

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Gene McCaskill, Commissioner
T. Scott Beck, Commissioner
Melody L. James, Commissioner

Appellate Case Number : 2012-212972

Alison Morrett,

Employee, Claimant/Appellant.

v.

Capital City Ambulance of GA, Ltd. and
Companion Property and Casualty Group,

Employer, Carrier/Respondents,

FINAL REPLY BRIEF OF APPELLANT

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SC Court of Appeals

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LEGAL ARGUMENT

- 1. THE AUGUST 28, 2012 DECISION AND ORDER OF THE FULL COMMISSION IS NOT AN INTERLOCUTORY ORDER AND IS FINAL AND THEREFORE IS SUBJECT TO APPELLATE REVIEW.**

FACTUAL AND PROCEDURAL BACKGROUND

The Claimant sought benefits under the South Carolina Workers' Compensation Act based upon an admitted accident which occurred on May 11, 2009. At the hearing before the Single Commissioner the parties agreed that the Claimant had suffered a compensable injury to her right lower extremity. It was the position of the Claimant that the admitted compensable physical injury coupled with six (6) surgeries, the recovery from those surgeries and pain associated with each surgery had aggravated her pre-existing psychological condition as well as her pre-existing eating disorder. Claimant was seeking treatment for the psychological and eating disorder. The only issues in dispute at the hearing were the compensability of the aggravation of the Claimant's psychological condition and eating disorder. Defendants denied that the Claimant's conditions had been aggravated. A hearing was held before Commissioner Derrick Williams on February 6, 2012. After the hearing the Commissioner issued an order finding Claimant's psychological condition and eating disorder were aggravated by her work accident and subsequent treatment and awarded causally related medical care. The Defendants appealed the decision of the Single Commissioner. The Full Commission heard oral arguments on the issue of the compensability of the Claimant's aggravation of her psychological and eating disorder. The Full Commission reversed the Single Commissioner's findings and holdings in which he found that the Claimant's aggravation of her psychological and eating disorder were compensable. The claim for aggravation of the pre-existing psychological condition and eating disorder was denied in its entirety. (R. p. 38). The Claimant was denied

medical treatment for the psychological condition and eating disorder. On September 20, 2012, Alison Morrett timely filed and served her notice of appeal.

ARGUMENT

This appeal should not be dismissed as the Appellant is entitled to immediate review of the Full Commission Order. The Full Commission Order finally determines the legal rights of the parties regarding the Appellant's claim for aggravation of her psychological condition and eating disorder. The Full Commission Order concludes that "the claim for aggravation of the pre-existing psychological condition and eating disorder is denied in its entirety" (R. p. 38). There was no remand in this case. The Full Commission has made conclusive findings as to compensability. Inasmuch as the challenged Order constitutes a final order with regard to the legal question of compensability, it is immediately appealable, and Appellant is entitled to immediate appellate review.

South Carolina Code Ann. § 1-23-380 contemplates judicial review of a "final decision" in contested cases such as this. Thus, this statute, by its express terms, permits immediate appellate review in workers' compensation proceedings where the challenged order is a final order; to wit, where the order reaches the merits or affects a substantial right. The Full Commission Order is just such a final decision. The Full Commission Order effectively decides the only issue in these proceedings - whether or not Appellant/Morrett sustained a compensable aggravation of her psychological and eating disorder. Thus, the order is not "interlocutory" because it determines with finality the only legal question presented. There is no remand in this case and the Order is enforceable as it stands.

As pointed out by the Respondents, the South Carolina Supreme Court most recently addressed a similar issue in Bone v. U.S. Foodservice, 404 S.C. 67, 744 S.E. 2d 552 (2013). The case of the Appellant, Alison Morrett, can easily be distinguished from the facts and procedure in Bone. The Court in Bone seemed to base their decision that the Workers' Compensation Appeal was interlocutory on the fact that the Circuit Court had remanded the case to the Commission for further proceedings consistent with the Circuit Court Determination. Bone at 562 (Final sentence under "Conclusion"). The Supreme Court was also persuaded by the fact that the decision by the Circuit Court was not enforceable when they stated: "To the Contrary, there is no enforceable judgement at this stage as the Commission is tasked with further obligations in determining the extent of Bone's compensation and in setting forth a final award that constitutes an executable judgment. Bone at 559.

