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JUL 17 2019

SC Court of Appeals

Statement of the Case

Albert Bradley suffered catastrophic injuries on May 16, 2011 while working for Southern Industrial Constructors, Inc. of Columbia, SC. Metal fragments from a chain link were impaled into his airway, and left him with anoxic and traumatic brain injuries. These injuries caused Albert Bradley to be totally disabled and completely reliant upon others for all his care needs. Albert Bradley was cared for in his home by his primary caregivers, Christine W. Bradley and Lavare Seltun until he was taken away from family members during a brief hospital visit at Caromont Regional Medical Center in Gastonia, NC on March 17, 2016. Christine Bradley and Lavare Seltun were banned from Caromont Regional Medical Center in Gastonia, NC on March 17, 2016. Albert Bradley was taken into custody by Zurich American Insurance/Zurich North America/Jason Lockhart and Gaston County Department of Health and Human Services in Gastonia, NC on March 17, 2016.

Family members had no contact and no knowledge of Albert Bradley's whereabouts for approximately 30 days after separation. Family members received notification approximately 30 days later that Albert Bradley was in Mecklenburg County, NC at Carolinas Medical Center-Main in Charlotte, NC on life support. Family members had very limited access to Albert Bradley. They were often not allowed to touch him, even if they were permitted to visit for short periods of time. Christine Bradley was prohibited from visiting with her husband, Albert Bradley. She was not allowed to see him or touch him at all.

There is no documentation of a hearing for appointment of Guardian/Guardian Ad Litem, Victoria Lichtenberger. The defendants purport that there was a hearing, yet no family members, not even the claimant, were notified, served, or present at any such hearing. Albert Bradley suffered immensely under the hands of Guardian/Guardian Ad Litem Victoria Lichtenberger.

Presiding Commissioner was notified of the status via letters regarding the status of Albert Bradley's condition and photos were provided as evidence. After several hospital admissions for treatment of severe medical conditions under the direction of South Carolina's Workers' Compensation Commission appointed Guardian/Guardian Ad litem Victoria Lichtenberger and Gaston County DHHS, Albert Bradley subsequently died. Family members were notified after his death on February 5, 2017.

The defendants claim that Albert Bradley died of diffuse acute bronchopneumonia. Requests were made for autopsy report, toxicology report, expert witness testimony, and the medical records to support this claim. The family requested that all sealed medical records on this matter be opened for full review and these requests have yet to be granted.

APA submissions presented for testimony at hearings held by the defense have not been provided to the appellant for review and examination.

The defense argues that Victoria Lichtenberger has maintained an accounting for the claimant when in fact the claimant was also in the custody of the state of NC with the Gaston County Department of Health and Human Services (DHHS). Attorney Travis Page in Gastonia, NC was appointed to manage the accounting for the claimant for Gaston County DHHS. Requests were made all financial records pertaining to the claimant, and these records have yet to be received.

The defense maintains that there was good faith in conducting a dependency investigation, yet they still fail to show documentation of all family members notified. They also failed to provide documentation from all employers to show benefits due to beneficiaries on behalf of the claimant. Chris Tuten initially contacted Christine Bradley by phone shortly after the death of Albert Bradley and stated that he was investigating Albert Bradley's death.

The defense highlights that no medical bills were brought before the commission for consideration for payment. Albert Bradley was in the custody of Victoria Lichtenberger and Gaston County DHHS. Albert Bradley was admitted to multiple facilities from March 17, 2016 until the time of his death.

The defense highlights that the South Carolina's Workers' Compensation Commission has full jurisdiction over the subject matter and parties pertaining to this case. However, this case was never brought before the commission for review, even with all the factors that occurred from March 17, 2016 until the time of his death.

