

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1105628

Ex Parte: Christine Bradley, Surviving Spouse, Appellant,

v.

Southern Industrial Constructors, Inc., Employer,
and Zurich American Insurance Company
c/o Zurich North America, Carrier, Respondents.

**RETURN IN OPPOSITION TO
MOTION FOR RELEASE OF TRANSCRIPTS**

Respondents Southern Industrial Constructors, Inc. and Zurich American Insurance Company c/o Zurich North America hereby oppose Appellant Christine Bradley's Motion for Release of Transcripts. First, it is unclear whether Appellant has filed the requisite filing fee required by Rule 240(d), SCACR.

Second, Appellants' motion suggests that the South Carolina Workers' Compensation Commission is required to provide her with copies of all transcripts of proceedings conducted before the Commission. Neither Rule 607, cited by Appellant, nor Rule 207 requires the underlying forum to provide, free of charge, copies of transcripts to litigants regardless of whether they are *pro se* or not. Instead, an appellant is required to order the relevant transcripts and make financial arrangements with the court reporter(s) for same. *See* Rules 207(b)(1) & 607(h), SCACR. In a March 5, 2019 letter, the Commission has provided Appellant with the names and contact information

for the court reporters for the various hearings in this matter at the Commission, explaining to Appellant that, “[t]hese are fee based documents that only [the court reporters] can provide.” (Exh. A). Appellant should contact the court reporters and make satisfactory arrangements with each for any transcripts she believes are necessary to this appeal.

The Commission also advised in its March 5 letter how Appellant may order a copy of the Commission file pertaining to her claim. (Exh. A). However, the transcript of the December 6, 2017 hearing before Commissioner T. Scott Beck indicates that a copy of the Commission file previously was provided to Appellant at Appellant’s daughter’s address, per the request of Appellant. (Exh. B). Although there was a question regarding whether Commissioner Beck’s order appointing Ms. Lichtenberger as guardian ad litem for Mr. Bradley was missing from the file received by Appellant, in an effort to clear up any dispute regarding that issue, Respondents attach Commissioner Beck’s December 18, 2015 Order hereto. (Exh. C).

Finally, Respondents have already ordered and received a copy of the transcript of the May 21, 2018 hearing before the Appellate Panel of the Full Commission, which was previously provided to this Court and to Appellant under cover of letter dated February 20, 2019. There is no valid reason to further delay this appeal.

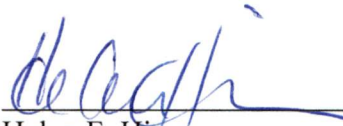
CONCLUSION

For all the reasons stated herein, this Court should deny Appellant’s Motion and order her to make satisfactory arrangements with the court reporter(s) to obtain any transcripts she believes are necessary for her appeal or, in the alternative, order that she

file her initial brief within 30 days. This appeal has been pending for almost six months and Appellant has yet to perfect her appeal.

McANGUS GOUDELOCK & COURIE, LLC

March 14, 2019



Helen F. Hiser

S.C. Bar No.: 76124

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(843) 576-2900

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Workers' Compensation Commission

March 5, 2019

ALBERT BRADLEY
c/o Christine W Bradley
475 Lower Lee School Road
MAYESVILLE, SC 29104

Carrier Code No. 00090

Carrier File No. 2800074691

20216.11055

Re: Requested Documents
WCC File No. 1105628
ALBERT BRADLEY v. SOUTHERN INDUSTRIAL CONSTRUCTO
Date of Injury: 05/16/2011

Dear ALBERT BRADLEY:

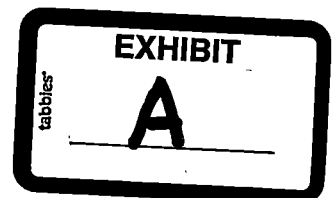
Attached is a second copy of the court reporter information that you requested. A copy was previously provided to you on February 15, 2019. You will need to contact the individual court reporters directly to request copies of the transcripts. These are fee based documents that only they can provide. If there are additional documents, outside of transcripts, that you are in need of from the Commission you may request a complete copy of your husbands file in writing along with the \$20 copy request fee. You will be billed separately at \$.50 per page for each page after the first 20.

Please let me know if you need anything additional.