In the case of Alison Morrett there is no remand and the Order is enforceable as it stands. The Appellant's medical status has been addressed. The Appellant has/will be denied medical treatment for the psychological and eating disorder claims. The Respondents will enforce the Full Commission Order by withholding the medical treatment sought by the Appellant/Morrett. Simply put, there is nothing left for the Full Commission to decide on this issue. Based on the analysis of the Supreme Court in Bone, the Full Commission Order in Morrett falls within the definition of a "Final Judgment" as defined by the South Carolina Supreme Court. The Supreme Court defined final judgement to mean the order must dispose of the whole subject matter of the action or terminate the action, leaving nothing to be done but to enforce what has already been determined. Bone at 557. The Full Commission Order in Morrett falls within this definition and thus the appeal should be allowed to proceed.

The fact that Morrett should be distinguished from Bone is evident when the conclusion of the Supreme Court is examined. In Bone the South Carolina Supreme Court stated: "we affirm the

decision of the Court of Appeals, which found the current order remanding the matter to the Commission for further proceedings, does not constitute a final judgment as required by § 1-23-390 and is not immediately appealable.” Bone at 562. This holding would not and does not apply to the Full Commission Order in Morrett because there is no remand. There is also no Circuit Court involved in Morrett as this is a direct appeal to the South Carolina Court of Appeals. The Respondents have also cited Long v. Sealed Air Corp., 391 S.C. 483, 706 S.E. 2d 34 (Ct. App. 2011) in support of their motion to dismiss. Long is also distinguishable from the case of Alison Morrett as Long like Bone involves an Order of the Circuit Court which involved a remand. A close reading of the opinions of Bone and Long would support a denial of the Respondents’ Motion to Dismiss this appeal.

Should the Court determine that the Full Commission Order at issue is not a final agency decision, South Carolina Code § 1-23-380 also states; that “A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.” The circumstances in Morrett would support a review of the Full Commission Order. Alison Morrett is in need of psychological treatment and treatment for her eating disorder. Because of the urgency and seriousness of these conditions, Ms. Morrett should not be forced to wait an indefinite period of time to then prosecute an appeal after a final workers’ compensation hearing which may be years away. That is not an adequate remedy for Alison Morrett. Certainly an argument can be made that allowing this appeal supports judicial economy. Allowing the appeal to continue will streamline this matter. Otherwise, we will be back pursuing these same issues a year or two from now after a final hearing addressing permanency.

2. THE FULL COMMISSION ERRED AS A MATTER OF FACT AND LAW IN FAILING TO ADDRESS THE CREDIBILITY OF THE CLAIMANT AS THE SINGLE COMMISSIONER HELD THAT THE CLAIMANT TESTIFIED

ACCURATELY AND IN LINE WITH THE MEDICAL AND COUNSELING RECORDS IN THE CASE WITHIN HIS FINDING OF FACT 9 YET THE FULL COMMISSION DID NOT REVERSE THIS FINDING AND DID NOT ADDRESS THE ISSUE.

The Respondents have argued that it is clear within the Full Commission Decision and Order that the Full Commission disagreed with the Single Commissioner's determination that she "testified accurately and in line with the medical and counseling records in this case". Despite the Single Commission's Finding that the testimony of the Claimant was accurate and the issue being appealed in the Form 30, the Full Commission failed to specifically address this issue in their decision. As the Full Commission made no finding of fact concerning whether or not the Claimant's testimony was accurate and in-line with the medical records this matter must be remanded to the Full Commission for a proper finding. The Case of Nettles v. Spartanburg School District #7, 341 S.C. 580, 535 S.E. 2d 146 (S.C. Ct of Appeals 2000) is controlling.

In the case of Nettles v. Spartanburg School District #7, 341 S.C. 580, 535 S.E. 2d 146 (S.C. Ct of Appeals 2000) the South Carolina Court of Appeals stated; "As the commission made no specific finding of fact concerning this issue, but implicitly ruled on it, we must remand the issue to the commission for a proper finding. Further, within the footnote to this paragraph at FN4 it is noted:

"The commission's failure to explicitly rule on an issue raised to it in a Form 30 does not create an error preservation problem although a similar omission in a civil proceeding would be fatal. While a trial court's ruling may be challenged by an aggrieved party with a motion to reconsider under Rule 59 or 60, worker's compensation law does not contain a motion to reconsider before the commission. An aggrieved party may not challenge the commission's decision with a motion to the commission, but only with an appeal...