FINDINGS OF FACT

1. Albert Bradley sustained traumatic brain injury while working for Southern Industrial Constructors, Inc. of Columbia, SC on May 16, 2011. Because of his injuries, he was declared permanently and totally disabled by the South Carolina Workers' Compensation Commission.
2. Albert Bradley received total care in his home by his wife Christine Bradley and his daughter Lavare Seltun until the time he was taken away from his family on March 17, 2016.
3. Attorney Mike Farry with Horton Law Firm in Greenville, SC was appointed as Guardian for Albert Bradley.
4. There is no evidence to support appointment of Victoria Lichtenberger as Guardian/Guardian Ad litem for the claimant Albert Bradley. No family members, not even the claimant, were notified, were served, or were present at any hearing.
5. Expert witness testimony, medical records, autopsy report, and toxicology report have been excluded for examination and review by the appellant to provide support to the claimant's cause of death.
6. Albert Bradley had multiple severe medical conditions during the timeframe he was under the care of Victoria Lichtenberger/Zurich and Gaston County Department of Health and Human Services to include the following: life support; severe dehydration and renal failure; widespread thrombosis; diabetic ketoacidosis; and fall with head injury resulting in laceration and stitches. He was also receiving life-ending medications.

7. Albert Bradley was taken into custody by Victoria Lichtenberger/Zurich Insurance/Jason Lockhart and Gaston County Department of Health and Human Services (DSS) after a brief hospital visit at Caromont Regional Medical Center on March 17, 2016.
8. Albert Bradley was also under the custody of Gaston County Department of Health and Human Services (DSS) in Gastonia, NC from March 17, 2016 until the time of his death February 5, 2017.
9. The family received notification after 30 days of no contact at all with the claimant that he was on life support in Mecklenburg County at Carolinas Medical Main in Charlotte, NC. Albert Bradley had numerous hospital visits with multiple hospitals for serious medical conditions from the time he was taken from March 17, 2016 until his death.
10. Chris Tuten did not provide documentation to show good faith in conducting a dependency investigation. All family members were not contacted. Documentation was not provided to the court to show beneficiaries of the claimant held through all employers.
11. APA submissions presented to the court for evidence by the defense was not provided to the appellant for review and examination.
12. Albert Bradley paid for transportation, medical care, and medical expenses out of his own monies.
13. Financial records have not been provided to show proof of full accounting of the claimant.
14. Victoria Lichtenberger, is a geriatric care manager and owner and operator of Eldersource Eldercare in Charlotte, NC, who places aging adults into adult homes and facilities.

15. Albert Bradley, the claimant, has a living spouse, Christine Bradley, and three living children: Derwin Bradley, Lavare Seltun, and Christy James.

BASED ON CONCLUSIONS OF LAW AND FINDINGS OF FACT

Did the commissioner fail to consider important reasons for award for compensation? If so, what reasons?

Section 42-9-10(A)(B)(C)(D). Amount of compensation for total disability and what constitutes total disability. During proceedings and order, temporary compensation was applied to a permanent disability claim. Although Commissioner Beck stated that claimant Albert Bradley was declared permanently disabled, law was applied for temporary disability with attempt to settle the claim on that basis.

Section 42-15-60 (C)- Albert Bradley, now deceased claimant, who received total care and medical services in his home by family members 24/7 up until the year he was taken, were never compensated for the services they provided to the claimant even after care plan which was requested was presented to the court to show the care the claimant was receiving in the home. There was a court order which ordered monies which Albert Bradley paid out of his own monies to be reimbursed by the carrier for expenses such as medications and supplies dating back to 2013 which still have not been paid as of this date. Albert Bradley paid for his own transportation to court hearings, doctors' visits, medications, and nursing services, all which no reimbursement was received. Albert Bradley even had to purchase his own wheelchair accessible van for transportation out of his own money and was never reimbursed.

67-902-Dependency investigation. The argument here is that a thorough investigation of benefits on behalf of the claimant for all dependents through his employers should be brought before the court. Christine Bradley stated before the court in a prior hearing and made pleas to the Commission that she was due spousal benefits as she was the beneficiary listed for Albert Bradley through his employer Southern Industrial. Her request for further information and documentation pertaining to the above was not acknowledged.

Section 42-17-60. Christine Bradley, spouse of claimant, has been denied benefits. "In case of appeal from the decision of the commission on questions of law, the appeal does not operate as a supersedeas, and, after that time the employer is required to make weekly payments of compensation."

