

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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WCC File No. 1115485  
Appellate Case No. 2018-001197

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**RECEIVED**  
MAY 13 2019  
SC Court of Appeals

Lamar Clark, ..... Appellant,

v.

Philips Electronics/Shakespeare, Employer,  
and Gallagher Bassett Services, Carrier, ..... Respondents.

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**SUPPLEMENTAL RECORD ON APPEAL**

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1 graduate and what year?

2 A. Seabreeze High School, 1992.

3 Q. Okay. And which college did you  
4 attend?

5 A. Georgia Military College.

6 Q. And what did you major in?

7 A. General.

8 Q. Just general studies?

9 A. Yes.

10 Q. Okay. And did you play a sport?

11 A. Yes.

12 Q. Okay. What sport?

13 A. Football.

14 Q. Okay. And did you have any  
15 injuries to your back while playing football  
16 either in high school or in college?

17 A. No, sir.

18 Q. Okay. And how many years did you  
19 attend Georgia Military?

20 A. A year.

21 Q. Okay. And was that it in terms of  
22 attending college?

23 A. Yes, sir.

24 Q. Okay. No technical school?

25 A. No.

1 Q. Okay. And what was your position?

2 A. Dishwasher.

3 Q. Okay. And what year was this?

4 A. Not sure what year it was. I don't  
5 want to be wrong.

6 Q. Sure. That's all right. But are  
7 we talking about mid-'90s, I mean?

8 A. Mid-'90s.

9 Q. Did you go -- you went straight  
10 from --

11 A. Georgia Military.

12 Q. -- high school to Georgia Military,  
13 right?

14 A. Yes, sir.

15 Q. Okay. So that would have -- it  
16 sounds like you would have gotten out of Georgia  
17 Military around '94, '93 or '94?

18 A. '94 because I left and went back.

19 Q. Okay. All right. So you think you  
20 started with Olive Garden in Tucker, Georgia,  
21 around '95 maybe?

22 A. Yes, sir.

23 Q. Okay. How long did you work there?

24 A. How long did I work there. I want  
25 to say -- I don't want to be wrong.

- 1 Q. That's all right.
- 2 A. Five months.
- 3 Q. Okay. And why did you leave?
- 4 A. Hours.
- 5 Q. Not enough hours or --
- 6 A. Not enough hours.
- 7 Q. -- too many hours? Okay.
- 8 So you voluntarily quit?
- 9 A. I got another job offer and
- 10 voluntarily quit.
- 11 Q. Okay. And with that job, just
- 12 washing dishes; is that right?
- 13 A. Yes, sir.
- 14 Q. Okay. Was there some heavy lifting
- 15 in that job?
- 16 A. Yes, sir.
- 17 Q. Okay. All right. Where did you go
- 18 next?
- 19 A. I worked under the counter at a
- 20 club.
- 21 Q. Okay. At a nightclub?
- 22 A. Nightclub, yes.
- 23 Q. Okay. And what did you -- what was
- 24 your job?
- 25 A. I was a bouncer.

- 1 Q. Okay.
- 2 A. Security.
- 3 Q. Okay. And how long did you do
- 4 that?
- 5 A. I did that for two years --
- 6 Q. Okay.
- 7 A. -- at that club.
- 8 Q. What was the name of the club?
- 9 A. Jazzy T's.
- 10 Q. This was where, Atlanta?
- 11 A. In Decatur, Georgia.
- 12 Q. Did you do anything else other than
- 13 just security/bouncer for the club?
- 14 A. No.
- 15 Q. And did you ever have to, you know,
- 16 restrain anybody physically?
- 17 A. Yes.
- 18 Q. Okay. Any injuries to your back
- 19 while working there?
- 20 A. No, sir.
- 21 Q. Okay. And why did you leave there?
- 22 A. I moved back to Florida.
- 23 Q. So you voluntarily quit?
- 24 A. Yes.
- 25 Q. All right. Where was the next

- 1 place you worked?
- 2 A. MasTec.
- 3 Q. Spell that for me, please, sir.
- 4 A. M-A-S-T-E-C.
- 5 Q. What did you do for MasTec?
- 6 A. I was a laborer.
- 7 Q. Okay. And just describe your job
- 8 for me just in general.
- 9 A. Digging ditches.
- 10 Q. Did you operate heavy machinery?
- 11 A. No.
- 12 Q. Okay. So are you talking about
- 13 just manually digging with a shovel?
- 14 A. Yes.
- 15 Q. Did you do anything else other than
- 16 that?
- 17 A. Sod.
- 18 Q. Lay sod?
- 19 A. Laying sod, yes.
- 20 Q. Okay. How long did you work for
- 21 them?
- 22 A. I worked for them for a year.
- 23 Q. And why did you leave?
- 24 A. They laid us off.
- 25 Q. Okay. Where did you go next?

