	6.00
7/8/2011	7/15/2011	DD159908	559.19	31.59	48.50	23.68	0.00	0.00	455.62	0.00	40.00	5.75
7/15/2011	7/22/2011	DD160625	382.38	21.60	21.78	12.13	0.00	0.00	326.87	0.00	33.25	0.00
7/22/2011	7/29/2011	DD161216	503.13	28.43	39.89	19.76	0.00	0.00	415.05	0.00	40.00	2.50
7/22/2011	8/5/2011	DD161791	172.50	9.75	0.00	1.62	0.00	0.00	161.13	0.00	0.00	10.00
7/29/2011	8/5/2011	DD161870	649.75	36.71	61.89	30.02	0.00	0.00	521.13	0.00	40.00	11.00
8/5/2011	8/12/2011	DD162379	684.25	38.66	67.06	32.44	0.00	0.00	546.09	0.00	40.00	13.00
8/12/2011	8/19/2011	DD163042	554.88	31.35	47.66	23.38	0.00	0.00	452.49	0.00	40.00	5.50
8/12/2011	8/19/2011	DD163042	554.88	31.35	47.66	23.38	0.00	0.00	452.49	0.00	40.00	5.50
8/19/2011	8/26/2011	DD163752	481.56	27.21	36.66	18.38	0.00	0.00	399.31	0.00	40.00	1.25
8/26/2011	9/2/2011	DD164385	520.38	29.40	42.48	20.97	0.00	0.00	427.53	0.00	40.00	3.50
9/9/2011	9/16/2011	DD165697	402.50	22.74	24.80	13.40	0.00	0.00	341.56	0.00	35.00	0.00
9/9/2011	9/16/2011	DD165697	402.50	22.74	24.80	13.40	0.00	0.00	341.56	0.00	35.00	0.00
9/16/2011	9/23/2011	DD166341	336.38	19.01	15.37	9.23	0.00	0.00	292.77	0.00	29.25	0.00
9/16/2011	9/23/2011	DD166341	336.38	19.01	15.37	9.23	0.00	0.00	292.77	0.00	29.25	0.00
9/23/2011	9/30/2011	DD166831	554.88	31.35	47.66	23.38	0.00	0.00	452.49	0.00	40.00	5.50
9/23/2011	9/30/2011	DD166831	554.88	31.35	47.66	23.38	0.00	0.00	452.49	0.00	40.00	5.50
9/30/2011	10/7/2011	DD167588	593.69	33.54	53.48	26.10	0.00	0.00	480.57	0.00	40.00	7.75
9/30/2011	10/7/2011	DD167588	593.69	33.54	53.48	26.10	0.00	0.00	480.57	0.00	40.00	7.75
11/11/2011	11/18/2011	DD171776	117.00	6.61	0.00	0.34	0.00	0.00	110.05	0.00	9.00	0.00
11/11/2011	11/18/2011	DD171776	117.00	6.61	0.00	0.34	0.00	0.00	110.05	0.00	9.00	0.00
11/18/2011	11/25/2011	DD172267	627.25	35.45	58.51	28.45	0.00	0.00	504.84	0.00	40.00	5.50
11/18/2011	11/25/2011	DD172267	627.25	35.45	58.51	28.45	0.00	0.00	504.84	0.00	40.00	5.50
11/25/2011	12/2/2011	DD172978	104.00	5.86	0.00	0.10	0.00	0.00	98.04	0.00	8.00	0.00
11/25/2011	12/2/2011	DD172978	104.00	5.86	0.00	0.10	0.00	0.00	98.04	0.00	8.00	0.00
4/6/2012	4/13/2012	DD187333	120.58	6.81	0.00	0.40	0.00	0.00	113.37	0.00	13.25	0.00
4/6/2012	4/13/2012	DD187333	120.58	6.81	0.00	0.40	0.00	0.00	113.37	0.00	13.25	0.00
4/13/2012	4/20/2012	DD187911	273.00	15.43	8.55	5.59	0.00	0.00	243.43	0.00	30.00	0.00
4/13/2012	4/20/2012	DD187911	273.00	15.43	8.55	5.59	0.00	0.00	243.43	0.00	30.00	0.00
4/27/2012	5/4/2012	DD189428	161.53	9.12	0.00	1.32	0.00	0.00	151.09	0.00	17.75	0.00
4/27/2012	5/4/2012	DD189428	161.53	9.12	0.00	1.32	0.00	0.00	151.09	0.00	17.75	0.00
5/4/2012	5/11/2012	DD190279	300.30	16.97	11.28	7.06	0.00	0.00	264.99	0.00	33.00	0.00
5/4/2012	5/11/2012	DD190279	300.30	16.97	11.28	7.06	0.00	0.00	264.99	0.00	33.00	0.00
5/11/2012	5/18/2012	DD191095	186.55	10.54	0.00	2.02	0.00	0.00	173.99	0.00	20.50	0.00
5/11/2012	5/18/2012	DD191095	186.55	10.54	0.00	2.02	0.00	0.00	173.99	0.00	20.50	0.00
5/22/2012	5/25/2012	1068	129.68	7.33	0.00	0.57	0.00	0.00	121.78	0.00	14.25	0.00
5/22/2012	5/25/2012	1068	129.68	7.33	0.00	0.57	0.00	0.00	121.78	0.00	14.25	0.00
5/18/2012	5/25/2012	DD191909	191.10	10.80	0.36	2.19	0.00	0.00	177.75	0.00	21.00	0.00
5/18/2012	5/25/2012	DD191909	191.10	10.80	0.36	2.19	0.00	0.00	177.75	0.00	21.00	0.00
5/25/2012	6/1/2012	DD192666	279.83	15.81	9.23	5.96	0.00	0.00	248.83	0.00	30.75	0.00
5/25/2012	6/1/2012	DD192666	279.83	15.81	9.23	5.96	0.00	0.00	248.83	0.00	30.75	0.00
6/1/2012	6/8/2012	DD193554	232.05	13.10	4.46	3.71	0.00	0.00	210.78	0.00	25.50	0.00
6/1/2012	6/8/2012	DD193554	232.05	13.10	4.46	3.71	0.00	0.00	210.78	0.00	25.50	0.00

F20

11/21/11 - DOA

2017-ROA-0947

F20

8/6/2012 5:18:24PM

Employee Pay Summary

Employee ID: 0000172C
 SSN: XXX-XX-7462
 Name: McDaniel, John Christopher
 Period: 1/1/2011 to 8/6/2012

EM020
 Branch: CHS Light Industrial

Week Ending	Check Date	Check Number	Gross Pay	FICA W/H	Fed. W/H	State W/H	Local W/H	Other Ded.	Net Pay	Misc Pay	Reg Hrs.	OT Hrs.
6/8/2012	6/15/2012	DD194521	302.58	17.10	11.51	7.19	0.00	0.00	266.78	0.00	33.25	0.00
6/15/2012	6/22/2012	DD195372	302.58	17.10	11.51	7.19	0.00	0.00	266.78	0.00	33.25	0.00
6/22/2012	6/29/2012	DD195965	302.58	17.09	11.51	7.19	0.00	0.00	266.79	0.00	33.25	0.00
			14,081.26	795.58	957.60	494.62	0.00	0.00	11,833.46	0.00	1,135.75	96.00

2017-ROA-0948

Employee Master Dossier Report

MASTER INFORMATION

Employee ID : 0000172C
Salutation :
First Name : John
Middle Name : Christopher
Last Name : Mcdaniel
Nickname :
Classification : Normal
Service Area : Light Industrial-eligible
Specialty :

Residence Address :
Address 1 : 700 ellis drive
Address 2 : Apartment apt #5104
City/State : Charleston / South Carolina
Postal Code : 29412
County : Charleston
Country : United States

Placement Information :
Temporary : Yes
Career : Yes
Temporary To Hire : Yes
Contract : Yes
Other : No

Control Information :
Branch : Light Industrial
User Owner : Entake Charleston
Status : Active
Approved : Yes

Internet :
PIN :
Email : jmcdaniell1982@gmail.com
WWW :
WWW Other : jmcdaniell1982@gmail.com

Mailing Address :
Address 1 : 700 ellis drive
Address 2 : Apartment apt #5104
City/State : Charleston / South Carolina
Postal Code : 29412
County : Charleston
Country : United States

How To Contact :
Phone : (843) 425-3000
Cell Phone :
Facsimile :

