

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 1105628

Albert Bradley,)
)
 Claimant,)
)
 v.)
)
 Southern Industrial)
 Construction,)
)
 Employer,)
)
 and)
)
 Zurich American Insurance,)
)
)
 Carrier/Defendants.)
 -----)

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SC Court of Appeals

FULL COMMISSION HEARING

Monday, May 21, 2018
2:22 p.m. - 2:47 p.m.

The Full Commission Hearing was heard before Commissioners Avery B. Wilkerson, Melody L. James and Gene McCaskill, at the Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia, South Carolina, on the 21st day of May, 2018, before Roderick S. Fitzgerald, Court Reporter and Notary Public in and for the State of South Carolina.



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APPEARANCES

Albert Bradley (Christine)
Pro Se Plaintiff/Appellant
LaVare Seltun
Daughter of the Plaintiff

Jason W. Lockhart, Esquire
Gallivan, White & Boyd, P.A.
1320 Main Street
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Post Office Box 12519 (29211)
Greenville, South Carolina 29201
Attorney for the Defendants/Respondents

Victoria Lichtenberger
Guardian ad Litem

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EXHIBITS

(There were no exhibits marked during the hearing.)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the Administrative Procedures Act and the South Carolina Rules of Civil Procedure.



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CALL TO ORDER:

COURT REPORTER: Today is Monday, May 21st, 2018.

This is South Carolina Workers' Compensation Case Number 1105628. This is the case of Albert Bradley, Claimant, versus, Southern Industrial Construction, Employer, and Zurich American Insurance, Carrier. The Appellant is Pro se, Ms. Christine Bradley. The Respondent is represented by Jason W. Lockhart. Each side is allowed ten minutes for oral argument and the Appellant three minutes in reply. You are requested to argue the grounds of exception and stay within the record.

MR. CHAIR: All right. And before we went on the record, Ms. Bradley, I asked you if you were going to represent yourself today. It's my understanding that you were. Is that still your intention, ma'am?

MS. BRADLEY: I am able to represent myself.

MR. CHAIR: Okay.

MS. BRADLEY: Yes, sir.

MR. CHAIR: Thank you.

MS. BRADLEY: Yes, sir.

MR. CHAIR: All right.

MS. BRADLEY: All right.



1 **MR. CHAIR:** Here's the way that -- here's the way
2 this is going to work today, ma'am. You're
3 going to have ten minutes to tell us what you
4 want us to know. And then Mr. Lockhart is
5 going to have ten minutes to tell us whatever
6 he wants to tell us. And then you'll get the
7 last three minutes. That's the way this
8 process works.

9 **MS. BRADLEY:** Okay.

10 **MR. CHAIR:** You get ten minutes to tell us what you
11 want, he gets ten minutes in what we call in
12 reply -- well, he gets ten minutes, and then
13 you get three minutes in reply. Okay?

14 **MS. BRADLEY:** Okay.

15 **MR. CHAIR:** All right. Do you want to come to the
16 podium? That would be helpful.

17 **MS. BRADLEY:** I will have my daughter speak for me,
18 sir.

19 **MR. CHAIR:** She can't do that. She's not a party to
20 the case.

21 **MS. SELTUN:** May I speak, please. If she is pro se,
22 then she has a right to have someone speak on
23 her behalf.

24 **MR. CHAIR:** That would be someone who is a member of
25 the South Carolina Bar. If I were to allow you



1 to speak on her behalf, since you're not a
2 lawyer, I would have a duty to report you to
3 the Attorney General's office for the
4 unauthorized practice of law ---

5 **MS. SELTUN:** Okay.

6 **MR. CHAIR:** --- which is a felony. And I don't want
7 to do that. I'm not going to allow ---

8 **MS. SELTUN:** Okay.

9 **MR. CHAIR:** --- that to happen to you.

10 **MS. SELTUN:** Okay.

11 **MR. CHAIR:** Okay?

12 **MS. SELTUN:** Okay. All right.