Sections 42-9-220, 42-9-230. Christine Bradley was separated from her husband on March 17, 2016, and all benefits that Albert Bradley had been receiving had stopped in December 2015.

Did the commissioner incorrectly decide the facts? If so, what facts?

Section 42-9-10(A)(B)(C)(D). Albert Bradley was declared permanently and totally disabled.

Section 42-15-80. It was ordered that Albert Bradley died of acute bronchopneumonia. No medical records including autopsy and toxicology results were submitted to support this diagnosis. No expert witness testified at the hearing to provide expert testimony to support this diagnosis.

Albert Bradley died in the custody of Gaston County DSS/Tereasa Osborne, Stephanie Stevenson and Victoria Lichtenberger, appointed Guardian/Guardian ad Litem through the SC Workers' Compensation Commission. Victoria Lichtenberger is owner of ElderSource, located at 1018 East Blvd., Suite 3, Charlotte, NC, a geriatric care management company that is responsible for the placement of geriatric patients into adult homes and facilities.

Albert Bradley suffered immensely under the hands of Guardian Ad Litem Victoria Lichtenberger and Gaston County DSS/Tereasa Osborne, Stephanie Stevenson. From the time of their acquisition of the claimant, there was a rapid decline in his health evidenced by multiple hospital visits and admissions that ultimately led to his death.

Section 42-15-60- The claimant has medical bills that have not been paid by the carrier. These bills have not been brought before the court to show proof of payment.

67-902, 67-903, 67-904. Tuten testified that he conducted the dependency investigation in good faith when in fact he failed to make contact with all of the claimant's family members and failed to provide documentation to support his findings.

APA submission presented by Attorney Jason Lockhart used as evidence was not provided to all parties prior to hearing or after the hearing and was used as facts for the case.

67-216, 42-15-55. Victoria Lichtenberger, Guardian ad Litem, said representative for the deceased claimant, was speaking on behalf of the insurance company instead of the claimant. Albert Bradley was in the custody of Victoria Lichtenberger, Guardian Ad Litem and Gaston County DSS/Tereasa Osborne/Stephanie Stevenson when he died. Victoria Lichtenberger, Guardian Ad Litem was also documented as dependent of the claimant. Proof of guardianship was never provided during court when requested. Family members, or the claimant himself, Albert Bradley, was not present at any hearing for the appointment of Guardian Ad Litem.

Family members had very limited contact with Albert Bradley during the last year of his life, and visits with him were supervised when they were allowed.

Do you think the Commissioner applied the wrong law? If so, what law?

Section 42-9-20. Temporary compensation, partial disability law cannot be applied to a claimant who has suffered physical brain damage. Albert Bradley sustained physical brain damage on May 16, 2011, and was permanently and totally disabled on the date of his accident.

Do you feel there are any other reasons why the Commissioner's judgment was wrong? If so, what?

42-9-20. Based on the findings and the laws, as highlighted above a temporary compensation and partial disability cannot be applied when an individual has suffered a permanent disability.

Family members were denied their rights to civil proceedings for guardianship for Albert Bradley. Albert Bradley has a living spouse Christine Bradley.

67-902. There was failure to conduct a thorough dependency investigation through the claimant's employer Southern Industrial.

Albert Bradley was in the custody of Victoria Lichtenberger, Guardian Ad Litem, and owner of ElderSource and Gaston County DSS/Tereasa Osborne, Agency Attorney/Stephanie Stevenson, guardianship supervisor. No proof of guardianship was ever provided.

67-1301. Expert physician testimony was not heard on the given diagnosis, acute bronchopneumonia, as to the cause of Albert Bradley's death.

Other documentation which were ordered by the Commissioner to include the complete financial record of the claimant held by the Guardian Ad Litem Victoria Lichtenberger as well as her final accounting, full medical records from the time that Albert Bradley was taken into custody from 3/17/2016 until the date of his death including autopsy and toxicology were not submitted as ordered for review and evidence.

What action do you want the Commission to take in this case?