Source Information :
Source : Entake - Open Application
Source Date : 5/9/2011 12:54 PM
Source Comment :

Custom companies : Ben Arnold
A/I : +/+
Emergency # : 8435322921 (Elizabeth Dale-girlfriend)

AVAILABILITY

First Date Available : 7/24/2012
Last Date Available :
Wage/Salary Required : 11.5000 23920.0000
Hour Preference : 40
Travel Distance : 30
Transportation : Always available
Notice Required : Same Day
Assignment Duration : Not Investigated
Overtime : Yes
Layoff : No
Student : No

Monday : First and Second Shift
Tuesday : First and Second Shift
Wednesday : First and Second Shift
Thursday : First and Second Shift
Friday : First and Second Shift
Saturday : First and Second Shift
Sunday : First and Second Shift

Area Pref : Tri County
Equip Owned :

Comment :

APPLICATION

Application Date : 5/9/2011
Recruiting Source : Employee Referral
Recruiting Source ID : Elizabeth Dale
Smoking Acceptable : No

Lifting Ability : Not Investigated
(user-defined) :
(user-defined) :
(user-defined) :

Driver License Number : 102114628

State : South Carolina

Drug Test : Yes
Willing To Take : Yes
Date/Result : 5/10/2011 Negative - No Substance found

Details :

Conviction Date Month/Year :
City : State :

Offense Details : Checked no Pulled 05/10/2011Chas-clear Berk-clear Dorch-clear
National-clear

Bonding : No
Past Bonding : No
Submission Date :

Details :

Page 1 (Confidential Information) 8/5/2012



ATTORNEYS AT LAW

Reply To
CATHERINE C. MULLINS
Direct Dial: (843) 576-2948
catherine.mullins@mgclaw.com
CHARLESTON

October 19, 2012

Via US mail & Email
Thomas M. White, Esquire
The Steinberg Law Firm, L.L.P.
Post Office Box 1028
Goose Creek, South Carolina 29445

RE: John McDaniel v. Career Employment Professionals d/b/a Snelling Staffing Services and
United Wisconsin Insurance Company c/o United Heartland
Date of Accident: November 21, 2011
WCC File No.: 1116275
Our File No.: 20638.12027
Claim No.: 041100021048

Dear Mr. White:

This letter will confirm that we have made arrangements for John McDaniel to see Edward M. Tavel, M.D. at Pain Specialists of Charleston, LLC for a medical evaluation. The appointment has been scheduled for Tuesday, October 30, 2012, at 10:45 am in his office at 2791 Tricom Street N. Charleston South Carolina 29406. I would appreciate it if you would advise your client of this appointment and ensure his attendance at the appropriate time. *Also, please be sure that your client brings any diagnostic films to this appointment.*

Should you have any questions or comments, please do not hesitate to call. Thank you for your assistance in this matter.

Very truly yours,

Catherine C. Mullins
Paralegal to R. Mark Davis

/ccm
cc:

Nicole Service, United Heartland (via email)
Edward M. Tavel, M.D., Pain Specialists of Charleston, LLC

CHARLESTON | COLUMBIA | GREENVILLE | CHARLOTTE | RALEIGH | MYRTLE BEACH
735 JOHNNIE DODDS BLVD, SUITE 200 POST OFFICE BOX 650007 MT. PLEASANT, SC 29465 843-576-2900 PHONE 843-534-0605 FAX
WWW.MGCLAW.COM

2017-ROA-0951

From: john mcdaniel <jmcdaniel1982@gmail.com>
Sent: Monday, December 02, 2013 10:18 PM
To: Allison Nussbaum; Gary Cannon; Virginia Crocker; WCC Appeals; aroche@wcc.sc.gov; klove@wcc.sc.gov; bcheeseboro@wcc.sc.gov; sbarden@wcc.sc.gov; klindler@wcc.sc.gov; emccaskill@wcc.sc.gov
Subject: Proposed Findings of Fact RE:SCWCC file #1116275
Attachments: proposed-findings.docx

To all concerned,

Please see attached proposed findings of fact to be included in the full commission order. This was instructed to be drafted by defendants council within 30 days of receipt of the request for a proposed order which was transmitted to defendants on October 31, 2013. Claimant recieved this request on November 1, 2013.

Today, December 2, 2013 is the last day to respond to this request. As of now, Claimant is not in receipt of defendants' draft of the proposed order. Being such, I have attached proposed findings of fact to be included whenever Ms. Nussbaum gets around to drafting the order. (I mean she won't facilitate my medications or medical care so why should I think this would have been done timely)

These findings of fact are mandated by law to be addressed as the full commission is an administrative agency and the ultimate fact finder in these cases.

Sincerely,
John C. McDaniel

----- Forwarded message -----

From: "john mcdaniel" <jmcdaniel1982@gmail.com>
Date: Aug 30, 2013 4:44 PM
Subject: Proposed Findings of Fact RE:SCWCC file #1116275
To: <keroberts@wcc.sc.gov>, "Allison Nussbaum" <allison.nussbaum@mgclaw.com>

Mr. Roberts please find attached proposed findings of fact. Let me know if you have any questions. Thank you
John McDaniel

South Carolina Workers Compensation Commission
W.C.C. File No: 1116275

John McDaniel	}	
employee	}	
Claimant	}	
	}	
Snelling Staffing Services	}	Claimants proposed findings of fact
employer	}	
	}	
And	}	
	}	
United Wisconsin Insurance Company c/o	}	
United Heartland	}	
Carrier	}	
	}	
Defendant	}	

1. Claimant properly served a subpoena for Nicole Service to attend the hearing on July 8, 2013, as well as to produce any and all records relating to SCWCC claim #1116275.
2. Claimant properly served a subpoena for Jim Pascutti to attend the hearing on July 8, 2013, relating to SCWCC claim #1116275.
3. Claimant properly served a subpoena for Angela Baldwin to attend the hearing on July 8, 2013, relating to SCWCC claim #1116275.
4. Nicole Service did not attend the hearing.
5. Jim Pascutti did not attend the hearing.
6. Angela Baldwin did not attend the hearing.
7. Dan Cobb's testimony was incorrect in such that average overtime worked by Jarod Lampkin was not between 2 and 10 hours per week (as testified) but rather 5 to 21 hours per week (Lampkin's Pay records).
8. No records reflected in the subpoena were produced at the hearing.
9. There is evidence of late payments of TTD and TPD by the defendants.
10. The first check paid to claimant has a received date stamp on it reflecting it was received 12/27/11, this is over one month after claimants injury 11/21/11.

11. There is no record of payment of the mandatory increase in compensation of 10% for the period of benefits from 11/22/11 till 12/02/11.
12. Alside Revere's hours of operation are from 7 a.m. till 4 p.m. Monday through Friday (45 hours).
13. \$13 an hour, paid for a 40 hour work week equals \$520.
14. During the 20 weeks reflected on the Form 20 Claimant worked on average 3.086 hours of overtime.
15. 43.086 (hours paid at 11.50 an hour would equal $(40*11.5=460) + (3.086*17.25=53.23) =$ \$513.23.
16. Check dated 10/7/11 shows claimant had earned \$10,450.65 through the period ending 9/30/11.
17. Claimant's wages of \$10,450.65 was paid with 21 checks.
18. 20 of 21 checks reflect an "hourly pay" rate of \$11.50 an hour with the exception being check dated 8/5/2011, this reflects an "hourly pay" rate of \$0.00 an hour. (APA p.72)
19. The check that reflects an "hourly pay" rate of \$0.00 also includes ten hours paid at an "overtime pay" rate of \$17.25 an hour. (APA p.72)
20. Two checks reflect a pay date of 8/5/2011. (APA p.72-73)
21. The Two checks dated 8/5/2011 indicate wages for two different periods of time. (APA p.72-73)
22. The wages earned for the week of 7/15/11 through 7/22/11 were distributed in two different checks.(APA p.71-72)
23. Claimant did not work the period of 8/29/11 through 9/02/11. (APA p.118)
24. $\$10450.65$ divided by 21 weeks equals \$497.65.
25. $\$10450.65$ divided by 20 weeks equals \$522.53.
26. The current Form 20 indicates claimant earned through 9/30/11 \$9,856.96 over a 20 week period equaling an average of \$492.85.