13 **MR. CHAIR:** So she's going to have to speak for
14 herself, or I can put it off and she can go get
15 a lawyer ---

16 **MS. SELTUN:** Okay.

17 **MR. CHAIR:** --- whichever she prefers.

18 **COURT REPORTER:** What is your name, ma'am? What is
19 your name since you spoke into the record?

20 **MS. SELTUN:** All right. My name is LaVare Seltun.

21 **COURT REPORTER:** Would you spell that for me,
22 please?

23 **MS. SELTUN:** L-A-V, as in Victor, -A-R-E. S, as in
24 Sam, -E-L-T-U-N.

25 **COURT REPORTER:** Thank you.



1 MR. CHAIR: All right. I'm going to start your
2 time, ma'am, okay? Go ahead.

3 APPELLANT'S ARGUMENT:

4 MS. BRADLEY: Okay. The purpose that I'm here today
5 is in the absence of the deceased, my husband
6 Albert Bradley. And the purpose of this is for
7 the South Carolina Workman's Comp is to protect
8 the injured worker. The organization is not
9 designed as a shield for attorney and carriers,
10 third parties, private individual employees or
11 other entities to strategize in effort to exert
12 or get rid of costs associated with the care of
13 the injured worker or to undermine the injured
14 worker true medical condition or to undermine
15 their family. Under the dependency
16 investigation Chapter 67-9. -- 902, there was
17 no good-faith effort to conduct an independent
18 investigation that was communicated to the
19 commissioner that if, in fact, if there was
20 such an investigation to be held, it was to be
21 done in the commissioner's presence in court,
22 and there was attachments of letters that were
23 forwarded to you, they should be attached.
24 Also, Kristy James, who was one of those that
25 said -- was one of the dependent for Mr.



1 Bradley, she was never contacted or notified on
2 any occasion. There was no proof of anything,
3 and we have asked for a certified documentation
4 and we've got none of that with seal and signed
5 returned statement, none of that. Several
6 requests was made for all medical records,
7 guardianship court orders and other orders,
8 financial statement and the entire South
9 Carolina Workman Compensation file pertaining
10 to Albert Bradley for his entire claim period.
11 This document still has not been received to
12 this day. What the state law states about
13 payment to the benefits of the injured worker
14 that was covered under -- and by his spouse and
15 how they calculate this entity that they have
16 entered. Chapter 67-902, A good-faith effort
17 must be made to identify the beneficiary of the
18 claimant, which we've already discussed.
19 Chapter 67-902, Albert Bradley has benefit for
20 his spouse through his employer that should
21 have been paid from the time of the accident.
22 Where are those benefits? A letter has been
23 given to one of the attorney. He was supposed
24 to be filing that. That was one that -- and it
25 never happened. Jason Lockhart have all of



1 these from Zurich Industry. They have brought
2 in all the paperwork. I have not been able to
3 get any of his information from any of his job
4 because all of that has been voided. I haven't
5 been able to do any of that. 42-15 says,
6 Previous adopted -- South Carolina commissioner
7 composition T. Scott Beck, Albert Bradley has
8 medical bill that are responsible for the
9 Southern Industrial and Zurich Insurance
10 Company. Commissioner Beck ordered that Jason
11 Lockhart pay all these bills. They have never
12 been done, no transportation, no medical, no --
13 not anything have been done. There have been
14 several people that have claimed to be guardian
15 for Mr. Bradley, which was Gaston County DSS,
16 Victoria Lichtenberger, that Commissioner Scott
17 T. Beck say that he appointed, the family did
18 not know anything about it, had no idea, we
19 were never in court. And as to this state --
20 Mr. Lockhart also stated that we had
21 opportunity to protest or petition certain
22 things, but we were never in court to do that
23 because we were never brought forward. We were
24 never given that information. We have also
25 begged and plead to Commissioner Scott -- T.