Apply the laws accordingly, consider the facts in this case, and apply due process to be fair in his decision-making and execution of the laws. Every individual has the right to fair and equal representation.

Albert Bradley

Summary of Initial Events

On March 15, 2016, Albert Bradley was taken to Caromont Regional Medical Center in Gastonia, NC for evaluation of areas of erythema to his buttocks. He traveled to the hospital via ambulance, and he was accompanied by his wife Christine Bradley, his primary caregiver. In the emergency department, he was evaluated by emergency department nurse and physician. After assessment which included vital signs, obtaining 12 lead EKG, assessment of buttocks to include taking pictures, and chest x-ray, the ER physician stated that Albert Bradley would be admitted for further evaluation. Albert Bradley was admitted to CRMC on March 15, 2016.

The night of Mr. Bradley's admission, IV antibiotics were initiated. He also received IV fluids, and his tube feedings he received per his home regimen. The following afternoon on March 16, 2016, the same physician from the ER rounded on Mr. Bradley. He stated that Mr. Bradley could be discharged to home, and that nothing was wrong with him. The only medication he prescribed for Albert Bradley was a topical antifungal cream to apply to buttocks. Christine Bradley then asked if nothing was wrong with him, then he (Albert Bradley) could just go ahead and go home now? The physician stated the patient could not be released until the attending physician released him.

In the afternoon on March 17, 2016, Albert Bradley's careplan began to change. He began to receive tube feedings at a higher rate and continuously throughout the day. In the home, Albert Bradley only received continuous feedings at night and bolus feedings during the day. It was also observed that Mr. Bradley had an indwelling urinary catheter placed. Christine Bradley reported this to the charge nurse on the unit. Christine stressed that Mr. Bradley was not to receive a foley catheter because of previous trauma to his urethra and that this would cause him harm. She also asked why was this placed after she had left the facility to go home to shower and why no one had discussed this with her. The charge nurse then showed her a letter which was placed in Albert Bradley's chart to document that Jason Lockhart/Zurich Insurance was the Guardian of Albert Bradley. A copy of the letter was requested and the charge nurse stated she could not provide a copy. Christine Bradley also requested to take her husband home with her as she was the one who brought him in to the hospital and she was the one who provided the care he needed 24/7. The charge nurse told her that if she tried to take him out of the facility, she would call the police and have her arrested.

Albert Bradley moaned and groaned in pain the entire night of March 17, 2016 related to the insertion of the indwelling catheter. This was brought to the attention of the nurse. Lavare Seltun was present on the night of March 17, 2016, and informed the nurse that Albert Bradley was exhibiting signs and symptoms of pain (moaning, groaning, guarding). Great concern was expressed regarding why the indwelling catheter was placed given the contraindications such as swelling and increased risk for urinary tract infections. The nurse was also informed that Albert Bradley had prior urethra trauma and was not to receive indwelling catheters routinely. He voided on his own without any issues. The nurse was made aware of this. She stated

Albert Bradley

that it was ordered by the physician. Christine Bradley observed Mr. Bradley with swelling of his penis and blood in the catheter line. Mr. Bradley also developed a low grade temperature that evening. Lavare Seltun also questioned why the patient was being held in the hospital if the physician had written discharge orders for the patient to be released. The nurse did not respond. Lavare Seltun requested to speak to the charge nurse. The charge nurse stated there was a document in the chart which prohibited the patient from leaving the hospital. Lavare Seltun informed the charge nurse that she had never heard of anything like that and that it sounded illegal. Lavare Seltun advised the charge nurse to contact her hospital administrator and legal department to make them aware of this. Lavare Seltun stated Christine Bradley had the right to take her husband home because she brought him into the hospital. The charge nurse said she would have to call the police. Lavare Seltun asked the charge nurse to see the document. The document was a motion to modify guardianship entered by Jason Lockhart/Zurich Insurance/Victoria Lichtenberger. Another document was also in the chart on Gaston County DSS letterhead in bold print that stated: Do Not Let Patient Leave Hospital.