27. The Form 20 and the pay records do not match.
28. The hearing commissioner determined the Form 20 is applicable and its math is correct.
29. Wages earned at Alside Revere are not included in the determination of Claimants AWW.
30. Claimant was injured at Alside Revere.
31. The "Employee Pay Summary" for Wayne Atkins indicates week ending 4/8/11 the wages paid were for 8 hours.
32. The above referenced check (check # 186808) was calculated as a full week in the determination of Atkins average wage.
33. The "Employee Pay Summary" for Wayne Atkins indicates a pay rate of \$8 an hour the last week of his employment (week ending 7/15/11).
34. During the above referenced week Wayne Atkins worked 45 hours (check # 192500).
35. Wayne Atkins average wage determination in regards to the above week relies on gross earnings and not on hours worked multiplied by his normal wage.
36. The result of the above equate to wages his last week of employment equal to \$344.35 (\$8 an hour x 45 hours) instead of \$606.25 (\$13 an hour x 45 hours).
37. The "Employee Pay Summary" for Wayne Atkins reflects three additional weeks in which hours worked were less than 40 hours.
38. The above weeks are accounted for in the determination of Wayne Atkins average wage as full weeks.
39. Wayne Atkins average wage was determined by dividing his gross pay (\$7,603.24) by paychecks received (15 checks) resulting in an average wage of \$506.88 (which is equal to less than 40 hours a week at \$13 an hour).
40. Over the period Atkins worked for Alside Revere he earned 35.25 hours of overtime.
41. 35.25 hours of overtime over a 15 week period results an average overtime worked of 2.35 hours per week.

42. No partial weeks or wage reductions are accounted for in the determination of Wayne Atkins average wage.
43. Alvin Clarke worked a partial week the week ending 7/29/11 (32 hours worked).
44. Alvin Clark worked a partial week ending 11/11/11 (8 hours worked).
45. Alvin Clark's average wage accounts both of the above weeks as full weeks.
46. Alvin Clark worked less than 40 hours on five other checks (check numbers 195610, 197218, 197725, 199271, 200533).
47. Alvin Clark's average wage was determined by dividing gross pay (\$8,534.51) by number of checks (16) and equates to \$533.41 (which is equal to less than 2 hours of overtime).
48. Alvin Clark worked 50.50 hours of overtime over a 16 week period, this results in an average overtime per week of 3.16 hours.
49. Alvin Clark's wage determination does not take into account any partial weeks.
50. Jarod Lampkin's average wage was determined by dividing gross pay (\$8,040.52) by number of checks received (13) which equates to \$618.50 (which is equal to approx. 5 hours of overtime per week.)
51. Jarod Lampkin worked 78 hours of overtime over 13 weeks resulting in 6 hours of overtime per week on average.
52. Jarod Lampkin worked a partial week the week ending 11/25/11 (32 hours).
53. Jarod Lampkin worked a partial week the week ending 2/17/12 (31 hours).
54. Jarod Lampkin's wage determination does not take into account any partial weeks.
55. The record of payments received by claimant for TTD did not fall on the same day of the week.
56. The record is absent of medical records that have been part of the evidence attempted to be submitted by the Claimant.
57. Claimant was denied ability to move to compel medical treatment at the hearing.
58. Claimant's motion for penalties was not addressed at the hearing.

59. There is no evidence that suggests claimant has lied to his physicians.
60. There is no evidence that suggests the claimant is an illegal alien.
61. There is no evidence that suggests claimant is no longer disabled.
62. There is no evidence that suggests claimant has declined work.
63. The Claimant is a credible witness.
64. Claimant attempted to submit records at the hearing.
65. Claimant was denied opportunity to present these records.
66. Claimant's records were not inspected by the hearing commissioner.
67. Claimant was not offered opportunity to submit an offer of proof for these records.
68. There is no evidence that suggests the jobs provided to claimant, after injury, by Snelling staffing were available to the public.
69. The job provided for the claimant at Snelling's Office was benevolent in nature.
70. The job provided for the claimant at Barnwell, Whaley, Patterson and Helms was benevolent in nature.
71. Twice in the month of November, 2012 defendants delayed the first hearing.
72. Defendants did not file the application to suspend benefits until 9/17/12; this is over one month after Dr. Ohlson's MMI report dated 8/13/12.
73. Dr. Olson initially recommended and prescribed Physical Therapy on 1/9/12.
74. Claimant's first visit to Physical Therapy was on 2/27/13.
75. Dr. Olson initially recommended and prescribed wound debridement/therapy on 1/27/12.
76. The Form 20 used in calculating claimants AWW reflects a wage lower than Lampkin, Clark or Atkins.
77. The Claimant attempted to facilitate wound treatment and physical therapy.

78. The Claimant's recovery was hindered due to the gross delay in approving physical therapy.
"Potential barriers to patient's ability to reach maximum rehab potential: delayed attendance to PT" (RCC report dated 2/27/12)
79. Physical therapy was delayed for a second period from 4/10/12 till 5/1/12.
80. The Claimant informed Dr. Olson of his continuing attempt to facilitate wound therapy during and prior to the follow up visit 4/2/12.
81. The wound therapy, as recommended and prescribed by Dr. Olson, was never approved and/or denied by United Heartland.
82. Claimant walks with a severe limp.
83. Claimant's physical work restrictions diminish his employment options.
84. Claimant has a limited skill set.
85. The Claimant discussed the decision to not proceed with surgery with Dr. Olson on 5/14/12.
86. Dr. Olson explained that surgery was not feasible if his wound was open. (See attached report dated 5/14/12)
87. Dr. Olson's reported dated 4/2/2012 states that there is no longer need for wound therapy.
88. Rehabilitation Centers of Charleston's physical therapy notes from 6/26/12 state that the wound is nearly healed.
89. The Claimant's wound remained open at least until 6/26/12 resulting in Dr. Olson not proceeding with surgery as stated in RCC records and Dr. Olson's medical reports.
90. Dr. Olson's report dated 5/14/12 recommends and prescribes Chronic Pain Management.
91. The Claimant attempted to facilitate and receive Chronic Pain Management as prescribed by Dr. Olson.
92. The Claimant first received Chronic Pain Management on 10/30/12.
93. Dr. Ohlson first recommended and prescribed orthotics on 7/2/12. United Heartland delayed approval of this until, on or after, 11/1/12.

94. The record contains evidence to the carrier has failed to provide medical care as directed.
95. The Department of Insurance has not been notified of the defendants' failure to authorize and pay benefits for medical treatment, specifically wound care treatment prescribed by Dr. Ohlson on 1/27/12.
96. Although accusations of insurance fraud were made by claimant, this has not been reported to the Attorney General's office or the Department of Insurance.

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723



WCC File #: 1116275
Carrier File #: 041100021048
March 29, 2013

NOTICE OF APPELLATE HEARING

JOHN MCDANIEL v CAREER EMPLOYMENT PROFESSIONAL

Subject: Set on Review.
Date: 04/16/13 at 03:30 PM
Location: South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29201

South Carolina Regulations 67-701 through 67-711 govern appeals before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Briefs are due according to prior notice and are governed by Regulation 67-705. For questions regarding this matter, please visit eCase Status at www.wcc.sc.gov or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5739 or appeals@wcc.sc.gov.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by certified mail.

By: Eugenia Hollmon, SC Workers' Compensation, March 29, 2013

Party

Employee: JOHN MCDANIEL

Employer: CAREER EMPLOYMENT PROFESSIONAL
Carrier: United Wisconsin Insurance Company

Attorney

Thomas M. White
twhite@steinberglawfirm.com
843-572-0700

R. Mark Davis
mdavis@mgclaw.com
843-576-2782

MBC COPY



ATTORNEYS AT LAW

Reply To
R. MARK DAVIS
Direct Dial: (843) 576-2782
mdavis@mgclaw.com
CHARLESTON

November 5, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Commissioner Melody L. James
S. C. WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202-1715

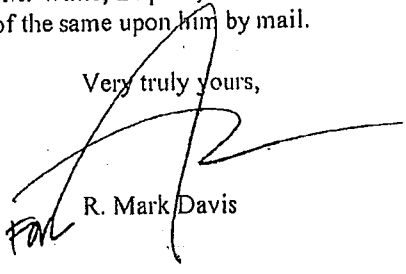
RE: John McDaniel v. Career Employment Professionals d/b/a Snelling Staffing Services and
United Wisconsin Insurance Company c/o United Heartland
Date of Accident: November 21, 2011
WCC File No.: 1116275
Our File No.: 20638.12027
Claim No.: 041100021048

Dear Commissioner James:

Please find enclosed our Pre-Hearing Brief and Notice of Witnesses and Written Medical Reports for filing in the above captioned matter.