The Court went on to say that the "Commission's implicit ruling concerning the hip is too indefinite for this Court to review. The Commission must make specific findings of fact upon which a claimant's right to compensation are based. S.C. Code Ann. § 1-23-350. The Nettles Court cited the South Carolina Supreme Court decision of Airco, Inc. v. Hollington, 269 S.C. 152, 160 236 S.E.

2d 804, 808 (1977) in which the Supreme Court held that the Commission has a statutory duty to make a finding of fact for all “essential factual issues.”

As the Court of Appeals did in Nettles v. Spartanburg School District #7, 341 S.C. 580, 535 S.E. 2d 146 (S.C. Ct of Appeals 2000) the case of Alison Morrett should be remanded for specific findings to indicate why the Full Commission felt the testimony of the Claimant could be ignored. Whether or not the testimony of the Claimant was accurate is an essential factual issue and must be ruled upon pursuant to Airco, Inc. v. Hollington, 269 S.C. 152, 160 236 S.E. 2d 804, 808 (1977).

3. THE CLAIMANT INTRODUCED SUFFICIENT EVIDENCE TO ESTABLISH AN AGGRAVATION OF HER PRE-EXISTING PSYCHOLOGICAL CONDITION AND DR. PIASECKI AND COUNSELOR HOBBS ARE MORE THAN QUALIFIED TO RENDER OPINION TESTIMONY.

Within their brief the Respondents’ have cited the cases of Anderson v. Baptist Medical Center, 343 S.C. 487, 541 S.E. 2d 526 (2001) and Doe v. SC Dep’t of Disabilities and Special Needs, 377 S.C. 346 660 S.E. 2d 260 (2008). For the first time during this litigation the Respondents argue that these cases support their argument that Ms. Morrett’s aggravation of her pre-existing psychological condition cannot be compensable. Simply put, a close review of t Anderson v. Baptist Medical Center actually supports the Appellant’s argument that the aggravation of her pre-existing psychological condition can and should be compensable.

The Respondents have picked one sentence from the South Carolina Supreme Court’s decision in Anderson. Within the decision the Court states: “The right of a claimant to compensation for aggravation of a pre-existing condition arises only where there is a dormant condition which has produced no disability but which becomes disabling by reason of the aggravating injury. Citing Hines v. Pacific Mills, 214 S.C. 125.

Since the South Carolina Supreme Court reached its decision in Anderson the South Carolina legislature has made modifications and amendments to the South Carolina Workers' Compensation laws. In 2007 § 42-1-160 was amended to define what must be presented to prove a compensable mental or psychological claim. Under South Carolina Code Ann. § 42-1-160(D) (1976) stress, mental injuries, and mental illness alleged to have been aggravated by a work-related physical injury may not be found compensable unless the aggravation is:

- (1) admitted by the employer/carrier;
- (2) noted in a medical record of an authorized physician that, in the physician's opinion, the condition is at least in part casually-related or connected to the injury or accident, whether or not the physician refers the employee for treatment of the condition;
- (3) found to be casually-related or connected to the accident or injury after evaluation by an authorized psychologist or psychiatrist; or
- (4) noted in a medical record or report of the employee's physician as casually-related or connected to the injury or accident.

The opinions of Dr. Piasecki clearly satisfy § 42-1-160(D) (2) and (4). As noted above Dr. Piasecki is the Claimant's current authorized treating physician. Dr. Piasecki noted in his office visit of October 20, 2011 (R. p. 472) that he believed that her psychological state is work related given the multiple surgeries which have been involved here and he recommend that she see a nutritionist and follow up with a psychiatrist (R. p. 472). Dr. Piasecki has confirmed his opinion is to a reasonable degree of medical certainty in a questionnaire dated November 30, 2011 which was introduced as Claimant's APA 148 (R. p. 481) . Further, in his deposition of January 26, 2012, Dr. Piasecki (referred to incorrectly as Tiasecki by the court reporter) reaffirms his opinions that the

injury coupled with the extensive treatment has aggravated the Claimant's pre-existing psychological and eating disorder. (R. p. 150, lines 14 - 21). At pages 16 and 17 of his deposition Dr. Piasecki opines that the decline in Ms. Morrett's psychological state is causatively related/connected to the physical injury of May 11, 2009 (R. pp. 157 - 158). At pages 16 and 17 of his deposition, Dr. Piasecki also opines that Ms. Morrett's need for treatment for her psychological decline and exacerbation of eating disorder is related or connected to her physical injury and subsequent surgeries. (R. pp. 157 - 158).