Sincerely,

Eugenia C. Hollmon
Judicial Docketing Director
ehollmon@wcc.sc.gov

c:
Jason W. Lockhart (5), Esquire
McAngus Goudelock & Courie, LLC
PO Box 12519
Columbia, SC 29211



The Honorable James E. Lockemy
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

The Honorable Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

V. Claire Allen
Dep. Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Creel Court Reporting
1230 Richland Street
Columbia, SC 29045

Court Reporter	Contact	Hearing date	Email
Rob Fitzgerald	803-252-3445	May 12, 2018	
Skylet Kean	803-609-0134	December 6, 2017	fttpam@aol.com
Tatum Court Reporting	706-207-5483	October 8, 2014	ctatumcr@gmail.com
Deborah Thomas	803-206-7390	July 18, 2012	
Deborah Thomas	803-206-7390	January 25, 2013	
Skylet Kean	803-609-0134	December 7, 2015	<u>fttpam@aol.com</u>

*Please note that all cases may not have been heard on the record so, there may not be a transcript for all dates of hearing.

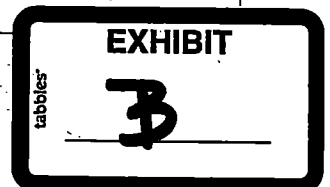
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 1105628

ALBERT BRADLEY,)
)
CLAIMANT,)
)
VS.) TRANSCRIPT OF PROCEEDINGS
)
SOUTHERN INDUSTRIAL) DECEMBER 6, 2017
CONSTRUCTION,)
)
EMPLOYER,)
)
AND)
)
ZURICH AMERICAN INSURANCE)
COMPANY,)
)
CARRIER,)
)
DEFENDANTS.)

THIS HEARING WAS HELD BEFORE
COMMISSIONER T. SCOTT BECK, REPORTED BY SKYLET KEAN,
COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE
OF SOUTH CAROLINA; SAID PROCEEDINGS WERE HELD AT THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION,
1331 MAIN STREET, COLUMBIA, SOUTH CAROLINA, ON
WEDNESDAY, DECEMBER 6, 2017, COMMENCING AT 11:07 A.M.

SKYLET KEAN (803) 609-0134
fttpam@aol.com



APPEARANCES

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FOR THE CLAIMANT:

CHRISTINE W. BRADLEY, PRO SE'
475 LOWER LEE SCHOOL ROAD
MAYESVILLE, SOUTH CAROLINA 29104

FOR THE DEFENDANTS:

JASON W. LOCKHART, ESQUIRE
MCANGUS, GOUDELOCK & COURIE, LLC
POST OFFICE BOX 12519
COLUMBIA, SOUTH CAROLINA 29211

ALSO PRESENT:

NATHANIEL ROBERSON, ESQUIRE

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CROSS-EXAMINATION BY MS. BRADLEY

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EXHIBITS

NONE

PROCEEDINGS

1
2
3 THE COURT: Today's date is December 6th,
4 2017. This is Workers' Compensation file
5 No. 1105628. The claimant in this matter was Albert
6 Bradley. The employer was Southern Industrial
7 Construction. The carrier was Zurich American
8 Insurance Company. Present today for the
9 employer/carrier is Attorney Jason Lockhart. Present
10 on behalf of Mr. Bradley are his wife, Christine,
11 Bradley; his son, Derwin Bradley; his daughter,
12 Lavare Seltun and his daughter, Christy James.

13 Date of accident in this matter was
14 May 16, 2011. Average weekly wage is \$1,287.34
15 yielding a compensation rate of \$704.92. We are here
16 to determine to whom benefits are payable and in what
17 amount. I've received APA submissions from the
18 defendant in this matter consisting of a dependency
19 investigation conducted by Tuten Insurance Services
20 Corporation. That is dated June 8, 2017.
21 Furthermore, there are some additional medical
22 records contained within the APA submissions.

23 Ms. Bradley, have you received a copy of
24 these, ma'am?

25 MS. BRADLEY: I haven't received anything.

1 THE COURT: Mr. Lockhart?

2 MR. LOCKHART: Your Honor?

3 THE COURT: Ms. Bradley receive a copy of
4 these?

5 MR. LOCKHART: To my knowledge those were
6 sent to her in accordance with your directive, Your
7 Honor.

8 MS. BRADLEY: I haven't received anything.

9 THE COURT: All right. Do you have a
10 copy?

11 MR. LOCKHART: I do, Your Honor.

12 THE COURT: I believe these are the same
13 documents that were presented at the proceeding a
14 couple of months ago.

15 MR. LOCKHART: That's right, Your Honor.

16 THE COURT: And nothing else has been
17 added to those from those submitted --

18 MR. LOCKHART: No, Your Honor.

19 THE COURT: -- at the prior hearing?

20 MS. BRADLEY: See. I didn't get a copy of
21 it...

22 THE COURT: Pardon?

23 MS. BRADLEY: I didn't get a copy of that
24 and no one gave me anything. We were in here a
25 couple of months, several months ago, but I never got

1 anything.