By copy of this letter to Thomas M. White, Esquire, the claimant's attorney, we are notifying him of these submissions and serving copies of the same upon him by mail.

Very truly yours,


R. Mark Davis

RMD/gem
Enclosures

cc: Thomas M. White, Esquire, The Steinberg Law Firm, L.L.P.
Nicole Service, United Heartland

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5739
www.wcc.sc.gov



PRE-HEARING BRIEF
WCC File No: 1116275

John McDaniel 458-99-7462
Claimant's Name SSN
700 Daniel Ellis Drive
Charleston, South Carolina 29412
Address City State Zip
Home Phone #
Work Phone #
R. Mark Davis
Preparer's Name

Snelling Staffing Services
Employer's Name
702 Mall Boulevard
Savannah, Georgia 31406
Address City State Zip
United Wisconsin Insurance Company c/o United Heartland
Insurance Carrier
(843) 576-2782
Phone Number

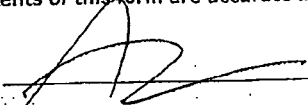
A claim for workers' compensation benefits is made based on the following grounds:

Injury Illness Repetitive Trauma

1. Comp. Rate: \$328.58
2. AWW: \$ 492.85 Date of Injury November 21, 2011
3. Type of injury and body part(s): left foot.
4. Facts in controversy: This is an admitted claim involving the left foot. Claimant was released to maximum medical improvement by the authorized treating physician, Dr. Blake Ohlson, on August 13, 2012. Upon his release, Dr. Ohlson recommended pain management to assess the Claimant's ongoing pain complaints. Also, Dr. Ohlson released the Claimant to return to work with specific work restrictions. Based on Dr. Ohlson's recommendation for pain management, Defendants arranged and Claimant attended an appointment with Dr. Edward M. Tavel on October 30, 2012. Defendants have requested and are awaiting Dr. Tavel's report. Claimant contests the determination of the average weekly wage and corresponding compensation rate. Defendants assert that future earnings asserted by the Claimant are based on surmise, conjecture, and speculation. Defendants contend they have paid and are paying the correct TTD and TPD rate based on the average weekly wage identified on the Form 20.
5. Legal Issues involved: See No. 4 above.
6. Unusual aspects: Defendants have requested Dr. Tavel's report from October 30, 2012, and will submit upon receipt. Also, Claimant has filed a Motion to Compel seeking income information from a similar employee indicated on the Form 20. Claimant served a subpoena directly on Defendants for records from Alside Revere. Defendants have notified Claimant that Alside Revere is not our client; therefore, we are unable to respond to this request. Defendants have instructed Claimant to serve the subpoena under the South Carolina Rules of Civil Procedure directly on Alside Revere.
7. Witnesses (designate if expert): Claimant, Jim Pascutti, Dan Cobb, and/or other representatives of the Employer may be called to testify.
8. Exhibits: Exhibit (A) Claimant's wage records, 13 pages; Exhibit (B) Correspondence to Claimant's attorney dated 10/19/12, 1 page.
9. Medical evidence: (Indicate report pursuant to R.67-612; deposition or appearance) Defendants have requested and will submit Dr. Ohlson's Physician's Statement, Form 14-B, upon receipt.
10. Name, address, and specialty, if any, of the treating physician: Blake L. Ohlson, M.D. (orthopedist), Orthopaedic Specialists of Charleston, 2093 Henry Tecklenburg Drive, Suite 200, Charleston, South Carolina, 29414.
11. Impairment rating(s); body part(s); physician and date of opinion: 15 percent to left lower extremity, additional 2 percent for ankylosis of the fifth toe, Dr. Ohlson, August 13, 2012.
12. I am amending my Form 50/51 in the following manner: N/A

I verify the contents of this form are accurate and true to the best of my knowledge.

SIGNATURE

 For RMD

Email: mdavis@mgclaw.com

DATE OF HEARING: November 15, 2012

Time needed for hearing: 1 hour

On behalf of Claimant Employer

File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports.
Commissioners reserve the right to admit expert witnesses at hearings.

WCC FORM # 58 REV. DATE 9/07

58

PRE-HEARING BRIEF

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1116275

JOHN MCDANIEL,

Employee,

Claimant,

vs.

SNELLING STAFFING SERVICES,

Employer,

AND

UNITED WISCONSIN INSURANCE
COMPANY C/O UNITED HEARTLAND,

Carrier,

Defendants.

**NOTICE OF WITNESSES AND
WRITTEN MEDICAL REPORTS
TO BE INTRODUCED AS
DIRECT EVIDENCE ON BEHALF
OF DEFENDANT**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND THOMAS
M. WHITE, ESQUIRE:

YOU ARE NOTIFIED that the Defendants, pursuant to the provisions of the South
Carolina Workers' Compensation Act and Section 1-23-330 of the South Carolina Code of Laws
(Cuni. Supp. 1988) submit the following medical records and other documents as evidence:

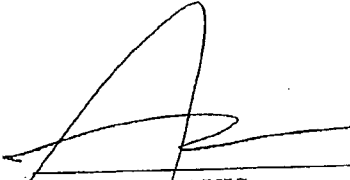
EXHIBIT	DESCRIPTION	DATES	PAGES
A.	Claimant's wage records		13 pages
B.	Correspondence to Claimant's attorney	10/19/12	1 page

YOU ARE FURTHER NOTIFIED that you have the right to cross-examine or otherwise
oppose this evidence and, should you desire to exercise this right, you are to promptly schedule

the eposition of any provider whose records are submitted, for the purposes of cross-examination, or otherwise promptly submit opposing medical records into evidence.

YOU ARE FURTHER NOTIFIED that these records, or photocopies of the same, will be provided to the South Carolina Workers' Compensation Commission for insertion in their file and for consideration as evidence on behalf of the Defendants.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the Defendants: Claimant, Jim Pascutti, Dan Cobb, and/or other representatives of the Employer.


Fm/ R. MARK DAVIS
MCANGUS GOUDELOCK & COURIE, L.L.C.
Post Office Box 650007
735 Johnnie Dodds Blvd, Suite 200
Mt. Pleasant, South Carolina 29465
(843) 534-0101
Attorneys for the Employer/Carrier

Charleston, South Carolina
November 5, 2012



SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1116275

ATTORNEYS AT LAW

JOHN MCDANIEL,

Employee,

Claimant,

vs.

SNELLING STAFFING SERVICES,

Employer,

AND

UNITED WISCONSIN INSURANCE COMPANY
C/O UNITED HEARTLAND,

Carrier,

Defendants.

CERTIFICATE
OF
SERVICE

The undersigned certifies that she is an employee at MCANGUS GOUDELCK & COURIE. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Thomas M. White, Esquire
The Steinberg Law Firm, L.L.P.
Post Office Box 1028
Goose Creek, South Carolina 29445

S. C. WORKERS' COMPENSATION
COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202-1715

DOCUMENT: Pre-Hearing Brief and Notice of Witnesses and Written
Medical Reports

DATE OF MAILING: November 5, 2012

Gayle C. McDaniel
Legal Assistant to R. Mark Davis

State Legal - 06/04/2012 - 041100021048 - OH58449 -

Career Employment Professionals, Inc. 21100 Executive Hall Drive Suite 140 Charleston, SC 29407 94327769000000		Direct Deposit Earnings Statement			
		00192666			
		Pay Date	Start Period	End Period	
		6/1/2012	5/10/2012	5/25/2012	
Earnings					
Description	Rate	Hours	Amount	YTD Amount	Period
Hourly Pay	\$9.10	30.75	\$279.83		\$1,642.57
Total:		30.75	\$279.83		\$1,642.57
Payroll Deductions			Taxes		
Description	Amount	YTD	Description	Amount	YTD
			FED	\$5.23	\$29.42
			SS	\$11.75	\$63.99
			MED	\$4.06	\$23.82
			SC	\$5.96	\$25.13
Total:		\$0.00	\$8.00	Total:	\$34.00
Payroll Benefits			Net Wage Amounts		
Description	Amount	YTD	Net wages period		\$248.83
			Net wages YTD		\$1,496.23
Total:		\$0.00			
Direct Deposit Information			Miscellaneous		
Bank	Account	Amount			
Total:					