1 Scott Beck during the time that Mr. Bradley was
2 being injured, that he intervened and he
3 refused to answer any questions, respond to our
4 letters or anything. DSS in Gaston County,
5 Theresa Osbourne, said she was the guardian.
6 Jason Lockhart wrote a letter to the hospital
7 stating that he was the guardian from the
8 insurance company. Victoria Lichtenberger also
9 said that she was working with DSS in order to
10 secure this information and to getting custody
11 of Mr. Bradley and that never occurred. They
12 had cops, several -- numerous to my office and
13 to my house where we were living, and the cops
14 deemed that unappropriate (sic). They had no
15 legal documents and they couldn't do any of
16 that. They did not find any type of neglect,
17 abuse or neglect. We have pleaded to DSS about
18 giving proper documentation for such action
19 because by law as far as with DSS you must let
20 the family know, or the person know, if there's
21 an abuse, neglect or exploitation, in writing,
22 what it is. It is not by law that they tell
23 the name, but we didn't need the name because
24 we know who the person it was that it was
25 through, Jason Lockhart. That was already on



1 file. And all the things that have been done
2 also are things that happened in the past.
3 It's been done several times. We were taken to
4 Texas, thrown in the street, repeat the same
5 thing. I was left in Texas on the street, my
6 husband was kidnapped right back to Columbia,
7 left in a facility, no medication, no food, no
8 medicine, no records to die. My oldest
9 daughter -- I didn't even know where he was.
10 I was in the street in Texas. My daughter came
11 here and she was -- when they did find out
12 where he was -- to monitor him, and because she
13 was a nurse, she caught him choking and dying
14 at that time and she was the one that saved
15 him, here in Columbia. When the office
16 downtown found out that what they did was
17 inappropriate and just lying and kidnapping and
18 leaving me in the street, they released him and
19 had him sent back and we moved to Gastonia.
20 After we was in Mount Holly in the apartment,
21 DSS came in because the insurance company made
22 a report stating that he was being neglect
23 (sic) and abused. For this man to have never
24 been neglect and abused -- he was only neglect
25 and abused because the insurance company failed



1 to provide medicine, transportation, the right
2 type of care that he need. The family took it
3 on their own to spend their finances, bought a
4 vehicle, took him where he need and got doctor
5 appointment. Jason Lockhart tried to stop all
6 that by bringing people in, trying to take my
7 husband life. While I was in the house we had
8 nurses that came in and they came and tried to
9 choke him and I was -- and it wake me up, and
10 I had to stand over him all night. When they
11 find out that I was stopping them from doing
12 their little process, they decided that they
13 would take him, call DSS, have him put in a
14 nursing home and say that I was trying to kill
15 him. And they put him in a nursing home. He
16 almost died in a nursing home. I had to call
17 EMS so that EMS could come take him out. When
18 he got to the hospital he was dehydrated, he
19 was aspiration pneumonia -- now this was in the
20 care of the insurance company and DSS the first
21 time. When he got there, the hospital, he was
22 almost dead. The doctor gave him back to me.
23 DSS didn't show up at the hospital. Jason
24 Lockhart and their workers didn't show up at
25 the hospital because he was supposed to die.



1 The doctor gave him to me and he asked me what
2 did I want to do with him. I took him home
3 with me back to Mount Holly. We went to Mount
4 Holly, me and my daughters, stayed up over
5 three weeks around the clock. We saved his
6 life. And when they found out that he was
7 living they decided they were going to start
8 something else, bring them back in and start
9 another scheme. I moved over to Belmont into
10 an apartment, we stayed there, had no contact.
11 My daughter wrote a letter to the commission to
12 appeal to get -- because we have never been in
13 court. I have never been appointed a guardian.
14 My daughter was never appointed a guardian by
15 the commissioner, there are some statements
16 saying that. We've never gotten any paperwork
17 whatsoever as to date. And when we ask for
18 something, the only thing we get, bootlegged
19 information from Jason Lockhart restating stuff
20 about the family refusing to participate or
21 cooperate. Why do I need to cooperate when I
22 got my husband living. This man was so
23 immaculately taken care of. When we took him
24 -- when I took him in the street everybody
25 would be talking to him because they didn't