Furthermore, the Respondents have focused on the word "Dormant" to argue that because the Claimant was continuing to treat for her psychological condition her condition was not dormant. The argument is misplaced and ignores the fact that her condition at the time of her admitted physical injury was not producing disability. The Appellant was obviously working and on the job when she was injured. The South Carolina Supreme Court affirmed the decision of the Court of Appeals which reversed the Full Commission's finding that Anderson's psychological condition was not aggravated by her physical injury. In so doing the South Carolina Supreme Court stated: "Although Anderson was receiving treatment for depression prior to this accident, the only substantial evidence in the record clearly shows her condition was aggravated by the work-related fall. Anderson at 494. The testimony of the Claimant in Anderson was that although she was taking Prozac at the time of her physical injury her dose doubled after the on the job injury Anderson at 493. So the fact that a claimant is receiving psychological treatment prior to a physical injury does not preclude them from claiming an aggravation of their psychological condition following an on the job injury. As the South Carolina Supreme Court stated in Anderson at 493 "Aggravation of pre-existing psychiatric problems is compensable if that aggravation is caused by a work-related physical injury."

The Doe decision is easily distinguished as the Supreme Court is only addressing the mental-mental aspect of Doe's claim. Of course the Appellant Morrett's claim involves a physical injury which has aggravated a pre-existing psychological condition. In Doe outside stressors are more relevant as there is no physical injury.

The Respondents have also argued that Dr. Piasecki is not qualified to render a decision that Ms. Morrett's psychological condition has been aggravated by her on the job injury. The evidence is to the contrary. Dr. Piasecki is a board certified orthopedic surgeon (R. p. 146, lines 20 - 21). He attended undergraduate training at Harvard University and obtained his medical degree from Vanderbilt University (R. p. 146, lines 11 - 19). He specializes in difficult cases such as Ms. Morrett's and has first hand experience in dealing with patients who have had multiple surgeries and he emphasized the stress that one undergoes after multiple surgeries and states that the development of psychological issues is not unusual (R. p. 146, lines 05 - 08) and (R. p. 150, lines 03 - 13). Dr. Piasecki testified that "I don't know that I would say that the knee condition that she has, which resulted from her work related injury, has caused her psychological condition. I think the process of going through as many surgeries as she has, and the recovery from those surgeries, has aggravated it. And that comes from experience treating patients who have had multiple knee surgeries, which are very complex and require inpatient stays, extended periods of time without weight bearing, and limited control of their lives. In my experience, depression, and particularly in female patients, eating disorders is very common. (R. p. 152, lines 13 - 25). Dr. Piasecki further testified that "But common sense would argue that the stress of undergoing these surgeries is immense. (R. p. 153, line 25 - p. 154, line 1). The medical notes, questionnaire and deposition testimony have clearly satisfied

the Claimant's burden that is set out in S. C. Code Ann. § 42-1-160 (D) (2) as the aggravation is "noted in a medical record of an authorized physician that, in the physician's opinion, the condition is at least in part casually-related or connected to the injury or accident..." and the records, questionnaire and opinions of Dr. Piasecki clearly satisfy § 42-1-160 (D) (4) which is "noted in a medical record or report of the employee's physician as casually-related or connected to the injury or accident." The testimony of Counselor Hobbs bolsters the opinion of Dr. Piasecki.

The Claimant has also satisfied South Carolina Code Ann. § 42-9-35 (1976) in that the Claimant has produced significant medical evidence that the injury of 2009 and the extensive treatment that has followed has aggravated the Claimant's pre-existing eating disorder and psychological issues. The testimony of Piasecki and the testimony of Counselor Hobbs satisfy the burden established by South Carolina Code § 42-9-35.

4. DR. LIND IS NOT THE MOST CREDIBLE WITNESS ON THE ISSUE OF THE APPELLANT'S PSYCHOLOGICAL CONDITION AND THE FULL COMMISSION'S DECISION TO GIVE DR. LIND'S OPINION GREATER WEIGHT IS NOT SUPPORTED BY THE RECORD.

The reliance on the opinion of Dr. Lind is misplaced for many reasons. There are many obvious flaws with the report of Dr. Lind and his conclusions are based on assumptions that are incorrect and simply wrong. Dr. Lind only interviewed the Claimant on one occasion. (R. p. 1335). Dr. Lind's report also contains inaccuracies about the Claimant, the medical records involved and the medical treatment received by the Claimant. (R. p. 1336).

