

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

RECEIVED

SEP 09 2019

Appellate Case No.: 2018-000965 **SC Court of Appeals**

Victor G. Benjamin, Employee, Appellant,

v.

Rexam Beverage Can Company d/b/a Rexam Beverages, Employer, and
Hartford Insurance Company of the Midwest c/o Sedgwick CMS, Carrier, Respondents.

SUPPLEMENTAL RECORD ON APPEAL

Stephen B. Samuels
SAMUELS LAW FIRM, LLC
1320 Richland Street
Columbia, SC 29201
(803) 779-4000

Jeff C. Chandler
CHANDLER LAW FIRM
2501 North Oak Street
Myrtle Beach, SC 29577
(843) 448-4357

ATTORNEYS FOR APPELLANT

Jason W. Lockhart, Esquire
MCANGUS GOUDELOCK & COURIE, LLC
Post Office Box 12519
Columbia, SC 29211
(803) 779-2300

Helen F. Hiser, Esquire
MCANGUS GOUDELOCK & COURIE, LLC
Post Office Box 650007
Mt. Pleasant, SC 29465
(843) 576-2900

ATTORNEYS FOR RESPONDENTS

INDEX

I.	PLEADINGS	1079
	Claimant's APA Submissions.....	1079
	Pgs. 604 - 605	1079
II.	TRANSCRIPTS	1081
	Deposition of Victor G. Benjamin of March 2, 2012	1081
	Examination by Ms. Hyatt	1081
	Pgs. 15 – 19	1081
	Pgs. 21 – 22	1086
	Pgs. 29 – 32	1088
	Pgs. 45 – 48	1092
	Pg. 51	1096
	Deposition of Victor G. Benjamin of March 31, 2014	1097
	Examination by Mr. Lockhart.....	1097
	Pg. 24	1097
	Pgs. 27 – 29	1098
	Pgs. 52 – 54	1101
III.	CERTIFICATE OF COUNSEL.....	1104

COLUMBIA NEUROSURGICAL ASSOCIATES, P.A.

www.columbianeurosurgical.com

Spine & Neurological Surgery

Thomas J. Holbrook, Jr., MD
Willem M. Raraba, Jr., MD
Randal G. Dwyer, MD

Scott B. Boyd, MD
Brett C. Gurner, MD
Karl A. Lozanne, MD

720 Raven Road 122 Sunset Court
Columbia, SC 29203 W. Columbia, SC 29158
(803) 482-8423 • (F) 482-0432

Pain Medicine
Eva J. Rawl, MD

(803) 784-3701 • (F) 784-0322

CHART NOTE

Patient: Victor G. Benjamin
Chart: 137270

Date: 08/08/2013
CNAWT: 5030

I received a report of an MRI of the right shoulder on patient Victor Benjamin. It reveals a Type II SLAP tear as well as supraspinatus tendinopathy. There is a shoulder joint effusion.

Considering this finding, I recommend a referral to orthopaedic surgery for further evaluation and recommendations on treatment. I will see him back in our office as previously scheduled for follow up after his cervical procedure.

Electronically signed by Karl Lozanne, MD at 08/13/2013 07:54

Karl Lozanne, MD

KL/cr
DOC#: 00004071/JOB#: 04190

COLUMBIA NEUROSURGICAL ASSOCIATES, P.A.

www.columbianeurosurgical.com

Spine & Neurological Surgery

Thomas J. Holbrook, Jr., MD
William M. Rambo, Jr., MD
Randal G. Ryan, MD

Scott B. Boyd, MD
Brett C. Gunter, MD
Karl A. Lozanne, MD

720 Rabon Road 132 Sunset Court
Columbia, SC 29203 W. Columbia, SC 29169
(803) 482-0422 - (F) 482-0432

Pain Medicine
Eva J. Rawl, MD

(803) 784-3707 - (F) 784-0322

OFFICE VISIT

Patient: Victor G. Benjamin
Chart: 137270

Date: 08/20/2013
CNAWT: 5010

Mr. Benjamin is a 51-year-old who underwent an anterior cervical discectomy and plated fusion at the C4-5, C5-6, and C6-7 levels on 2/18/13 after presenting with a cervical spondylotic myelopathy following a work-related injury that occurred in June of 2011. He had a large piece of metal land on his head and shoulder and presented with significant right upper extremity weakness as well as myelopathy. He has been struggling with headaches. Following his surgery, he initially made improvements, but continued to struggle with right-sided shoulder region discomfort. Follow-up x-rays of the cervical spine showed good placement of the interbody plate and screws with no apparent dislocation. On my evaluation, I was concerned of shoulder pathology. He had never had his shoulder evaluated previously. I recommended an MRI of the right shoulder and he returns following completion of this study.