2 THE COURT: Okay. Well, you got a copy of
3 the file because I personally had that mailed to you
4 and have Ms. Seltun's signature as recipient of that
5 file that I sent to you.

6 MS. BRADLEY: You had mailed to me?

7 THE COURT: Uh-huh.

8 MS. BRADLEY: I didn't get it.

9 THE COURT: It was delivered in Gastonia,
10 North Carolina at 12:18 p.m. on October 2nd, 2017 and
11 was signed for by Ms. Seltun.

12 MS. SELTUN: Yes, sir. I did receive the
13 file and I wrote a letter in response. So, I mean,
14 that could have very well been in there, but I also
15 wrote in response to some things that specifically I
16 was looking for that I was not in receipt.

17 THE COURT: Yeah. And to address that,
18 Ms. Selton --

19 MS. SELTUN: Yes.

20 THE COURT: -- the file that we sent you
21 was the complete file from the Commission. Whether
22 there are other records --

23 MS. SELTUN: Right.

24 THE COURT: -- in the possession of the
25 defendant that we don't have, I can't answer that

1 question for you. We sent you the entire file that
2 we had in our possession here and all of that should
3 have been included in what you signed for.

4 MS. SELTUN: And that very well could have
5 been in there, but I wasn't looking specifically for
6 that, so...

7 THE COURT: Okay. Would you like a moment
8 to look through that before we proceed?

9 MS. SELTUN: I probably won't remember
10 because I wasn't focusing --

11 THE COURT: No. No. No. I'm asking --

12 MS. SELTUN: Oh, her?

13 THE COURT: I'm asking your mom --

14 MS. SELTUN: Oh, okay.

15 THE COURT: -- if she would like an
16 opportunity to review that before we proceed any
17 further in this hearing.

18 MS. SELTUN: Oh, okay.

19 MS. BRADLEY: It would take me a while to
20 just sit here and do that. But I didn't get it and I
21 never seen it. But you may go ahead and proceed if
22 you see fit.

23 THE COURT: All right. Any objections to
24 the submissions, jurisdiction or venue in this
25 matter, Mr. Lockhart?

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MR. LOCKHART: None, Your Honor.

THE COURT: Ms. Bradley?

MS. BRADLEY: I was just wondering why the documents weren't sent to me.

THE COURT: The documents were sent to you, ma'am.

MS. BRADLEY: No. It was sent to my daughter's address.

MS. CHRISTY JAMES: Because that's the name we used the last time.

MS. SELTUN: Yeah.

MR. DERWIN BRADLEY: We used her name.

MS. SELTUN: We used that name -- my name, Momma. Remember? That's what we designated. So... So if it's in there, it was specified.

THE COURT: Any objections, ma'am?

MS. BRADLEY: No.

THE COURT: All right. There being no objection the Commission file becomes a part of the record with the exception of self-serving declarations and unstipulated medical reports.

During the pre-hearing conference in this matter the respective positions of both the parties was discussed. From the standpoint of the defendants, they are here seeking a determination of

1 to whom benefits are payable. They concede that
2 Ms. Bradley is the lawful spouse of Mr. Bradley.
3 They're asking as part of the order for me to relieve
4 Ms. Lichtenberger as guardian ad litem and to
5 determine how Ms. Lichtenberger should dispense funds
6 that are currently in her possession related to this
7 matter.

8 Mr. Lockhart, anything in addition to that
9 with regard to defendants' position you'd like to get
10 on the record or any other matter we're here to
11 litigate today, sir?

12 MR. LOCKHART: None, Your Honor.

13 THE COURT: All right. With regard to
14 Mrs. Bradley, she represents that she is the lawful
15 spouse of Mr. Bradley and that she is lawfully
16 entitled to the proc- -- the remaining balance of the
17 proceeds in this matter.