1 A. Angelica Textiles.

2 Q. Where were they located?

3 A. Daytona Beach. Well, Holly Hill,  
4 Florida.

5 Q. Okay. What year was this  
6 approximately? Are we still in the '90s or have  
7 we moved into the 2000s?

8 A. 2000s.

9 Q. Early 2000s?

10 A. No. Actually it's the '90s or it  
11 is the '90s.

12 Q. Okay. Late '90s or --

13 A. Yeah.

14 Q. Okay. And what did you do for  
15 Angelica Textiles?

16 A. I was a utility worker, washed the  
17 hospital clothes, hospital supplies.

18 Q. Okay. And just describe your job.  
19 What would you have to do?

20 A. Lifting up to 50- to 70-pound bags  
21 of laundry and dumping it into the machines, so I  
22 guess you would call me a machine operator  
23 actually.

24 Q. But it was -- basically you were  
25 washing --

1 A. Yeah. But you had to load them  
2 manually. There was no machines or anything.

3 Q. Okay. Industrial laundry --

4 A. Yeah.

5 Q. -- is that basically what it was?

6 A. Yes.

7 Q. How long did you work there?

8 A. Two years..

9 Q. The same job the whole time?

10 A. Yes.

11 Q. And why did you leave there?

12 A. I went to another job that was  
13 paying better.

14 Q. Okay. Did you quit or were you  
15 terminated?

16 A. I quit.

17 Q. Okay. And where did you go next?

18 A. SR Perrott.

19 Q. Spell Perrott.

20 A. P-E-R-R-O-T-T.

21 Q. Okay. And what did you do for that  
22 company?

23 A. I started in the warehouse as a  
24 forklift driver, finished as a pre-salesman.

25 Q. How long did you work there?

1 A. Six years.

2 Q. Okay. And where are they located?

3 A. Ormond Beach, Florida.

4 Q. Okay. Are they still in business?

5 A. Yes.

6 Q. All right. As a forklift driver,  
7 is that pretty much all you did all day or not?

8 A. No. We built pallets.

9 Q. So you'd have to do some manual  
10 lifting building the pallets?

11 A. Yes.

12 Q. What would -- how much would you  
13 have to lift just approximately, you know, a  
14 range in weight?

15 A. I'm not sure because it varied.

16 Q. Okay. More than 50 pounds?

17 A. No.

18 Q. Okay. More than 10 pounds?

19 A. Yes.

20 Q. Okay. Did you drive -- operate any  
21 other type of machinery or equipment other than a  
22 forklift while working there?

23 A. Pallet jack. That's it.

24 Q. Okay. All right. You said you  
25 wound up as a pre-salesman. Did you have any

1 other jobs while working there before?

2 A. Merchandiser.

3 Q. Okay. What did you do as a  
4 merchandiser?

5 A. Build and -- build displays,  
6 re-stock coolers.

7 Q. Did that position involve lifting?

8 A. Yes.

9 Q. Okay. How heavy?

10 A. In between -- that was in between  
11 10 to 15 pounds repeatedly.

12 Q. 10 to 50, you said?

13 A. 15.

14 Q. 15 pounds.

15 A. Repeatedly.

16 Q. Repetitive lifting?

17 A. Yes.

18 Q. What type of objects would you have  
19 to lift?

20 A. Cases of beer.

21 Q. Okay. Was this a distributor?

22 A. Yes.

23 Q. Okay. Of just beer or beer and  
24 wine?

25 A. Beer.

1 Q. Okay. All right. And your last  
2 position was a pre-salesman?

3 A. Yes.

4 Q. Okay. Tell me what you had to do  
5 with that.

6 A. In charge of point of sales, POS.

7 Q. What would that entail?

8 A. Putting the -- putting displays up.

9 Q. In stores?

10 A. Yes.

11 Q. Okay.

12 A. Taking orders.

13 Q. From like a grocery store and  
14 convenience store?

15 A. Grocery stores and convenience  
16 stores.

17 Q. Okay. And when you would do that,  
18 would you manually write that stuff down or did  
19 you have like a computer or something with you?

20 A. Both. It depend what store it was.  
21 A grocery store, you had to write it down. The  
22 convenience stores, you just scanned it.