1 know that he couldn't talk. He's non -- he was
2 nonverbal, but they -- all the ladies in the
3 building that we were in -- and when I take him
4 down, even the mens, everybody kissed him.
5 They were all over kissing him. This is the
6 picture of the good care from the insurance
7 company that I want to present. When his eyes
8 was bashed out in the beginning when I found
9 out, I contacted the insurance -- T. Scott Beck
10 and I pleaded and I begged to him through that
11 we come here before because they were trying to
12 kill my husband. And because this was the
13 intent, and I don't mind saying it, because
14 when you know someone is doing something and
15 trying to take your husband life, you don't
16 mind saying it, and I didn't mind saying that
17 I know Jason Lockhart was trying to kill my
18 husband just because of money. We were not
19 about money. This family is about love and
20 caring. We will never do that. I've even had
21 people contact me to tell me to seek -- to get
22 a divorce from my husband. All this about
23 money. I don't want money. I want my husband.
24 I wouldn't be sitting up all day and all night
25 for somebody to wait all these years, five



1 years, and they take my husband and wouldn't
2 allow us, the family, the children and
3 whatever, to see him. This is a picture of a
4 well family and caring and loving and this man
5 sitting -- this is a picture where his eye was
6 gashed out at the nursing home. And we
7 couldn't -- we made contact with Commissioner
8 T. Scott Beck who is supposed to see that none
9 of this occurred and take care of this man. I
10 don't need a lawyer. I need my husband and I'm
11 pleading to this Court and to you all that
12 justice be made. And I do have the right to be
13 able to go in and find out his different
14 insurance and coverage that he had. I couldn't
15 go to any job, the job in Lee County, with him
16 being -- pay out. Everything has been sealed.
17 He didn't even have money to get buried with.

18 **MR. CHAIR:** Okay. Ma'am, your ten minutes has
19 expired. But you will have three more minutes
20 in reply. Mr. Lockhart.

21 **RESPONDENTS' ARGUMENT:**

22 **MR. LOCKHART:** Your Honor, may it please the
23 commission. We're here this afternoon asking
24 this panel to affirm Commissioner Beck's
25 decision awarding benefits to Ms. Bradley



1 pursuant to the conclusion by Commissioner Beck
2 that a good-faith dependency investigation was
3 conducted in this case and that Ms. Bradley was
4 the proper defendant and benefits were payable
5 under the act. The information that we
6 submitted at the hearing before Commissioner
7 Beck in December identified Ms. Bradley as the
8 Claimant's wife. Mr. Tooten, per the directive
9 of the Commission, attempted to conduct a
10 dependency investigation, and you can see his
11 report in the APAs as well as his testimony at
12 the hearing before Commissioner Beck, that he
13 attempted to engage and then conduct a good-
14 faith dependency investigation in accordance
15 with the tenants of the act. There was contact
16 and communication made with the Claimant's
17 family and Commissioner Beck issued findings of
18 fact regarding Mr. Tooten's attempts to
19 complete the dependency investigation in this
20 case. We would argue that Ms. Bradley is the
21 surviving spouse entitled to benefits under
22 Section 42-9-110. And we would also argue that
23 she's entitled to the payment of benefits under
24 Section 42-9-290. Mr. Bradley received weekly
25 workers' compensation payments paid to his



1 guardian ad litem up through the date of his
2 death, which was February 5, 2017. And
3 Commissioner Beck properly calculated in his
4 Order that there remained approximately 202
5 weeks left to be commuted to present day value,
6 which was the number that was arrived at in his
7 order, and again, an amount to which the
8 Defendants maintain Ms. Bradley is owed. Our
9 request of you this afternoon is to merely be
10 in a position to be able to make payment of
11 those benefits in accordance with his Order
12 Form 19 and then file that Form 19 with the
13 Commission in order to be in a position to
14 close our file. There are a number of other
15 issues that were raised in the Appellant's
16 brief that I just feel like for purposes of the
17 record need to be touched on this afternoon.
18 One deals with the payment of benefits under
19 other employee plans or policies. This
20 Commission is only charged with adjudicating
21 the Claimant or his -- now his wife's
22 entitlement to benefits as a dependent under
23 the South Carolina Workers' Compensation Act.
24 I can't speak to other insurance plans, private
25 or public, that Ms. Bradley may or may not be