Victor has continued to struggle with discomfort across his right shoulder region. He has discomfort that originates in the trapezius and right neck and traverses towards the shoulder girdle with some discomfort into the right upper arm. The initial improvement that was made after surgery is no longer present. He feels that his imbalance has persisted. He ambulates with the aid of a cane. He has been struggling with intermittent headaches.

IMAGING: MRI of the right shoulder. 8/2/13 at ImageCare, shows supraspinatus, infraspinatus, as well as intra-articular tendinopathy of the long head of the biceps tendon. There is a Type II SLAP tear. There is a shoulder joint effusion.

Victor Benjamin is a 51-year-old who is still recuperating from his spinal cord injury and has struggled with right-sided neck and shoulder discomfort. The MRI reveals shoulder pathology.

From a cervical spine perspective, I recommend continued out-of-work status. I explained to Victor that the surgical procedure was not intended to repair his spinal cord but rather to provide a decompression in hopes of getting continued improvement. He has been able to transition to the aid of a cane for ambulation, but is still feeling unsteady on his feet. There is some persistent abnormal sensation in the right upper and lower extremity at times, which he describes as coldness. I suspect that this is from the spinal cord abnormality.

Regarding his right shoulder, I feel that he would benefit from evaluation by a shoulder specialist. I suspect that this is contributing to the right trapezius and shoulder region pain.

I will leave treatment of his headaches condition to his treating neurologist.

I will see him back in the office following evaluation and treatment for his right shoulder. I do not feel that at this point he is in need of new imaging studies of his cervical spine.

I have discussed all of the above, as well as the treatment plan, with the case manager who was in the room with the patient today, as well as in the company of Victor Benjamin's wife.

Electronically signed by Karl Lozanne, MD at 08/23/2013 06:21

Karl Lozanne, MD

KL/or

DOC#: 00004504/JOB#: 04652

- 1 Q. Okay. When's the last time you towed a vehicle
2 through that business?
- 3 A. I think my son towed one a couple of weeks ago.
- 4 Q. You did?
- 5 A. My son.
- 6 Q. Your son. What about you personally?
- 7 A. My personal self?
- 8 Q. Yes, sir.
- 9 A. Sometime the early part of last year.
- 10 Q. Early part of 2011?
- 11 A. Yes.
- 12 Q. And you -- were you with your son a couple weeks
13 ago when he towed a car?
- 14 A. Was I with him?
- 15 Q. Yes, sir.
- 16 A. Yes, I was just sitting in the truck.
- 17 Q. Do y'all tow for like repo businesses or --
- 18 A. No, if someone call, like a friend or something
19 want to move a car, something like that. But not
20 every day, no.
- 21 Q. All right. Any other types of work?
- 22 A. No.
- 23 Q. What was your job at Rexam?
- 24 A. I was a cupper operator, cupper operator.
- 25 Q. Copper operator?

1 A. Yes.

2 Q. And what did you do as a copper operator?

3 A. What, what they call as a front-end maintainer,
4 but I operate the cupper, and my job was to load
5 coils on a -- on a coil -- on a coil cot. And we
6 have bricks, what they call aluminum bricks, yay
7 long, yay wide, and we, we have to lift them and
8 put them on a pallet. That was the scrap that
9 coming off the -- from the front end there. That
10 will constantly make scraps.

11 And that machine, what they call a baler
12 room, would constantly make bricks. We have to go
13 in there and stack those bricks on a pallet about
14 four high. And when that pallet get full, we have
15 to bring that pallet up, and then we take it and
16 put it in the storage area there where it's
17 supposed to be at.

18 And with the cupper, I would have to check
19 cups, have to maintain the machine, make sure it
20 stays running at all time, look at the cups, make
21 sure it's not making bad cups, have to do checks
22 on the cups, have to do computer checks, and stuff
23 like that.