McDaniel, John C.
700 eilla drive
Apartment apt 15104
Charleston, SC 29412

State Legal - 06/04/2012 - 041100021048 - UH58449 -

Career Employment Professionals, Inc. 2090 Executive Mall Drive Suite 110 Charleston, SC 29407 84327769000000		Direct Deposit Earnings Statement DD191909			
		Pay Date	Start Period	End Period	
		5/29/2012	5/11/2012	5/18/2012	
Earnings					
Description	Rate	Hours	Amount	YTD Amounts	
Hourly Pay	\$9.10	21.00	\$191.10	\$1,362.74	
Total:		21.00	\$191.10	\$1,362.74	
Payroll Deductions			Taxes		
Description	Amount	Year To Date	Code	Amount	Year To Date
			PHI	60.36	\$20.19
			SS	98.03	\$57.24
			MBD	52.77	\$19.76
			SC	62.19	\$19.15
Total:		\$0.00	\$0.00	Total:	\$118.34
Payroll Benefits			Net Wage Amounts		
Description	Amount	Year To Date	Net wages/period		\$177.76
			Net wages YTD		\$1,246.40
Total:		\$0.00			
Direct Deposit Information			Miscellaneous		
Bank	Account	Amount			
Total:					

Modaniel, John C.
 700 Ellis Drive
 Apartment apt 15104
 Charleston, SC 29412

State Legal - 06/04/2012 - 041100021048 - UR58449 -

Career Employment Professionals, Inc.

McDaniel, John C. 700 61315-0110 Apartment apt 65104 Charleston, SC 29412
 EMPLOYEE ID: MCDJ0000017ZCEM
 SSN: XXXXXXXXX
 START PERIOD: 5/5/2012
 CHECK NUMBER: 1088
 CHECK DATE: 6/25/2012
 END PERIOD: 5/22/2012

Description	Pay Rate	Current		Year-To-Date	
		Hours	Amount	Hours	Amount
Hourly Reg	\$9.10	14.25	\$129.68	120.75	\$1,171.64

GROSS PAY \$129.68 \$1,171.64

TOTAL DEDUCTIONS \$0.00 \$0.00

FEDERAL TAX	\$0.00	\$19.83
SOCIAL SECURITY TAX	\$5.45	\$49.21
MEDICARE TAX	\$1.88	\$16.99
STATE TAX - SC	\$0.57	\$16.96

TAXES WITHHELD \$7.90 \$102.99

NET PAY \$121.78 \$1,068.65

Leave Balances		Benefits		
Description	Hours	Description	Current	YTD

State Legal - 05/24/2012 - 041100021048 - UH58449

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement			
		DD191095			
Pay Date	Start Period	End Period			
5/18/2012	5/14/2012	5/11/2012			
Earnings					
Description	Rate	Hours	Amount	YTD Amounts	
Hourly Pay	\$9.10	20.50	\$186.55	\$1,041.96	
Total:		20.50	\$186.55	\$1,041.96	
Payroll Deductions			Taxes		
Description	Amount	Year to Date	Code	Amount	Year to Date
			FED	\$0.00	\$19.83
			SS	\$7.83	\$43.76
			MED	\$2.71	\$15.11
			SC	\$2.02	\$16.39
Total:		\$0.00	\$0.00	Total:	\$85.09
Payroll Benefits			Net Wage Amounts		
Description	Amount	Year to Date	Net wages/period		\$173.98
			Net wages YTD		\$946.87
Total:		\$0.00	\$0.00		
Direct Deposit Information			Miscellaneous		
Bank	Account	Amount			
Total:					

McDaniel, John C.
700 Ellis Drive
Apartment apt #5104
Charleston, SC 29412

State Legal - 05/24/2012 - 041100021048 - UH58449

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement DD190279			
Pay Date	Start Period	End Period			
5/11/2012	4/27/2012	5/4/2012			
Earnings					
Description	Rate	Hours	Amount	YTD Amount	YTD
Hourly Pay	\$9.10	33.00	\$300.30		\$855.41
Total:		33.00	\$300.30		\$855.41
Payroll Deductions			Taxes		
Description	Amount	YTD	Description	Amount	YTD
			FED	\$11.28	\$19.83
			SS	\$12.62	\$35.93
			WED	\$4.35	\$12.40
			SC	\$7.06	\$14.37
Total:		\$0.00	\$0.00	Total:	\$35.31
					\$82.53
Payroll Benefits			Net Wage Amounts		
Description	Amount	YTD	Net wages/period		
					\$284.89
			Net wages YTD		\$772.88
Total:		\$0.00	\$0.00		
Direct Deposit Information			Miscellaneous		
Description	Amount	YTD			
Total:					

McDaniel, John C.
700 ellis drive
Apartment apt #5104
Charleston, SC 29412

State Legal - 05/24/2012 - 0411.00021048 - UH58449 -

Career Employment Professionals, Inc. 12099 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement DB189428			
		Start Period	End Period		
		5/4/2012	4/20/2012	4/27/2012	
Earnings					
Description	Rate	Hours	YTD Amount	YTD Amount	YTD Amount
Hourly Pay	\$9.10	17.75	\$161.53		\$555.11
Total:		17.75	\$161.53		\$555.11
Payroll Deductions			Taxes		
Description	Rate	Amount	Description	YTD Amount	YTD Amount
			FED	\$0.00	\$8.55
			SS	\$6.78	\$23.31
			MED	\$2.34	\$8.05
			EC	\$1.32	\$7.31
Total:		\$0.00	\$0.00	Total:	\$47.22
Payroll Benefits			Net Wage Amounts		
Description	Rate	Amount	Net wages/period		Net wages YTD
					\$151.09
Total:		\$0.00			\$607.80
Direct Deposit Information			Miscellaneous		
Description	Account	Amount			
Total:					

Medaniel, John C.
700 Ellis Drive
Apartment apt #5104
Charleston, SC 29412

State Legal - 05/07/2012 - 041100021048 - UM58196

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit/Earnings Statement DD187333			
Pay Date	Start Period	End Period			
6/13/2012	1/30/2012	6/5/2012			
Earnings					
Description	Rate	Hours	Amount	YTD Amount	YTD Hours
Hourly Pay	\$9.10	13.25	\$120.58	\$120.58	
Total:		13.25	\$120.58	\$120.58	
Payroll Deductions					
Description	Rate	Hours	Amount	YTD Amount	YTD Hours
FED			\$0.00	\$0.00	
SS			\$5.06	\$5.06	
MED			\$1.75	\$1.75	
SC			\$0.40	\$0.40	
Total:		\$0.00	\$0.00	\$7.21	\$7.21
Payroll Benefits					
Description	Rate	Hours	Amount	YTD Amount	YTD Hours
			Net wages/period	\$113.37	
			Net wages YTD	\$113.37	
Total:		\$0.00	\$0.00		
Direct Deposit Information					
Bank Name	Account Number	Routing Number	Branch	City	State
Total:					

McDaniel, John C.
700 ellis drive
Apartment apt 15104
Charleston, SC 29412

State Legal - 05/07/2012 - 041100021048 - DHS8196

Career Employment Professionals, Inc. 2090 Executive Hall Drive Suite 140 Charleston, SC 29407		Direct Deposit Earnings Statement dp187911			
		Start Period	End Period		
		4/20/2012	4/4/2012	4/13/2012	
Earnings					
Description	Rate	Hours	Amount	YTD Amount	YTD Period
Hourly Pay	\$9.10	30.00	\$273.00		\$393.58
Total:		30.00	\$273.00		\$393.58
Payroll Deductions					
Description	Rate	Hours	Amount	YTD Amount	YTD Period
FED			\$8.55		\$8.55
SE			\$11.47		\$16.53
MED			\$3.96		\$5.71
SC			\$5.59		\$5.99
Total:		\$0.00	\$28.67		\$36.78
Payroll Summary					
Description	Rate	Hours	Amount	YTD Amount	YTD Period
			Net wages/period		\$243.43
			Net wages YTD		\$368.80
Total:		\$0.00	\$0.00		
Direct Deposit Information					
Bank Name	Account Number	Routing Number	Amount	YTD Amount	YTD Period
Total:					