1 entitled to benefits under. What the
2 commission is here to do is to determine her
3 entitlement to benefits under the act, and we
4 maintain that Commissioner Beck correctly
5 arrived at that determination, and again, are
6 not in any way objecting to payment being made
7 to her in accordance with his decision. And
8 there was also raised in the -- in the brief,
9 an issue regarding payment for attendant care
10 previously provided. That issue was not before
11 Commissioner Beck at the December 6th, 2017,
12 hearing. As a matter of fact, that issue had
13 been previously adjudicated in an Order of
14 Commissioner Beck dated June 5th, 2015. The
15 Findings of Fact 7 through 14 of that Order
16 dealt with the attendant care issue and he
17 ruled on that. And that Order was not appealed
18 and so that is the law of the case under the
19 concept of Res Judicata. There was also an
20 argument in the brief that benefits were
21 terminated to Mr. Bradley during the course of
22 the time period when he was alive. The Form
23 18s that are filed with the Commission clearly
24 reflect that he received weekly payments -- or
25 his guardian ad litem received weekly payments



1 during the period of time before his death. So
2 there's no evidence that benefits were
3 improperly terminated. There was also some
4 argument in the brief regarding the cause of
5 Mr. Bradley's death. There was evidence
6 submitted at the hearing before Commissioner
7 Beck in December that indicated the cause of
8 his death, a death certificate and an autopsy
9 were submitted as evidence in this case. The
10 autopsy actually was requested by Mr. Bradley's
11 family. I believe APA 2 says it was requested
12 by his son. The autopsy took place. The
13 autopsy is part of the record in this case and
14 it outlined the cause of his death. And then
15 I think there's been some mention here today as
16 well as in the brief of the issues regarding
17 the appointment of guardian ad litem in this
18 case. As you know from looking at the
19 Commission file, as you can see after your own
20 review there have been multiple hearings in
21 this case, many of which have dealt with the
22 removal of one person as guardian ad litem and
23 the appointment of another. Those Orders,
24 there are --there are multiple ones in the
25 Commission file that deal with first the



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1 removal of Ms. Bradley as the guardian ad
2 litem, the appointment of her daughter. Then
3 the removal of her daughter and the appointment
4 of Mike Ferry. And then ultimately the
5 removal of Mike Ferry and the appointment of
6 Victoria Lichtenberger. And those Orders are
7 in the Commission file and clearly outline not
8 only the basis for each of those decisions
9 rendered by Commissioner Beck, but the fact
10 that Notice of those Hearings and those
11 Proceedings were provided to all parties of
12 interests. Again, the Order appointing Ms.
13 Lichtenberger or Mr. Ferry in particular were
14 not appealed, and so those, again, are the law
15 of the case. Again, Your Honor, what we are
16 asking this panel to be able to do today is to
17 make a payment of benefits to Ms. Bradley in
18 accordance with the decision and Order of
19 Commissioner Beck. We maintain taht his
20 opinion and his decision is supported by the
21 evidence and it should be affirmed. Thank you.

22 **MR. CHAIR:** Thank you, sir. All right. Ms.
23 Bradley, you'll have three more minutes, ma'am.