At the time Dr. Lind prepared his report he did not have the records from Ridgeview Institute although the basis of his opinion is that the Claimant did not complete the treatment at Ridgeview. The assumption that Ms. Morrett did not complete the program at Ridgeview is false. The

testimony of the Claimant was that she completed the program at Ridgeview. (R. p. 179, line 10 - p. 180, line 22) and (R. p. 202, lines 19 - 25). The Full Commission affirmed the Single Commissioner's Finding in which he stated the Claimant's testimony was accurate and in line with her medical records and psychological records. (R. p. 25). Furthermore, because of the flaws in Dr. Lind's report it is impossible to say what if any records he reviewed to form his opinion. The South Carolina Supreme Court has stated "It is, of course, elementary that the factual or underlying basis for the expert's opinion be set out, otherwise the opinion lacks probative value" Young v. Tide Craft, 270 S.C. 453, 468, 242 S.E. 2d 671, 678 (1978). Clearly an expert report based on data that is not correct lacks probative value.

Although it has been argued by Respondent's Counsel that Dr. Lind reviewed Ms. Morrett's prior records before rendering his opinion there is no evidence of that within the record. It is clear that the Full Commission's decision to give greater weight to the opinion of Dr. Lind was based on the incorrect assumption that he had reviewed the prior records of the Claimant. By assuming that Dr. Lind has reviewed the prior records of the Claimant the Commission has engaged in surmise, conjecture and speculation. The South Carolina Supreme Court has held that "an award may not rest upon surmise, conjecture or speculation. Tiller v. Nat'l Health Care Ctr. Of Sumter, 334 S.C. 333, 339 513 S.E. 2d 843, 845 (1999).

Dr. Lind also based his opinion on the false statement that the medical notes of Counselor Hobbs only mention the Claimant's work related injury 5 times. Dr. Lind states in his report (R. p. 1338) that Counselor Hobbs medical notes only mention the work related injury five times. Dr.

Lind's statement is wrong. The injury is mentioned at least 10 times between May 2009 and July 2011. (R. pp. 252 - 254) and (R. pp. 256 - 257).

In conclusion, there is not substantial evidence within the record to support the Full Commission's decision to give greater weight to the opinion of Dr. Lind. The decision of the Full Commission to give greater weight to the opinion of Dr. Lind is based upon surmise, conjecture and speculation that Dr. Lind reviewed prior records of the Claimant before forming his opinion and a decision cannot be based on surmise conjecture or speculation pursuant to Tiller v. Nat'l Health Care Ctr. Of Sumter, 334 S.C. 333, 339 S.E. 2d 843, 845 (1999). Dr. Lind's report is also based on assumed facts that are not correct, to include his assumption that the Claimant did not complete treatment at Ridgeview. Dr. Lind also incorrectly bases his opinion on his belief that the injury is only discussed with Counselor Hobbs five (5) times. Furthermore, when the rationale of the Court of Appeals in Potter v. Spartanburg Sch. Dist., 396 S.C. 17, 716 S.E. 2d 123 (Ct. App. 2011) is applied to the facts of this case, the opinion of Dr. Piasecki should have been given greater deference.

5. THE CLAIMANT WAS PREJUDICED BY THE FULL COMMISSION CONSIDERING A MEDICAL SUMMARY HANDED UP AT ORAL ARGUMENT THAT WAS NOT A PIECE OF EVIDENCE AND NOT IN THE RECORD AS THE CLAIMANT HAD NO NOTICE IT WOULD BE HANDED UP AND THUS WAS NOT ALLOWED TO ADDRESS THE SUMMARY IN THEIR BRIEF OR TO PROPERLY RESPOND TO THE SUMMARY.

At the oral argument before the Full Commission, Defense Counsel handed up an 18 page summary of the Claimant's psychological treatment over the objection of Claimant's Counsel. Counsel for the Claimant objected to the introduction and consideration of the summary based on the fact that it is not a piece of evidence, the Claimant did not know it was to be handed up at oral

argument and thus did not have an opportunity to brief, review or respond to the summary. (R. p. 215, line 23 - p. 216, line 4) The first notice that Claimant's Counsel had that the summary existed and was to be handed up at oral argument was a few minutes before the hearing. Over the objection of Claimant's Counsel the Full Commission decided to consider the summary and allowed it to be handed up to the Commissioners on the Panel. (R. p. 216).