Medaniel, John C.
 700 ellis drive
 Apartment apt: 15104
 Charleston, SC 29412

06/11/2012

Jun 11 2012 02:36 PM United Heart 7045544773

State Legal - 05/24/2012 - 041100021048 - UH58449

Week: Monday-Friday	Location	Hourly Wage	Hours	Pay Stub	Quarter April-June	Quarter July-Sept	Quarter Oct-Dec Not staffed
5/9/11-5/13/11	Ben Arnold	11.5	35.5	408.25	Started May	559.19	October
5/16/11-5/20/11	Ben Arnold	11.5	42	494.5		382.38	
5/23/11-5/27/11	Ben Arnold	11.5	43.25	516.06		675.63	
5/30/11-6/3/11	Ben Arnold	11.5	42.25	498.81		649.75	
6/6/11-6/10/11	Ben Arnold	11.5	44.75	541.94		684.25	
6/13/11-6/17/11	Ben Arnold	11.5	42.25	498.91		554.88	
6/20/11-6/24/11	Ben Arnold	11.5	44.25	533.31		481.56	
6/27/11-7/1/11	Ben Arnold	11.5	46	563.5		520.38	
7/4/11-7/8/11	Ben Arnold	11.5	45.75	559.19		520.38	
7/11/11-7/15/11	Ben Arnold	11.5	33.25	382.38		402.5	
				503.13 &			
7/18/11-7/22/11	Ben Arnold	11.5	52.5	172.50		336.38	
7/25/11-7/29/11	Ben Arnold	11.5	51	649.75		554.88	
8/1/11-8/5/11	Ben Arnold	11.5	53	684.25		593.69	
8/8/11-8/12/11	Ben Arnold	11.5	45.5	554.88		6395.47	
8/15/11-8/19/11	Ben Arnold	11.5	41.25	481.56			
8/22/11-8/26/11	Ben Arnold	11.5	43.5	520.38			
8/29/11-9/2/11	In Texas	0	0	0			
9/5/11-9/9/11	Ben Arnold	11.5	35	402.5			
9/12/11-9/16/11	Ben Arnold	11.5	29.25	336.38			
9/19/11-9/23/11	Ben Arnold	11.5	45.5	554.88			
9/26/11-9/30/11	Ben Arnold	11.5	47.75	593.69			
10/3/11-10/7/11	Not Staffed	0	0	0			
10/10/11-10/14/11	Not Staffed	0	0	0			
10/17/11-10/21/11	Not Staffed	0	0	0			
10/24/11-10/28/11	Not Staffed	0	0	0			
10/31/11-11/4/11	Not Staffed	0	0	0			

no wages:

06/11/2012

Jun 11:2012 02:36 PM Unrec Heart ' 7045544773

State Legal - 05/24/2012 - 041100021048 - UH58449 -

Not Staffed Mon 11/7-Thurs 11/10: Staffed				
11/7/11-11/11/11	Friday 11/11/11 Revere Building	13	9	117
11/14/11-11/18/11	Revere Building Supply	13	45	627.25
Monday 11/21/11	Injured Revere Building Supply	13	8	104

Employee Pay Summary

Employee ID: 0000172C

SSN: XXX-XX-7462

Name: Mcdaniel, John Christopher

Period: 1/1/2011 to 8/6/2012

EM020

Branch: LI-CHS Light Industrial

Week Ending	Check Date	Check Number	Gross Pay	FICA W/H	Fed. W/H	State W/H	Local W/H	Other Ded.	Net Pay	Misc Pay	Reg Hrs.	OT Hrs.
5/13/2011	5/20/2011	DD154926	408.25	23.07	25.66	13.76	0.00	0.00	345.76	0.00	35.50	0.00
5/20/2011	5/27/2011	DD155540	494.50	27.94	38.60	19.19	0.00	0.00	408.77	0.00	40.00	2.00
5/27/2011	6/3/2011	DD156102	516.06	29.15	41.83	20.66	0.00	0.00	424.42	0.00	40.00	3.25
6/3/2011	6/10/2011	DD156726	498.81	28.19	39.24	19.46	0.00	0.00	411.92	0.00	40.00	2.25
6/10/2011	6/17/2011	DD157399	541.94	30.61	45.71	22.47	0.00	0.00	443.15	0.00	40.00	4.75
6/17/2011	6/24/2011	DD157940	498.81	28.19	39.24	19.46	0.00	0.00	411.92	0.00	40.00	2.25
6/24/2011	7/1/2011	DD158683	533.31	30.13	44.42	21.87	0.00	0.00	436.89	0.00	40.00	4.25
7/1/2011	7/8/2011	DD159289	563.50	31.84	48.95	23.98	0.00	0.00	458.73	0.00	40.00	6.00
7/8/2011	7/15/2011	DD159908	559.19	31.59	48.30	23.68	0.00	0.00	455.62	0.00	40.00	5.75
7/15/2011	7/22/2011	DD160625	382.38	21.60	21.78	12.13	0.00	0.00	326.87	0.00	33.25	0.00
7/22/2011	7/29/2011	DD161216	503.13	28.43	39.89	19.76	0.00	0.00	415.05	0.00	40.00	2.50
7/22/2011	8/5/2011	DD161791	172.50	9.75	0.00	1.62	0.00	0.00	161.13	0.00	0.00	10.00
7/29/2011	8/5/2011	DD161870	649.75	36.71	61.89	30.02	0.00	0.00	521.13	0.00	40.00	11.00
8/5/2011	8/12/2011	DD162379	684.25	38.66	67.06	32.44	0.00	0.00	546.09	0.00	40.00	13.00
8/12/2011	8/19/2011	DD163042	554.88	31.35	47.66	23.38	0.00	0.00	452.49	0.00	40.00	5.50
8/12/2011	8/19/2011	DD163042	481.56	27.21	36.66	18.38	0.00	0.00	399.31	0.00	40.00	1.25
8/19/2011	8/26/2011	DD163752	520.38	29.40	42.48	20.97	0.00	0.00	427.53	0.00	40.00	3.50
8/26/2011	9/2/2011	DD164385	402.50	22.74	24.80	13.40	0.00	0.00	341.56	0.00	35.00	0.00
9/9/2011	9/16/2011	DD165697	336.38	19.01	15.37	9.23	0.00	0.00	292.77	0.00	29.25	0.00
9/16/2011	9/23/2011	DD166341	554.88	31.35	47.66	23.38	0.00	0.00	452.49	0.00	40.00	5.50
9/23/2011	9/30/2011	DD166831	593.69	33.54	53.48	26.10	0.00	0.00	480.57	0.00	40.00	7.75
9/30/2011	10/7/2011	DD167588	117.00	6.61	0.00	0.34	0.00	0.00	110.05	0.00	9.00	0.00
11/11/2011	11/18/2011	DD171776	627.25	35.45	58.51	28.45	0.00	0.00	504.84	0.00	40.00	5.50
11/18/2011	11/25/2011	DD172267	104.00	5.86	0.00	0.10	0.00	0.00	98.04	0.00	8.00	0.00
11/25/2011	12/2/2011	DD172978	120.58	6.81	0.00	0.40	0.00	0.00	113.37	0.00	13.25	0.00
4/6/2012	4/13/2012	DD187333	273.00	15.43	8.55	5.59	0.00	0.00	243.43	0.00	30.00	0.00
4/13/2012	4/20/2012	DD187911	161.53	9.12	0.00	1.32	0.00	0.00	151.09	0.00	17.75	0.00
4/27/2012	5/4/2012	DD189428	300.30	16.97	11.28	7.06	0.00	0.00	264.99	0.00	33.00	0.00
5/4/2012	5/11/2012	DD190279	186.55	10.54	0.00	2.02	0.00	0.00	173.99	0.00	20.50	0.00
5/11/2012	5/18/2012	DD191095	129.68	7.33	0.00	0.57	0.00	0.00	121.78	0.00	14.25	0.00
5/22/2012	5/25/2012	1068	191.10	10.80	0.36	2.19	0.00	0.00	177.75	0.00	21.00	0.00
5/18/2012	5/25/2012	DD191909	279.83	15.81	9.23	5.96	0.00	0.00	248.83	0.00	30.75	0.00
5/25/2012	6/1/2012	DD192666	232.05	13.10	4.46	3.71	0.00	0.00	210.78	0.00	25.50	0.00
6/1/2012	6/8/2012	DD193554										

F20

11/21/11 - DOA

2017-ROA-0947

8/6/2012 5:18:24PM

Employee Pay Summary

Employee ID: 000017ZC
 SSN: XXX-XX-7462
 Name: Mcdaniel, John Christopher
 Period: 1/1/2011 to 8/6/2012