18 Mrs. Bradley, anything else that you'd
19 like to get on the record before by start or any
20 other matter that you would wish to litigate here
21 today, ma'am?

22 MS. BRADLEY: Yes. I do like to say that
23 I never had any contact Victoria Lichtenberger. I
24 don't know who she is and I don't know what position
25 that she had in this matter with my husband and I

1 want to make sure that this is documented. And as
2 far as these other people in here with DSS that's
3 sitting in here, I had no contact with them because
4 they never communicated with me. Because they never
5 provided me with the legal and right documentation to
6 show where they fit within whatever action that they
7 were taking.

8 THE COURT: As it relates to
9 Ms. Lichtenberger, she was appointed -- excuse me --
10 by me on December 18, 2015 by order of the Commission
11 to serve as guardian ad litem for your husband. And
12 that was in the file that was sent to you as well.

13 MS. BRADLEY: I didn't get that. I didn't
14 get that.

15 THE COURT: It's in the file that your
16 daughter signed for, ma'am.

17 MS. BRADLEY: Well, then, I didn't get it.

18 MS. SELTUN: No, sir. It's not in there.

19 MS. BRADLEY: I did not get it.

20 MS. SELTUN: That is definitely not in
21 there and that I specifically looked for and that was
22 one of the things that I wrote back to you to
23 specifically address. That was the guardianship
24 paperwork that I was looking for. That was not in
25 there.

1 THE COURT: Well, I know that I had three
2 people in our office verify that everything was sent.

3 MS. SELTUN: That was not in there.

4 THE COURT: All right. But that's the
5 answer to your question.

6 MS. BRADLEY: I just wanted to say that.
7 Anything that was being directed to me, why was it
8 going around being sent to someone else?

9 THE COURT: It was sent to your daughter
10 at y'all's request.

11 MS. BRADLEY: At who requested? I didn't
12 get anything. I didn't get anything.

13 THE COURT: Your daughter got it for you.
14 That's where we were instructed to send it. Any
15 other matter you're here to litigate today, ma'am?
16 Anything else?

17 MS. BRADLEY: No. But I just want that to
18 be on the record that I never got anything.

19 THE COURT: Yes, ma'am. It's on the
20 record. The court reporter is --

21 MS. BRADLEY: Okay. Thank you.

22 THE COURT: -- taking down everything you
23 said.

24 MS. BRADLEY: Thank you.

25 THE COURT: Mr. Lockhart, any witnesses

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1105628

ALBERT BRADLEY,

Employee,

Claimant,

vs.

SOUTHERN INDUSTRIAL
CONSTRUCTORS, INC.,

Employer,

AND

ZURICH NORTH AMERICA,

Carrier,

Defendants.

DECISION AND ORDER

DATE OF HEARING:

Hearing held in Columbia, South Carolina on December 7, 2015.

APPEARANCES:

Claimant appeared and represented by Guardian ad Litem Michael A. Farry, Esquire of Horton, Drawdy, Ward, Mullinax, & Farry, P.A. of Greenville, South Carolina.

Defendants represented by Jason W. Lockhart, Esquire of McAngus Goudelock & Courie, L.L.C. of Columbia, South Carolina.

PURPOSE OF THE HEARING: To determine all issues pursuant to Regulation 67-601.

COMMISSIONER:

Commissioner T. Scott Beck

FILED:

December 18, 2015



STIPULATIONS

The parties stipulate to the following:

1. Notice of the Hearing was timely and properly served on all parties of interest.
2. The South Carolina Workers' Compensation Commission has jurisdiction over the parties and subject matter of the claim.
3. Venue is proper in Richland County.

APA SUBMISSIONS

Pursuant to the South Carolina Administrative Procedures Act and Regulations of the South Carolina Workers' Compensation Commission, the following records were submitted into evidence.

Claimant's APA submissions:

APA#	PAGES
1. Summary of Findings and Recommendations by Browning Geriatric	1-17
2. Addendum to Summary of Findings and Recommendations by Browning Geriatric	18-20
3. Outstanding Invoice of Michael A. Farry, Esquire for Services as Guardian ad Litem	

Defendants' APA submissions:

None

STATEMENT OF THE CASE

The undersigned Commissioner received letters from Christine Bradley, Claimant's wife and primary caregiver, dated January 30, 2015; April 15, 2015; June 9, 2015; July 9, 2015; and July 27, 2015. These letters raised concerns by the undersigned Commissioner as to whether Claimant is receiving the most appropriate and best treatment and causally-related medical care possible to which Claimant is entitled under the Workers' Compensation Act. In order for this Commissioner to be in a position to determine what is in the absolute best interest of Claimant

and pursuant to Section 42-17-30 of the Act, the undersigned Commissioner appointed a dispassionate third party expert to conduct a detailed assessment of the medical needs of Claimant, as well as the issues raised in the letters from Christine Bradley referenced above with respect to the care and treatment of the Claimant.