24 **APPELLANT'S REPLY:**

25 **MS. BRADLEY:** As I previously stated, we have never



1. been in a courtroom. Whatever took place, this
2 family does not know anything about it. We
3 have never been given any papers. The only
4 paper we were given, like repetitious rewrite,
5 re-document, reprinted stuff by Jason Lockhart.
6 That's inappropriate to this family. We did
7 not know what happened to my husband and these
8 children father. I requested that Mr. Bradley
9 was taken away from his family. We were not
10 allowed to see him, talk to him or do anything
11 with him, not even touch him. That's inhuman.
12 It's inhuman. Who would sit here and -- sit
13 here and say this (unintelligible) It's their
14 file. It's not this family file. We weren't
15 part of it. We don't even know what's in it.
16 This is some of the stuff that we ask for, date
17 of appointment of a guardian, who was there
18 present? Mike Ferry was there. Why was Mike
19 Ferry not in the courtroom saying how this
20 family was uncooperative with him. He's an
21 attorney. He was appointed by the -- T. Scott
22 Beck. My daughter was never appointed a
23 guardian by T. Scott Beck. I was never
24 appointed a guardian by Mr. T. Scott Beck. I
25 am Albert's Bradley wife. Guardianship,



1 appointment for the wife who takes care of him?
2 If I wanted to run, I would have run when he
3 first had this accident. I would have run
4 before Jason even came in the picture. When
5 they tried to end his life I fought for Mr.
6 Bradley, and today I will fight for Mr.
7 Bradley. They did not submit an APA medical
8 file. We have not received anything. Anything
9 in that file, as I say before, there was no
10 expert witness that came through and Ms.
11 Victoria Lichtenberger when she did get on the
12 stand she refused to say anything by the order
13 of this man with his verbal motion in the room.
14 And she also stated that she did not spend any
15 of Mr. Bradley money because everything was
16 documented to -- everything was donated, she
17 didn't use any of that. Plus, we still don't
18 know how Mr. Bradley was taken from his who was
19 taking care of him, kept him alive for five
20 years. In thirty days he was dead when we
21 didn't see him. We went to the hospital and he
22 was on all these ventilators. Give me that ---
23 **MS. SELTUN:** Medical bills.
24 **MS. BRADLEY:** --- paper. That's right. He was
25 dead. He was deceased. When I got to him I



1 passed out. They took me to the emergency room
2 because the thing that hit me was a corpse. He
3 was dead. He was dead. He wasn't fed for the
4 whole thirty days. And medical charges and all
5 that should have been paid. Mr. Bradley never
6 got any medical charges. No money never came
7 to this family after he was taken. When --
8 December of '15 was the end of that money.
9 Albert was in our care and he didn't get
10 anything. They send DSS in and say he didn't
11 have no food, but we spent our dollars to feed
12 this man.

13 **MR. CHAIR:** All right. Thank you, ma'am. What will
14 happen next is we will review the matter and we
15 will issue our Order. And if you agree with
16 our Order and Mr. Lockhart agrees, then after
17 a period of the time it becomes the law of the
18 case. If you don't agree with our Order, from
19 the time you get it, you have thirty days to
20 appeal to the South Carolina Court of Appeals
21 and you facilitate that through the Clerk over
22 at the Court of Appeals. Okay. All right.
23 That concludes this proceeding. Thank y'all
24 all very much.

25 **(There being nothing further, the full commission**



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hearing concluded at 2:47 p.m.)



Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
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February 20, 2019

VIA U.S. MAIL

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

RE: Albert Bradley v. Southern Industrial Constructors and Zurich American
Insurance Company c/o Zurich North America
Date of Accident: May 16, 2011
WCC File No.: 1105628
Our File No.: 20216.11055
Claim No.: 2800074691
Appeal No.: 2018-001535

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FEB 22 2019
SC Court of Appeals

Dear Ms. Kitchings:

We write to advise the Court that Respondents have received a copy of the Transcript of the hearing before the Appellate Panel of the Full Commission that took place on May 21, 2018. Respondents are attaching a copy of the transcript for the Court's files.

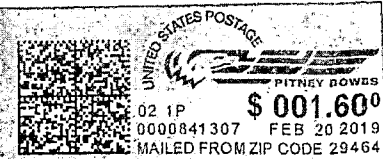
By copy of this letter, we are providing Ms. Bradley with a copy of the same.

If you have any questions, please contact me.

Yours truly,


Helen F. Hiser

cc: Christine Bradley, *Pro Se* (w/attachment)
Court Administration (w/o attachment)



mgc

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