EM020
 Branch: CHS Light Industrial

Week Ending	Check Date	Check Number	Gross Pay	FICA W/H	Fed. W/H	State W/H	Local W/H	Other Ded.	Net Pay	Misc Pay	Reg Hrs.	OT Hrs.
6/8/2012	6/15/2012	DD194521	302.58	17.10	11.51	7.19	0.00	0.00	266.78	0.00	33.25	0.00
6/15/2012	6/22/2012	DD195372	302.58	17.10	11.51	7.19	0.00	0.00	266.78	0.00	33.25	0.00
6/22/2012	6/29/2012	DD195965	302.58	17.09	11.51	7.19	0.00	0.00	266.79	0.00	33.25	0.00
			14,081.26	795.58	957.60	494.62	0.00	0.00	11,833.46	0.00	1,135.75	96.00

2017-ROA-0948

8/6/2012 5:18:24PM

Employee Master Dossier Report

MASTER INFORMATION

Employee ID : 0000172C
 Salutation :
 First Name : John
 Middle Name : Christopher
 Last Name : Mcdaniel
 Nickname :
 Classification : Normal
 Service Area : Light Industrial-eligible
 Specialty :

Residence Address
 Address 1 : 700 ellis drive
 Address 2 : Apartment apt #5104
 City/State : Charleston / South Carolina
 Postal Code : 29412
 County : Charleston
 Country : United States

Placement Information
 Temporary : Yes
 Career : Yes
 Temporary To Hire : Yes
 Contract : Yes
 Other : No

Control Information
 Branch : Light Industrial
 User Owner : Entake Charleston
 Status : Active
 Approved : Yes

Internet
 PIN :
 Email : jmcdaniell1982@gmail.com
 WWW :
 WWW Other : jmcdaniell1982@gmail.com

Mailing Address
 Address 1 : 700 ellis drive
 Address 2 : Apartment apt #5104
 City/State : Charleston / South Carolina
 Postal Code : 29412
 County : Charleston
 Country : United States

How To Contact
 Phone : (843) 425-3000
 Cell Phone :
 Facsimile :

Source Information
 Source : Entake - Open Application
 Source Date : 5/9/2011 12:54 PM
 Source Comment :

Custom companies : Ben Arnold
 A/I : +/+
 Emergency # : 8435322921 (Elizabeth Dale-girlfriend)

AVAILABILITY

First Date Available : 7/24/2012
 Last Date Available :
 Wage/Salary Required : 11.5000 23920.0000
 Hour Preference : 40
 Travel Distance : 30
 Transportation : Always available
 Notice Required : Same Day
 Assignment Duration : NOT Investigated
 Overtime : Yes
 Layoff : No
 Student : No

Monday : First and Second Shift
 Tuesday : First and Second Shift
 Wednesday : First and Second Shift
 Thursday : First and Second Shift
 Friday : First and Second Shift
 Saturday : First and Second Shift
 Sunday : First and Second Shift

Area Pref : Tri County
 Equip Owned :

Comment :

APPLICATION

Application Date : 5/9/2011
 Recruiting Source : Employee Referral
 Recruiting Source ID : Elizabeth Dale
 Smoking Acceptable : No

Lifting Ability : Not Investigated
 (user-defined) :
 (user-defined) :
 (user-defined) :

Driver License Number : 102114628

State : South Carolina

Drug Test
 Willing To Take : Yes
 Date/Result : 5/10/2011 Negative - No Substance found

Details :

Conviction
 Date Month/Year :
 City :

State :

Offense Details : Checked no Pulled 05/10/2011Chas-clear Berk-clear Dorch-clear
 National-clear

Bonding
 Past Bonding : No
 Submission Date :

Details :



ATTORNEYS AT LAW

Reply To
CATHERINE C. MULLINS
Direct Dial: (843) 576-2948
catherine.mullins@mgclaw.com
CHARLESTON

October 19, 2012

Via US mail & Email
Thomas M. White, Esquire
The Steinberg Law Firm, L.L.P.
Post Office Box 1028
Goose Creek, South Carolina 29445

RE: John McDaniel v. Career Employment Professionals d/b/a Snelling Staffing Services and
United Wisconsin Insurance Company c/o United Heartland
Date of Accident: November 21, 2011
WCC File No.: 1116275
Our File No.: 20638.12027
Claim No.: 041100021048

Dear Mr. White:

This letter will confirm that we have made arrangements for John McDaniel to see Edward M. Tavel, M.D. at Pain Specialists of Charleston, LLC for a medical evaluation. The appointment has been scheduled for Tuesday, October 30, 2012, at 10:45 am in his office at 2791 Tricom Street N. Charleston South Carolina 29406. I would appreciate it if you would advise your client of this appointment and ensure his attendance at the appropriate time. *Also, please be sure that your client brings any diagnostic films to this appointment.*

Should you have any questions or comments, please do not hesitate to call. Thank you for your assistance in this matter.

Very truly yours,

Catherine C. Mullins
Paralegal to R. Mark Davis

/ccm

cc: Nicole Service, United Heartland (via email)
Edward M. Tavel, M.D., Pain Specialists of Charleston, LLC

CHARLESTON | COLUMBIA | GREENVILLE | CHARLOTTE | RALEIGH | MYRTLE BEACH
735 JOHNNIE DODDS BLVD, SUITE 200 POST OFFICE BOX 650007 MT. PLEASANT, SC 29465 843-576-2900 PHONE 843-534-0605 FAX
WWW.MGCLAW.COM

2017-ROA-0951

From: john mcdaniel <jmcdaniel1982@gmail.com>
Sent: Monday, December 02, 2013 10:18 PM
To: Allison Nussbaum; Gary Cannon; Virginia Crocker; WCC Appeals; aroche@wcc.sc.gov; klove@wcc.sc.gov; bcheeseboro@wcc.sc.gov; sbarden@wcc.sc.gov; klindler@wcc.sc.gov; emccaskill@wcc.sc.gov
Subject: Proposed Findings of Fact RE:SCWCC file #1116275
Attachments: proposed-findings.docx

To all concerned,

Please see attached proposed findings of fact to be included in the full commission order. This was instructed to be drafted by defendants council within 30 days of receipt of the request for a proposed order which was transmitted to defendants on October 31, 2013. Claimant recieved this request on November 1, 2013.

Today, December 2, 2013 is the last day to respond to this request. As of now, Claimant is not in receipt of defendants' draft of the proposed order. Being such, I have attached proposed findings of fact to be included whenever Ms. Nussbaum gets around to drafting the order. (I mean she won't facilitate my medications or medical care so why should I think this would have been done timely).

These findings of fact are mandated by law to be addressed as the full commission is an administrative agency and the ultimate fact finder in these cases.

Sincerely,
John C. McDaniel

----- Forwarded message -----

From: "john mcdaniel" <jmcdaniel1982@gmail.com>
Date: Aug 30, 2013 4:44 PM
Subject: Proposed Findings of Fact RE:SCWCC file #1116275
To: <keroberts@wcc.sc.gov>, "Allison Nussbaum" <allison.nussbaum@mgclaw.com>

Mr. Roberts please find attached proposed findings of fact. Let me know if you have any questions. Thank you
John McDaniel

South Carolina Workers Compensation Commission
W.C.C. File No: 1116275

John McDaniel	}	
employee	}	
Claimant	}	
	}	
Snelling Staffing Services	}	Claimants proposed findings of fact
employer	}	
	}	
And	}	
	}	
United Wisconsin Insurance Company c/o	}	
United Heartland	}	
Carrier	}	
	}	
Defendant	}	

1. Claimant properly served a subpoena for Nicole Service to attend the hearing on July 8, 2013, as well as to produce any and all records relating to SCWCC claim #1116275.
2. Claimant properly served a subpoena for Jim Pascutti to attend the hearing on July 8, 2013, relating to SCWCC claim #1116275.
3. Claimant properly served a subpoena for Angela Baldwin to attend the hearing on July 8, 2013, relating to SCWCC claim #1116275.
4. Nicole Service did not attend the hearing.
5. Jim Pascutti did not attend the hearing.
6. Angela Baldwin did not attend the hearing.
7. Dan Cobb's testimony was incorrect in such that average overtime worked by Jarod Lampkin was not between 2 and 10 hours per week (as testified) but rather 5 to 21 hours per week (Lampkin's Pay records).
8. No records reflected in the subpoena were produced at the hearing.
9. There is evidence of late payments of TTD and TPD by the defendants.
10. The first check paid to claimant has a received date stamp on it reflecting it was received 12/27/11, this is over one month after claimants injury 11/21/11.