On the following morning of March 18, 2016, the dayshift nurse came in and started up Mr. Bradley's tube feedings. Christine Bradley had already stopped his feedings for the day to align with his usual feeding patterns in the home. Christine Bradley turned off the pump, and told the nurse that Mr. Bradley does not get fed around the clock like that because too much feedings could make him sick. The nurse stated, "Where he's going, he's going to be fed around the clock. Because he's going to the nursing home." The nurse called security. Security came to my husband's room and escorted me (Christine Bradley) out. Christine Bradley was told that she was banned from Caromont Regional Medical Center at approximately 8:00-8:30 am.

Lavare Seltun was called by Christine Bradley and briefed on the situation. Lavare Seltun arrived at Caromont Regional Medical Center in Gastonia, NC on March 18, 2016 at approximately 8:30 to be her father's side. After leaving his room for about 30 minutes, and upon returning around noon, I was approached by Stephanie Stevenson and Amanda Greene who informed me that they were my father's (Albert Bradley) guardian. I was then asked to "come on and go with me" by Stephanie Stevenson. I asked her if she had any paperwork documenting how she became his guardian. She said no. I asked Ms. Stevenson and Ms. Greene how could they be my father's guardian when I have never been to court, never been served, my family has never been served or never been court, and Mr. Bradley has never been to court or served? She then told me that my visitation ends right now. Then she said matter of fact, you have no more visitation this weekend. Then I was told I was banned from the facility. Then three to four security officers walked up to my father's room to escort me out of the facility. They told me not to come back. Before I left, in tears, I told Ms. Stevenson and Ms. Greene that Albert Bradley required 24/7 care. I told them that my mother and I were his primary caregivers, that we were the ones who understood how he communicated best, and that he needed his family with him to communicate to others what was going on with him. I told them if something happened to him, the blood was on their hands.

Albert Bradley

Effects of What Happened

1. Gaston County DSS kept Albert Bradley away from his family members for greater than 30 days, until April 2016 when he required resuscitation and life support at CMC-Main in Charlotte, NC. Family was contacted by DSS workers Stephanie Stevenson and Amanda Greene to inform that Albert Bradley had a change in his condition. He was made a DNR and removed from the ventilator after only 3 days of support and returned to Asbury Care Center in Charlotte, NC after a very brief hospital visit. Family was never informed of Albert Bradley's whereabouts after family members were banned from Caromont Regional Medical Center. No information was ever provided as to his health status or whereabouts during the time of his absence. Two of Albert Bradley's brothers came looking for him two days prior. They were not allowed to see him, but they were told by Stephanie Stevenson that Albert Bradley was doing fine. He had massive pulmonary embolisms, severe dehydration, and heart failure while at CMC Main in April 2016.

2. Christine Bradley was not allowed to visit her husband. Other family members were given supervised and very limited visitation without any justification, even if Albert Bradley was admitted to the hospital. This caused a lot of stress on the family. We missed his birthday because it fell on a day that was a "day of rest." This is time he should have spent at home with his family. A family member who traveled from out of town were not allowed to visit on so-called visit days according to the DSS visit calendar. Security would even profile family members at the gate prior to entrance to Asbury Care Center. Family members were very distraught over this as we knew what depriving him of seeing his family on a daily basis would do to him. When we did visit, as soon as our visit started, we were often asked to leave the room. This year was so stressful. His grandchildren would go to see him, and they would leave in tears. They wanted to know how could people be so cruel, and how could people hurt their grandfather like that.

3. Albert Bradley suffered numerous serious illnesses and conditions in a short span of time under the direction of the Gaston County Department of Social Services resulting in numerous ER visits and hospital admissions. Mr. Bradley suffered a traumatic head injury in Asbury Care Center. To this date, the Department has not informed the family as to the events surrounding this serious injury. He suffered a large laceration over his right eye, fractured his right shoulder, and had a large amount of swelling in his right head, face, neck, and shoulder area. Albert Bradley was returned back to Asbury Care Center in less than a 24 period. This continuous cycle of ER visits and hospital admissions continued until his death within a span of less than a year.