23 Q. You had a scanner like a wand or  
24 something?

25 A. (Witness nodding head.)

1 Q. That's a yes?

2 A. Yes, sir.

3 Q. Okay. All right. And then you had  
4 a route, I guess? Is that --

5 A. Yes.

6 Q. Okay. And how long did you do  
7 that?

8 A. I did that for two years.

9 Q. Okay. Any heavy lifting with that  
10 job?

11 A. Yes. Same as the merchandiser, so  
12 it would be 10 to 15 repetitively.

13 Q. And why did you leave there?

14 A. I got into a altercation with  
15 someone.

16 Q. Co-worker or --

17 A. Co-worker.

18 Q. Okay. Physical altercation or just  
19 verbal?

20 A. Both.

21 Q. Okay. And were you terminated over  
22 that?

23 A. Yeah.

24 Q. Okay.

25 A. We both were terminated. He called

1 me something, and I confronted him about it.

2 Q. Okay. All right. How much were  
3 you earning when you left there approximately?

4 A. 280 plus commission.

5 Q. 280 a week?

6 A. A week.

7 Q. Plus commission?

8 A. Plus commission.

9 Q. And how much were you averaging in  
10 commission just approximately?

11 A. A ballpark number, about 220, 230.

12 Q. And that would go up and down per  
13 week; is that right?

14 A. Yeah.

15 Q. Okay.

16 A. Depending on sales.

17 Q. Okay. Where's the next place you  
18 worked?

19 A. After that I worked, again, under  
20 the table for a bouncer -- well, for a club.

21 Q. And where was that?

22 A. For several clubs. Huh?

23 Q. And where was that?

24 A. One was in Daytona Beach.

25 Q. What was the name of that club?

1 A. Mrs. G's Lounge.

2 Q. And when you say you worked "under  
3 the table," you just worked there and weren't  
4 technically an employee and they just paid you  
5 cash?

6 A. Right.

7 Q. Okay. Any injuries to your back  
8 working there?

9 A. No.

10 Q. Okay. All right. Where else?

11 A. I worked under the table for Keys  
12 to the City Security.

13 Q. Keys to the City Security?

14 A. Yes.

15 Q. Okay. Where were they?

16 A. Orlando, Florida.

17 Q. And what was your job there?

18 A. Same, security.

19 Q. And was this a club as well?

20 A. No. That's a actual firm, but they  
21 paid you cash.

22 Q. Okay.

23 A. It's a actual business, but they --  
24 they're in about 15 different clubs, so I can't  
25 really pinpoint what club because they sent us to

1 different ones.

2 Q. So Keys to the City would provide  
3 security, bouncers for different clubs?

4 A. Yes.

5 Q. Okay. But you were not technically  
6 an employee for them? You were getting paid  
7 under the table from them?

8 A. Right.

9 Q. Okay. All right. How much were  
10 you making doing that?

11 A. Let's see. I worked four days.  
12 65. About 260 a week.

13 Q. Okay. All right. Where was the  
14 next place you worked?

15 A. Hardee's.

16 Q. And where was that located?

17 A. Newberry.

18 Q. All right. What brought you to  
19 Newberry, South Carolina?

20 A. My fiance.

21 Q. Okay. When did you work for  
22 Hardee's?

23 A. 2010.

24 Q. Okay. And what was your position?

25 A. Cook.

1 Q. How long did you work for them?

2 A. I worked for them for three months.

3 Q. And why did you leave?

4 A. Found the Shakespeare job.

5 Q. Okay. And this was in 2010 or 2011

6 that you worked for Shakespeare?

7 A. Yeah.

8 Q. 2010?

9 A. 20 -- I started in 2010.

10 Q. Yeah. Give me your dates of  
11 employment as best you can recall there.

12 A. Well, I started -- I started --  
13 well, in between Hardee's and Shakespeare, you  
14 got to put Gallman because I was a temp through  
15 Gallman working at Shakespeare.

16 Q. Got it. Got it. Okay.

17 A. So I started in -- did I start in  
18 2010. No. I started in 2011.

19 Q. Okay. And what was your job at  
20 Shakespeare?

21 A. Utility worker.

22 Q. What did you do?

23 A. What didn't I do. Paint, assemble  
24 stuff, package, production. That was it.

25 Q. Okay. Any heavy lifting with that

1 can't bend down to check it. Sweeping.  
2 Basketball is one of my hobbies. I can't do  
3 that. I can't walk my dog because my dog is a  
4 big dog, and he's going to drag me. He's going  
5 to yank me around.