11. There is no record of payment of the mandatory increase in compensation of 10% for the period of benefits from 11/22/11 till 12/02/11.
12. Alside Revere's hours of operation are from 7 a.m. till 4 p.m. Monday through Friday (45 hours).
13. \$13 an hour, paid for a 40 hour work week equals \$520.
14. During the 20 weeks reflected on the Form 20 Claimant worked on average 3.086 hours of overtime.
15. 43.086 (hours paid at 11.50 an hour would equal $(40*11.5=460) + (3.086*17.25=53.23) =$
 $\$513.23$.
16. Check dated 10/7/11 shows claimant had earned \$10,450.65 through the period ending 9/30/11.
17. Claimant's wages of \$10,450.65 was paid with 21 checks.
18. 20 of 21 checks reflect an "hourly pay" rate of \$11.50 an hour with the exception being check dated 8/5/2011, this reflects an "hourly pay" rate of \$0.00 an hour. (APA p.72)
19. The check that reflects an "hourly pay" rate of \$0.00 also includes ten hours paid at an "overtime pay" rate of \$17.25 an hour. (APA p.72)
20. Two checks reflect a pay date of 8/5/2011. (APA p.72-73)
21. The Two checks dated 8/5/2011 indicate wages for two different periods of time. (APA p.72-73)
22. The wages earned for the week of 7/15/11 through 7/22/11 were distributed in two different checks.(APA p.71-72)
23. Claimant did not work the period of 8/29/11 through 9/02/11. (APA p.118)
24. $\$10450.65$ divided by 21 weeks equals $\$497.65$.
25. $\$10450.65$ divided by 20 weeks equals $\$522.53$.
26. The current Form 20 indicates claimant earned through 9/30/11 \$9,856.96 over a 20 week period equaling an average of $\$492.85$.

27. The Form 20 and the pay records do not match.
28. The hearing commissioner determined the Form 20 is applicable and its math is correct.
29. Wages earned at Alside Revere are not included in the determination of Claimants AWW.
30. Claimant was injured at Alside Revere.
31. The "Employee Pay Summary" for Wayne Atkins indicates week ending 4/8/11 the wages paid were for 8 hours.
32. The above referenced check (check # 186808) was calculated as a full week in the determination of Atkins average wage.
33. The "Employee Pay Summary" for Wayne Atkins indicates a pay rate of \$8 an hour the last week of his employment (week ending 7/15/11).
34. During the above referenced week Wayne Atkins worked 45 hours (check # 192500).
35. Wayne Atkins average wage determination in regards to the above week relies on gross earnings and not on hours worked multiplied by his normal wage.
36. The result of the above equate to wages his last week of employment equal to \$344.35 (\$8 an hour x 45 hours) instead of \$606.25 (\$13 an hour x 45 hours).
37. The "Employee Pay Summary" for Wayne Atkins reflects three additional weeks in which hours worked were less than 40 hours.
38. The above weeks are accounted for in the determination of Wayne Atkins average wage as full weeks.
39. Wayne Atkins average wage was determined by dividing his gross pay (\$7,603.24) by paychecks received (15 checks) resulting in an average wage of \$506.88 (which is equal to less than 40 hours a week at \$13 an hour).
40. Over the period Atkins worked for Alside Revere he earned 35.25 hours of overtime.
41. 35.25 hours of overtime over a 15 week period results an average overtime worked of 2.35 hours per week.

42. No partial weeks or wage reductions are accounted for in the determination of Wayne Atkins average wage.
43. Alvin Clarke worked a partial week the week ending 7/29/11 (32 hours worked).
44. Alvin Clark worked a partial week ending 11/11/11 (8 hours worked).
45. Alvin Clark's average wage accounts both of the above weeks as full weeks.
46. Alvin Clark worked less than 40 hours on five other checks (check numbers 195610, 197218, 197725, 199271, 200533).
47. Alvin Clark's average wage was determined by dividing gross pay (\$8,534.51) by number of checks (16) and equates to \$533.41 (which is equal to less than 2 hours of overtime).
48. Alvin Clark worked 50.50 hours of overtime over a 16 week period, this results in an average overtime per week of 3.16 hours.
49. Alvin Clark's wage determination does not take into account any partial weeks.
50. Jarod Lampkin's average wage was determined by dividing gross pay (\$8,040.52) by number of checks received (13) which equates to \$618.50 (which is equal to approx. 5 hours of overtime per week.)
51. Jarod Lampkin worked 78 hours of overtime over 13 weeks resulting in 6 hours of overtime per week on average.
52. Jarod Lampkin worked a partial week the week ending 11/25/11 (32 hours).
53. Jarod Lampkin worked a partial week the week ending 2/17/12 (31 hours).
54. Jarod Lampkin's wage determination does not take into account any partial weeks.
55. The record of payments received by claimant for TTD did not fall on the same day of the week.
56. The record is absent of medical records that have been part of the evidence attempted to be submitted by the Claimant.
57. Claimant was denied ability to move to compel medical treatment at the hearing.
58. Claimant's motion for penalties was not addressed at the hearing.

59. There is no evidence that suggests claimant has lied to his physicians.
60. There is no evidence that suggests the claimant is an illegal alien.
61. There is no evidence that suggests claimant is no longer disabled.
62. There is no evidence that suggests claimant has declined work.
63. The Claimant is a credible witness.
64. Claimant attempted to submit records at the hearing.
65. Claimant was denied opportunity to present these records.
66. Claimant's records were not inspected by the hearing commissioner.
67. Claimant was not offered opportunity to submit an offer of proof for these records.
68. There is no evidence that suggests the jobs provided to claimant, after injury, by Snelling
staffing were available to the public.
69. The job provided for the claimant at Snelling's Office was benevolent in nature.
70. The job provided for the claimant at Barnwell, Whaley, Patterson and Helms was benevolent in
nature.
71. Twice in the month of November, 2012 defendants delayed the first hearing.
72. Defendants did not file the application to suspend benefits until 9/17/12; this is over one
month after Dr. Ohlson's MMI report dated 8/13/12.
73. Dr. Olson initially recommended and prescribed Physical Therapy on 1/9/12.
74. Claimant's first visit to Physical Therapy was on 2/27/13.
75. Dr. Olson initially recommended and prescribed wound debridement/therapy on 1/27/12.
76. The Form 20 used in calculating claimants AWW reflects a wage lower than Lampkin, Clark or
Atkins.
77. The Claimant attempted to facilitate wound treatment and physical therapy.

78. The Claimant's recovery was hindered due to the gross delay in approving physical therapy. "Potential barriers to patient's ability to reach maximum rehab potential: delayed attendance to PT" (RCC report dated 2/27/12)
79. Physical therapy was delayed for a second period from 4/10/12 till 5/1/12.
80. The Claimant informed Dr. Olson of his continuing attempt to facilitate wound therapy during and prior to the follow up visit 4/2/12.
81. The wound therapy, as recommended and prescribed by Dr. Olson, was never approved and/or denied by United Heartland.
82. Claimant walks with a severe limp.
83. Claimant's physical work restrictions diminish his employment options.
84. Claimant has a limited skill set.
85. The Claimant discussed the decision to not proceed with surgery with Dr. Olson on 5/14/12.
86. Dr. Olson explained that surgery was not feasible if his wound was open. (See attached report dated 5/14/12)
87. Dr. Olson's reported dated 4/2/2012 states that there is no longer need for wound therapy.
88. Rehabilitation Centers of Charleston's physical therapy notes from 6/26/12 state that the wound is nearly healed.
89. The Claimant's wound remained open at least until 6/26/12 resulting in Dr. Olson not proceeding with surgery as stated in RCC records and Dr. Olson's medical reports.
90. Dr. Olson's report dated 5/14/12 recommends and prescribes Chronic Pain Management.
91. The Claimant attempted to facilitate and receive Chronic Pain Management as prescribed by Dr. Olson.
92. The Claimant first received Chronic Pain Management on 10/30/12.
93. Dr. Ohlson first recommended and prescribed orthotics on 7/2/12, United Heartland delayed approval of this until, on or after, 11/1/12.

94. The record contains evidence to the carrier has failed to provide medical care as directed.
95. The Department of Insurance has not been notified of the defendants' failure to authorize and pay benefits for medical treatment, specifically wound care treatment prescribed by Dr. Ohlson on 1/27/12.
96. Although accusations of insurance fraud were made by claimant, this has not been reported to the Attorney General's office or the Department of Insurance.