4. Numerous letters were written to address the health concerns of Albert Bradley, observations made pertaining to care received and/or care needed, and Gaston County DSS failed address those issues.

5. Albert Bradley was given medications with harmful side effects, namely atropine,

Albert Bradley

a medication that was said to have been discontinued by Gaston County DSS Social Worker Stephanie Stevenson. This medication was administered from the time he was under the custody of the Gaston County DSS. Albert Bradley was only receiving 4 units of lantus in the home. His blood sugar levels were out of control. From being overfed, he gained a significant amount of weight. He was not mobilized. In the home, Albert Bradley got into his wheelchair daily and received therapy from his family members and friends on a daily basis.

6. Gaston County DSS allowed Zurich Insurance Company and Victoria Lichtenberger to direct the care of Albert Bradley.

7. Albert Bradley was taken away from his family, and his life was cut short.

8. Albert Bradley died without his family present. An on-call social worker called to inform family on 2/5/2017 at approximately 7:30 pm that Albert was deceased. He was denied precious time with his family, and stimulation that he required for survival.

9. Again, the family was never informed as to why Albert Bradley was taken and how Gaston County DSS became involved.

10. We were told at times we could not touch our loved one, Albert Bradley. Security was called on Lavare Seltun for holding her father's hand, and Lavare Seltun and Christine Bradley were escorted out of Asbury Care Center. This was devastating and humiliating.

11. Albert Bradley was admitted under aliases each admission. When and if family was notified, if family went to the hospital to see Albert Bradley, they were often told they could not see him. When they were informed of his location, they would often change his room numbers and visits would be supervised. When questions were asked regarding visitation, it was always, "Stephanie Stevenson said....."

Requests

1. Civil
2. Wrongful death
3. Pain and suffering
4. Punitive

Albert Bradley

***Albert Bradley was a traumatic/anoxic brain injured individual who sustained traumatic injuries while working for Southern Industrial Constructors in Columbia, SC on May 16, 2011. He received total care in the home by primarily by his wife Christine Bradley and daughter Lavare Seltun, and also with the aid of other family members and friends.

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IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals
In the Supreme Court

Appellate Court Judges

Case No: 2018001535

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JUL 17 2019

SC Court of Appeals

Christine Bradley, *Pro se* for Albert Bradley

Appellant

v.

SC Workers' Compensation Commission,
Southern Industrial Constructors Inc.,
Zurich American Insurance Company %
Zurich North America, Victoria Lichtenberger,
Gaston County DHHS (Tereasa Osborne, Stephanie Stevenson)

Respondents

I certify that I have served the Initial Brief on the SC Workers' Compensation Commission on July 17, 2019, by depositing a copy of it in the United States Mail to P.O. Box 1715, Columbia, SC 29202-1715, or via hand-delivery 1333 Main St., Suite 500, Columbia, SC, 29202. I certify that I have served the same upon Southern Industrial Constructors and Zurich American Insurance Company on July 17, 2019 by depositing a copy of it in the United States Mail, to the attorney of record, Jason W. Lockhart at P.O. Box 12519, Columbia, SC 29201, and via hand delivery to his office at 1320 Main St., Columbia, SC 29201. I certify that I have served a copy to Helen Hiser, by depositing a copy in the U.S. Mail to, 735 Johnnie Dodds Blvd. Suite 200, Mt. Pleasant, SC 29464. I certify that I have served a copy to the Gaston County DHHS, by depositing a copy of it in the United States Mail, to the attorney of record, Tereasa Osborne, at 330 Dr. Martin Luther King, Jr. Way, Gastonia, NC 28052. I certify that I have

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served a copy to Victoria Lichtenberger, Guardian, by depositing a copy of it in the United States Mail to 1018 East Blvd., Suite 3, Charlotte, NC 28203.

July 17, 2019

Christine Bradley, *Pro se* for Albert Bradley
475 Lower Lee School Rd.
Mayesville, SC 29104

A handwritten signature in cursive script that reads "Christine Bradley". The signature is written in black ink and is positioned above a solid horizontal line that extends across the page.

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