Jennifer Browning of Browning Geriatric Consultants is a Licensed Certified Geriatric Case Manager, a Licensed Independent Social Worker in Clinical Practice, a Licensed Master Social Worker, Clinically Certified Forensic Counselor, and certified as an Advanced Social Worker Case Manager, and was a third party qualified to make a full and complete detailed assessment of the medical needs of Claimant as well as the issues raised in the letters from Christine Bradley referenced above with respect to the care and treatment of Claimant. Pursuant to the directive of the undersigned Commissioner and in accordance with Section 42-17-30 of the Act, Ms. Browning prepared a Summary of Findings and Recommendations Report that was submitted to the undersigned Commissioner and the parties on November 2, 2015.

The hearing was scheduled pursuant to the undersigned Commissioner pursuant to Regulation 67-601 in order to address the Summary of Findings and Recommendations Report of Browning Geriatric Consulting. The Defendants maintained that it was in the best interest of the Claimant to be placed in a long-term residential care facility in accordance with the Summary of Findings and Recommendations Report of Browning Geriatric Consulting.

EVIDENCE OF THE CASE

Jennifer Browning of Browning Geriatric Consultants testified on behalf of the Defendants. Mrs. Browning stated that she is a Licensed Certified Geriatric Case Manager, a Licensed Independent Social Worker in Clinical Practice, a Licensed Master Social Worker, Clinically Certified Forensic Counselor, and certified as an Advanced Social Worker Case

Manager. Mrs. Browning indicated that she was the third party, who was identified in the prior Decision and Order of the undersigned Commissioner, qualified to make a full and complete detailed assessment of the medical needs of Claimant as well as the issues raised in the letters from Christine Bradley referenced above with respect to the care and treatment of Claimant. Mrs. Browning testified that she prepared a Summary of Findings and Recommendations Report that was submitted to the parties and to the undersigned Commissioner on November 2, 2015. Mrs. Browning stated that information for the Summary of Findings and Recommendations Report was acquired from personal interviews with Mr. Bradley's spouse, Mrs. Christine Bradley, and daughter, Mrs. Lavare Seltun; telephone interviews with Medical Case Manager, Ms. Jennifer Burton, RN, BSN, CCM, Marsue Davidson, RN and Emily Mashauri, RN, both with Unifour Nursing, and Dr. Barry Hangar, primary care physician for Mr. Bradley. Mrs. Browning indicated that documentation reviewed for this report included the Claimant's medical records (2011-2015), court filings, case management services, home health and nursing services, and letters from the Claimant's family to Commissioner Beck.

Mrs. Browning testified that the Claimant requires 24/7 care due to the effects of his work-related accident, which resulted in his traumatic brain injury. Mrs. Browning stated that Claimant is totally dependent with all care. Mrs. Browning indicated that Claimant has difficulty swallowing his secretions and requires close supervision due to nausea with emesis and a need for suctioning after his bolus tube feedings. The Claimant's wife currently provides all care with the support of their daughter. Upon telephone interview with Unifour Nursing Services, Mrs. Browning learned that Unifour Nursing Services are providing two professionals (RN/LPN) during each shift due to past difficulties and negative experience with the Claimant's wife. The Claimant is not able to verbalize but does moan when he has discomfort. Due to past conflicts

with the Claimant's wife being extremely uncooperative, insisting on non-standard protocols of care, being resistive to medical recommendation and education, and making accusations of abuse by service providers, Mrs. Browning stated that the option of 24/7 home health care services would not be an option for the long-term care of the Claimant.

Mrs. Browning testified that a certified and licensed geriatric care manager with experience in long-term care needs and family mediation should serve as the Claimant's Guardian Ad Litem. Mrs. Browning stated that she would recommend that Victoria Lichtenberger, MPS, CMC, who is a geriatric care manager in the Charlotte area, provide this service to the Claimant. Mrs. Browning indicated that it is recommended that the Claimant be transitioned to a long-term care facility for 24/7 care and continuity of care. Mrs. Browning testified that, due to the past conflicts, non-compliance, and disruptions to the Claimant's care by the Claimant's wife, some level of supervised and structured visitation would be recommended.