6 Q. What kind of dog is it?

7 A. I've got a pit bull.

8 Q. Okay. You've just got one?

9 A. I got two actually. I have one pit  
10 bull and one Pomeranian. I can walk the  
11 Pomeranian because she's not going to pull me,  
12 but I can't walk the pit bull.

13 Q. Okay. Do you feed your dogs or  
14 not?

15 A. I feed them sometimes when I can't  
16 get anybody else to do it. But, I mean, it's  
17 like a bowl about that big, and it's --

18 Q. It's a small bowl is what you were  
19 showing me?

20 A. Yeah.

21 Q. Okay. So you don't lift the bags  
22 of dog food?

23 A. No. I scoop it out.

24 Q. Okay. Are you a member of a gym  
25 anywhere?

1 **described it as okay. He tended -- he did not**  
2 **want to pursue more injections.**

3 Q. But based on what you see in this  
4 note, you wouldn't -- there is no indication  
5 that it didn't work.

6 **A. Well, the fact that he was complaining**  
7 **of pain more on the other side of his back**  
8 **than the left side is a pretty good sign.**

9 Q. And you, again, noted that his left  
10 leg pain was controlled by Neurontin.

11 **A. Excuse me?**

12 Q. You indicated again that his left leg  
13 pain was controlled by the Neurontin.

14 **A. He indicated that was helpful, yes,**  
15 **ma'am.**

16 Q. And it was your recommendation that he  
17 continue the medication indefinitely?

18 **A. That's correct.**

19 Q. And at that point in time there was no  
20 indication that his condition warranted a  
21 spinal cord stimulator?

22 **A. At that point it wasn't mentioned.**

23 Q. Now, I know you said that you didn't  
24 start performing these new technology spinal  
25 cord stimulators until, what, October of 2015?

1 **yes.**

2 Q. Except when you had released him, he  
3 wasn't complaining of left lower extremity  
4 pain, was he?

5 **A. Well, that's why he was taking the**  
6 **Neurontin.**

7 Q. So at that time it was controlled  
8 because he was taking Neurontin.

9 **A. That's correct.**

10 Q. And you will agree that he likely  
11 wouldn't have had these complaints of lower --  
12 left lower extremity pain if he had been  
13 taking his Neurontin.

14 **A. Well, he reported it had been**  
15 **beneficial, so I would assume that it probably**  
16 **would have been less of a significant issue if**  
17 **he still had.**

18 Q. And he reported to you that he only  
19 had a few weeks of benefit from the rhizotomy?

20 **A. At that time when he came in in June,**  
21 **he said he only had a few weeks.**

22 Q. But wouldn't you agree that your  
23 medical notes indicate that he had more than  
24 just a few weeks of benefit?

25 **A. Well, when I last saw him in August,**

1 **end of August, he had had approximately six**  
2 **weeks.**

3 Q. And so in June of 2016 you mentioned  
4 that if he were to fail conservative measures,  
5 that the spinal cord stimulator was a possible  
6 treatment option.

7 **A. Said he can possibly be a trial**  
8 **candidate if he failed all the other**  
9 **conservative treatments.**

10 Q. And what conservative treatment  
11 measures were you referencing at that time in  
12 June of 2016?

13 **A. Restart his Neurontin, put him on a**  
14 **muscle relaxant, Zanaflex, temporarily and get**  
15 **him into physical therapy.**

16 Q. These are all conservative measures  
17 that he had undergone throughout your initial  
18 course of treatment of him.

19 **A. Off and on, yes, ma'am.**

20 Q. And all of those conservative measures  
21 were beneficial for Mr. Clark from the --

22 **A. In the past?**

23 Q. -- time that you initially treated him  
24 through August 27th of 2015.

25 **A. No. They weren't always effective. I**

CLARK, LAMAR (id #2162933, dob: [REDACTED])

**Consult Orders**

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# Referral Order

08/24/2016

To Provider	From Provider
<b>GLENN ZAEPFEL PHD</b>  409 EVELYN DR COLUMBIA, SC 29210 Phone: Phone: (803) 216-0850 Fax: Fax: (803) 216-0420	<b>STEVEN B. STORICK, MD</b> MOPA PNE 114 Gateway Corporate Blvd Suite 110 COLUMBIA, SC 29204-2026 Phone: (803)409-7180 Fax: (803)933-6344