The summary is 18 pages and contains cherry picked portions of the Claimant's medical history/records and to consider the summary in this case was a violation of the statutory provisions of the Workers' Compensation Act, the Administrative Procedures Act, was in excess of the authority granted to the Full Commission, was unlawful procedure, affected by an error of law, clearly erroneous and to consider the summary amounts to an abuse of discretion.

It was unfair to the Claimant and prejudicial to allow such a piece of evidence in at the last minute. The statutes and regulations surrounding the workers' compensation act are put in place to prevent a party from being surprised on the day of a hearing.

At the Full Commission Hearing Defense Counsel argued that the Summary was already in evidence. (R. p. 216, line 4-13). That is not correct. The summary offered at the Full Commission Hearing was different than the summary used at the hearing before the Single Commissioner. The summary handed up at the Full Commission was entitled "Claimant's Psychological Treatment" and is 18 pages. R. pp. 1386 - 1403). The summary handed up at the hearing before the Single Commission was 36 pages and is entitled "Medical Summary". (R. pp. 1350 - 1385). The summary handed up at the Single Commission hearing was much more even handed and included references to the Claimant's physical therapy, the Claimant's surgeries and treatment with Dr. Piasecki. The summary handed up at the Single Commission also referenced notes of Dr. Piasecki which were

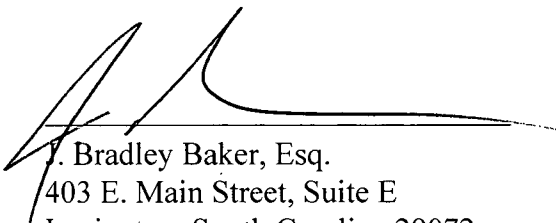
favorable to the position of the Claimant. The Single Commission summary includes a summary of the note in which Dr. Piasecki states that he believes her psych state is work related due to multiple surgeries and in which he recommends that the Claimant see a nutritionist. (See pg. 32 of the Summary entitled “Medical Summary”) (R. p. 1381). It is also noted on pg. 34 that Dr. Piasecki answered affirmatively to the questionnaire that was submitted to him by Claimant’s Counsel concerning causation/aggravation of the psychological condition. (See pg. 34 of the Summary entitled “Medical Summary”). (R. p. 1383).

The “Claimant’s Psychological Treatment” document which was erroneously considered by the Full Commission is much more one sided. There is no mention of Dr. Piasecki’s records or his opinions. Although Counselor Hobbs notes are referenced there is no mention of her deposition testimony in which she stated that the extensive treatment following this admitted on the job injury has aggravated the Claimant’s psychological condition. There is no mentioned of the extensive physical therapy the Claimant has endured. The surgery notes and records are not summarized in this document. There is nothing in this summary that supports the Claimant’s position in this case.

The Full Commission’s decision to allow the summary to be handed up and considered was prejudicial as the summary was incomplete and contained mention of only evidence that supported the Respondents’ position. To allow the summary to be considered was an abuse of discretion and an error of law. This is a clear violation of S.C. Code Ann. § 1-23-320(E) (1976), § 1-23-330 (1), S.C. Code Reg. 67-707(B) and S.C. Code Reg. 67-705. The decision to allow the summary in was in excess of the authority granted the Full Commission, was unlawful procedure, affected by an error of law and a misapplication of the law and to consider the summary amounts to an abuse of discretion.

CONCLUSION

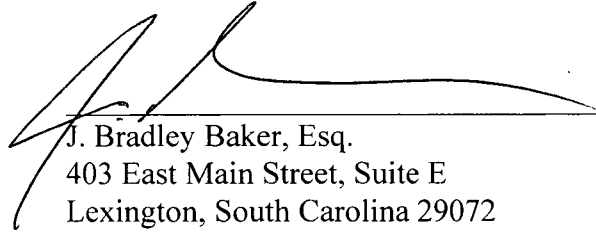
For the reasons stated above the decision of the Full Commission should be reversed and the Decision of the Single Commissioner should be reinstated. The aggravation of the Claimant's psychological condition and eating disorder should be found compensable and the Defendants should be ordered to provide medical treatment to the Claimant for the aggravation of the psychological and eating disorder. In the alternative, this matter should be remanded to the Full Commission for further findings and to correct statutory and procedural errors.



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The undersigned hereby certifies that the Final Reply Brief of the Appellant complies with Rule 211(b).



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