Victoria Lichtenberger of Elder Source LLC testified on behalf of the Defendants. Mrs. Lichtenberger stated that she is currently employed with Elder Source LLC in Charlotte, North Carolina as a geriatric care manager. Mrs. Lichtenberger indicated that, prior to testifying at the hearing before the undersigned Commissioner, she both spoke with Mrs. Browning and reviewed the Summary of Findings and Recommendations Report prepared by Browning Geriatric Consulting. Mrs. Lichtenberger testified that she is willing to serve as Guardian ad Litem for the Claimant, and is capable of serving as Guardian ad Litem for the Claimant based on her professional experience and expertise. Mrs. Lichtenberger stated that she is aware that, as Guardian ad Litem for the Claimant, she is primarily responsible for making medical decisions on behalf of the Claimant, necessitated by the Claimant's work-related accident, even should those decisions be in conflict with to the desires of the Claimant's family members.

FINDINGS OF FACT

Based upon the APA Submissions as well as the statement of the attorneys for the parties, the undersigned Commissioner makes the following Findings of Fact:

1. The parties hereto are subject to and bound by the South Carolina Workers' Compensation Act.
2. Based on the substantial evidence, including the medical records and information provided by the parties, the Claimant is entitled to disability benefits based on a compensation rate of Seven Hundred Four Dollars (\$704.92) and 92/100.
3. This is an admitted claim involving a physical brain injury arising out of and in the course of the Claimant's employment on May 16, 2011.
4. As a result of the accident, the Claimant has sustained, among other injuries, a physical brain injury, and is in need of a Guardian ad Litem.
5. Claimant currently resides at 864 Hawley Avenue, Apartment 222, Belmont, North Carolina 28012. The Claimant is currently receiving authorized causally related medical treatment, which is being provided by the Defendants.
6. Based on the substantial evidence, including the medical records and information provided by the parties, Michael A. Farry, Esquire was previously appointed to serve as Guardian ad Litem, but is hereby removed as Guardian ad Litem.
7. Based on the substantial evidence, including the medical records and information provided by the parties, the Defendants are responsible for the payment of the professional fees of Michael A. Farry, Esquire, arising out of his service as Claimant's Guardian ad Litem, with payment to be made within thirty (30) days of the date of the Order of the undersigned Commissioner.

8. Based on the substantial evidence, including the medical records and information provided by the parties, the undersigned Commissioner appoints Victoria Lichtenberger as Guardian ad Litem for the Claimant. The Defendants shall be responsible for the payment of the professional fees of Ms. Lichtenberger arising out of her service as Claimant's Guardian ad Litem.
9. Based on the substantial evidence, including the medical records and information provided by the parties, it is in the best interest of the Claimant to be placed in a long-term residential care facility in accordance with the Summary of Findings and Recommendations Report of Jennifer Browning, MSW, LISW-CP, CMC, ACCFC.
10. Based on the substantial evidence, including the medical records and information provided by the parties, the Claimant shall be transitioned into a long-term residential care facility, located in the State of North Carolina, in accordance with the Summary of Findings and Recommendations Report of Jennifer Browning, MSW, LISW-CP, CMC, ACCFC, within fifteen (15 days) of the date of the Order of the undersigned Commissioner.
11. Based on the substantial evidence, including the medical records and information provided by the parties, the Claimant's family members are prohibited from interfering with the transition of the Claimant into a long-term residential care facility, located in the State of North Carolina, in accordance with the Summary of Findings and Recommendations Report of Jennifer Browning, MSW, LISW-CP, CMC, ACCFC.