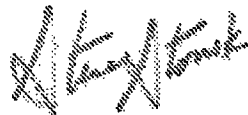
## Referral Order Information

Diagnosis	<ul style="list-style-type: none"> <li>Chronic postoperative pain ICD-10: G89.28: Other chronic postprocedural pain</li> <li>Chronic back pain ICD-10: M54.5: Low back pain</li> <li>Lumbosacral radiculitis ICD-10: M54.17: Radiculopathy, lumbosacral region</li> </ul>
Order Name	PSYCHOLOGY REFERRAL
Notes	ICD-10 code: Z01.818 - Preprocedural examination. Referral to: Dr. Glenn P. Zaepfel, Ph. D. Barnabas Medical - Behavioral Healthcare Referral for: Pre-operative Psychological Interview & Assessment for Spinal Cord Stimulator Trial & Surgery Please fax Report of Consultation & Recommendation to: - Midlands Orthopaedics & Neurosurgery: 803-933-6100, Attn: Dr. Steven Storick

## Patient Information

Patient Name	CLARK, LAMAR
Sex - DOB - Age	M [REDACTED]/1974 41yo
Address	[REDACTED] NEWBERRY, SC [REDACTED]
Phone	H: (803) [REDACTED] W: (803) [REDACTED] M: (803) [REDACTED]
Primary Insurance	GALLAGHER BASSETT Policy Holder: SHAKESPEARE
Secondary Insurance	None recorded.

Electronically Signed by: STEVEN B. STORICK, MD



STEVEN B. STORICK, MD

## Encounters and Procedures

Clinical Encounter Summaries  
 Encounter Date: 08/24/2016



SOUTH CAROLINA DIAGNOSTIC IMAGING

Palmetto Imaging Downtown  
1331 Lady Street, Columbia, SC 29201  
p: (803) 256-7646 f: (803) 256-8046

PATIENT: CLARK, LAMAR  
DOB: [REDACTED]/1974  
MRN: 799138  
PHONE: [REDACTED] (Mobile)  
PHYSICIAN: STEVEN B STORICK, MD  
EXAM DATE: 09/02/2016

EXAM: MR-Lumbar Spine with and without contrast

REASON FOR EXAM: Chronic back pain

ADDITIONAL HISTORY: Low back pain. Two prior surgeries.

TECHNIQUE: Multiplanar, multisequence images were performed through the lumbar spine prior to and following IV administration of 10 mL of Gadavist.

COMPARISON: 05/21/2013

FINDINGS: The conus of the cord terminates at the L1-2 level with no mass formation in the conus or cauda equina.

Discs of the T12-L1, L1-L2, L2-L3 and L3-L4 levels are desiccated with no significant height loss or neural effacement. There are changes of developmental spinal stenosis due to short pedicles with the AP diameter of the central canal measuring just under 1.4 cm at L2 and approximately 1.2 cm at L3. L4 and L5 also measuring approximately 1.3 cm.

The L3-4 disc demonstrates minimal desiccation and height loss but no significant neural effacement.

The L4-5 disc is desiccated with mild height loss. A left-sided laminotomy has been performed. Disc disease combines with facet arthropathy to produce severe biforaminal stenosis on the left greater than right. A component of epidural fibrosis is also present. Also, a central/left paramedian herniation is best depicted on axial image 28 which contributes to left greater than right subarticular stenosis.

There is otherwise no abnormal enhancement. Right renal cyst is present.

CONCLUSION:

1. Worsening spondylosis at L4-5 with severe left foraminal stenosis and a mild amount of peridural fibrosis on the left.
2. Left-sided disc herniation again noted at L5-S1 with mass effect upon the left greater than right S1 nerve.

Zachary Kilpatrick, MD

ZK/dcp

DD: 09/03/2016 09:27 A

DT: 09/03/2016 10:34 A

Accession#: 08-2411656 VS#: 120997012 CS#: 2022483

cc:

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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WCC File No. 1115485  
Appellate Case No. 2018-001197

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Lamar Clark, ..... Appellant,

v.

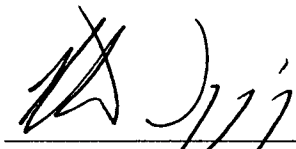
Philips Electronics/Shakespeare, Employer,  
and Gallagher Bassett Services, Carrier, ..... Respondents.

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**CERTIFICATE OF COUNSEL**

---

The undersigned hereby certifies that this Supplemental Record on Appeal  
contains material proposed to be included by any of the parties and not any other material.

  
for \_\_\_\_\_  
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May 10, 2019

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