12. Based on the substantial evidence, including the medical records and information provided by the parties, the Defendants are responsible for the provision of a pre-placement physical examination of the Claimant that will occur prior to the transition of the Claimant into a long-term residential care facility, located in the State of North Carolina, and the examination will be conducted by a medical provider chosen by the Defendants with consultation, if necessary, with the Claimant's Guardian ad Litem.
13. Based on the substantial evidence, including the medical records and information provided by the parties, Defendants are to provide the Claimant with a professional care giver during the Claimant's first thirty (30) days of residence at a long-term residential care facility located in the State of North Carolina.
14. Based on the substantial evidence, including the medical records and information provided by the parties, Defendants are to provide Claimant's weekly temporary total disability (TTD) benefits checks to Victoria Lichtenberger as Guardian ad Litem for the Claimant. Victoria Lichtenberger, as Guardian ad Litem for the Claimant, shall maintain an account into which the Claimant's weekly temporary total disability (TTD) benefits checks will be deposited and out of which funds will be distributed, if necessary.
15. Based on the substantial evidence, including the medical records and information provided by the parties, the Guardian ad Litem will file a report with the Commission thirty (30) days after placement of the Claimant in a long-term residential care facility and annually thereafter.
16. The undersigned Commissioner will retain jurisdiction of this matter.

CONCLUSIONS OF LAW

It is concluded under the South Carolina Workers' Compensation Act in Section 42-1-10 S.C. Code of Laws, et. seq., that:

1. Section 42-1-160 governs any injury by accident arising out of and in the course of employment.
2. Section 42-15-55 governs the appointment of Guardian ad Litem for minors or mentally incompetent persons.
3. Section 42-15-60 governs the provision of medical treatment.
4. Section 42-15-80 governs the submission to physical examinations.
5. Section 42-1-40 governs average weekly wage.
6. Regulation 67-215(A)(2) states that the Commission "will accept Motions including, but not limited to, a motion...[r]elating to the appointment of a Guardian ad Litem."
7. Regulation 67-216 governs the appointment of a Guardian ad Litem, and states that "[w]hen a minor or a mentally incompetent person is a party, a Guardian ad Litem shall represent the minor or mentally incompetent."
8. Pursuant to Section 42-15-55 and based on the substantial evidence, including the medical records and information provided by the parties, Michael A. Farry, Esquire was previously appointed to serve as Guardian ad Litem, but is hereby removed immediately as Guardian ad Litem.
9. Pursuant to Section 42-15-55 and based on the substantial evidence, including the medical records and information provided by the parties, the Defendants are responsible for the payment of the professional fees of Michael A. Farry, Esquire,

arising out of his service as Claimant's Guardian ad Litem, with payment to be made within thirty (30) days of the date of the Order of the undersigned Commissioner.

10. Pursuant to Section 42-15-55 and based on the substantial evidence, including the medical records and information provided by the parties, the undersigned Commissioner appoints Victoria Lichtenberger as Guardian ad Litem for the Claimant. The Defendants shall be responsible for the payment of the professional fees of Ms. Lichtenberger arising out of her service as Claimant's Guardian ad Litem.
11. Pursuant to Section 42-15-60 and based on the substantial evidence, including the medical records and information provided by the parties, it is in the best interest of the Claimant to be placed in a long-term residential care facility in accordance with the Summary of Findings and Recommendations Report of Jennifer Browning, MSW, LISW-CP, CMC, ACCFC.
12. Pursuant to Section 42-15-60 and based on the substantial evidence, including the medical records and information provided by the parties, the Claimant shall be transitioned into a long-term residential care facility, located in the State of North Carolina, in accordance with the Summary of Findings and Recommendations Report of Jennifer Browning, MSW, LISW-CP, CMC, ACCFC, within fifteen (15 days) of the date of the Order of the undersigned Commissioner.
13. Pursuant to Section 42-15-80 and based on the substantial evidence, including the medical records and information provided by the parties, the Claimant's family members are prohibited from interfering with the transition of the Claimant into a

long-term residential care facility, located in the State of North Carolina, in accordance with the Summary of Findings and Recommendations Report of Jennifer Browning, MSW, LISW-CP, CMC, ACCFC.

14. Pursuant to Section 42-15-80 and based on the substantial evidence, including the medical records and information provided by the parties, the Defendants are responsible for the provision of a pre-placement physical examination of the Claimant that will occur prior to the transition of the Claimant into a long-term residential care facility, located in the State of North Carolina, and the examination will be conducted by a medical provider chosen by the Defendants with consultation, if necessary, with the Claimant's Guardian ad Litem.
15. Pursuant to Section 42-15-60 and based on the substantial evidence, including the medical records and information provided by the parties, Defendants are to provide the Claimant with a professional care giver during the Claimant's first thirty (30) days of residence at a long-term residential care facility located in the State of North Carolina.
16. Pursuant to Section 42-15-55 and based on the substantial evidence, including the medical records and information provided by the parties, Defendants are to provide Claimant's weekly temporary total disability (TTD) benefits checks to Victoria Lichtenberger as Guardian ad Litem for the Claimant. Victoria Lichtenberger, as Guardian ad Litem for the Claimant, shall maintain an account into which the Claimant's weekly temporary total disability (TTD) benefits checks will be deposited and out of which funds will be distributed, if necessary.

17. Pursuant to Section 42-1-40, the Claimant is entitled to disability benefits based on a compensation rate of Seven Hundred Four Dollars (\$704.92) and 92/100.
18. The undersigned Commissioner will retain jurisdiction of this matter.

ORDER

IT IS HEREBY ORDERED that Claimant is entitled to disability benefits based on a compensation rate of Seven Hundred Four Dollars (\$704.92) and 92/100.

IT IS HEREBY ORDERED that Michael A. Farry, Esquire is hereby removed immediately as Guardian ad Litem.

IT IS HEREBY ORDERED that Victoria Lichtenberger is appointed as the Claimant's Guardian ad Litem.

IT IS HEREBY ORDERED that it is in the best interest of the Claimant to be placed in a long-term residential care facility, and the Claimant shall be transitioned into a long-term residential care facility, located in the State of North Carolina, within fifteen (15) days of the date of the Order of the undersigned Commissioner.

IT IS HEREBY ORDERED that the Claimant's family members are prohibited from interfering with the transition of the Claimant into a long-term residential care facility located in the State of North Carolina.

IT IS HEREBY ORDERED that Defendants are to provide Claimant's weekly temporary total disability (TTD) benefits checks to Victoria Lichtenberger as Guardian ad Litem for the Claimant, and Victoria Lichtenberger, as Guardian ad Litem for the Claimant, shall maintain an account into which the Claimant's weekly temporary total disability (TTD) benefits checks will be deposited and out of which funds will be distributed, if necessary.

IT IS HEREBY ORDERED that the Guardian ad Litem will file a report with the Commission thirty (30) days after placement of the Claimant in a long-term residential care facility and annually thereafter.

IT IS HEREBY ORDERED that the undersigned Commissioner will retain jurisdiction of this matter.



T. Scott Beck, Commissioner

CERTIFICATE OF SERVICE

This is to certify the undersigned has this date served this order in the above entitled action upon all parties to this cause by sending an electronic copy hereof by electronic mail addressed to the attorney or attorneys for said parties or by depositing a copy hereof, postage paid, in the United States certified mail addressed to any unrepresented party.
December 18, 2015

By: Shawn DeBruhl, Administrative Assistant to Commissioner Beck

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1105628

RECEIVED
MAR 19 2019
SC Court of Appeals

Ex Parte: Christine Bradley, Surviving Spouse, Appellant,

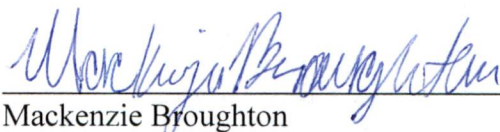
v.

Southern Industrial Constructors, Inc., Employer,
and Zurich American Insurance Company
c/o Zurich North America, Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 14th day of March 2019, I served the Respondents' **Return in Opposition to Motion for Release of Transcripts** on Christine Bradley by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

Christine Bradley
475 Lower Lee School Rd.
Mayesville, South Carolina 29104



Mackenzie Broughton
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondents Southern Industrial Constructors, Inc., Employer, and Zurich American Insurance Company c/o Zurich North America, Carrier

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

March 14, 2019

RECEIVED

MAR 19 2019

SC Court of Appeals

VIA U.S. MAIL

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

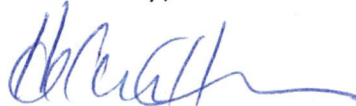
RE: Albert Bradley v. Southern Industrial Constructors and Zurich American
Insurance Company c/o Zurich North America
Date of Accident: May 16, 2011
WCC File No.: 1105628
Our File No.: 20216.11055
Claim No.: 2800074691
Appeal No.: 2018-001535

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Return in Opposition to Motion for Release of Transcripts, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope.

If you have any questions, please contact me.

Yours truly,



Helen F. Hiser

Enclosures

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

mgc

POST OFFICE BOX 650007
MOUNT PLEASANT, SC 29465

20216.11055/HFH/mtb

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

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SC Court of Appeals