24 Q. And the coils were -- those were aluminum coils?

25 A. Aluminum coils, yes.

- 1 Q. And when do you -- how much did the coils weigh?
- 2 A. Nineteen thousand pounds.
- 3 Q. Did you use some sort of crane or something to --
- 4 A. Yeah, you use a forklift, use a forklift, to
- 5 drive -- to lift the coils with.
- 6 Q. Okay. And when they were on the pallet, was that
- 7 the -- all the coils together on the pallet that
- 8 weighed 19,000 pounds?
- 9 A. No, it's just one coil.
- 10 Q. Okay. What about when you put them on the pallet?
- 11 A. We don't put them on a pallet, put them on a coil
- 12 cot, --
- 13 Q. Oh, okay.
- 14 A. -- coil cot. You load it on the coil cot and get
- 15 it ready, prep it, so when the coil chains come up
- 16 that coil be ready to go on the end of
- 17 the -- the end of the uncoiler and be -- once I
- 18 put it on the uncoiler, then I prep and get it
- 19 ready. So whenever we do the coil chains, be
- 20 ready to run back through the machine, have to
- 21 turn the coil around.
- 22 Q. And when you put that, all the coil -- when you
- 23 put it in the machine, is that when you use the
- 24 forklift, to put it in?
- 25 A. No, we use the forklift to lift it on the coil

1 cot; and then once it go from the coil cot, we
2 lift it up on what they call the uncoiler, and
3 then it runs through the machine. We have to --
4 two guys will be in the back back there, run it
5 through a lubricator, one be on each side to run
6 it through the lubricator.

7 And then they -- then I be at the -- at the
8 control panel there. And once they push it
9 through, get so much fed through the machine, then
10 we jog it 'til we get all the -- all of the, the
11 scrap, excess scrap, out the way. And then we
12 stop running the machine.

13 Q. And how many pounds did your job require you to
14 lift?

15 A. By hand?

16 Q. Yes, sir.

17 A. To be honest with you, ma'am, I never weigh one of
18 those bricks. Sometimes, sometimes we have a
19 problem with the baler. A brick might come out
20 that long, and then we have to get -- I have to
21 get someone to help me lift it because then I'm
22 putting that hoist in there where you can lift the
23 bricks.

24 But it's -- but you're doing your job, and
25 your production -- it's so aggravating lifting

- 1 with the hoist because -- it's kind of aggravating
2 lifting with the hoist because it kind of puts you
3 behind really, --
- 4 Q. With a --
- 5 A. -- trying to keep up with your job.
- 6 Q. That's with a hoist?
- 7 A. An, an electric hoist and control it by hand, with
8 two button operation.
- 9 Q. All right. Did you always have that same job at
10 Rexam?
- 11 A. No, I didn't.
- 12 Q. That was the job that you were working --
- 13 A. Yeah.
- 14 Q. -- on June 15th of 2011?
- 15 A. Yes, ma'am.
- 16 Q. What other jobs have you had there?
- 17 A. Before I went to that job, I had a job -- what
18 they call a printer. I was a printer operator,
19 print the labels on the can. I did that. And
20 before that, I was the inspector.
- 21 Q. And just for the record, what does Rexam make?
- 22 A. We make aluminum cans, soda cans.
- 23 Q. And are those for Pepsi and Coke?
- 24 A. Pepsi, Coke, all different kind.
- 25 Q. Okay. Any other jobs other than the three you've

1 worked that day?

2 A. I recall running the machine, but what happened I
3 don't remember.

4 Q. Do you recall how long -- excuse me, how long you
5 had been working when the accident occurred?

6 A. Do I recall how long it was --

7 Q. How long you had been working that day when the
8 accident occurred.

9 A. No, I don't recall. The only thing I know, it was
10 late at night when this accident happened.
11 Because when I came back through, I remember this
12 young lady being over me telling me it's going to
13 be okay, and I didn't know what she was talking
14 about. And I noticed a lot -- our job have a lot
15 of noise in there.

16 The next thing I know I must have went back
17 out again, and I was in, in the back of the
18 ambulance on a stretcher, and I remember my son
19 being at the back of the ambulance. And I asked
20 him -- I said son, what are you doing here. What
21 are you doing at this time of night. And he said
22 daddy, we came to work together. And that's what
23 helped me remember that, you know, we was working
24 there together.

25 Then I remember seeing the plant manager, and

1 I asked him what are you doing at this time of
2 night because I know it was dark. I said what are
3 you doing at this time of night, and I forgot
4 exactly what he said. He said I cut some kind of
5 joke to him or something. Then the next thing I
6 know I was in the back of the ambulance. Like I
7 say, I was in the back of the ambulance. They was
8 rolling me in the ambulance.

9 And it seemed like they asked me where I want
10 to go to. For some reason I told them McLeods,
11 but I normally go to Carolina Hospital. You know,
12 that's where I was always go if anything happen.
13 And it seemed like we backed up all the way to
14 Florence. I don't know.

15 Q. Is your son that was working there -- is that the
16 19 year old?

17 A. Yes, ma'am.

18 Q. And what's his name?

19 A. His name is Leman Benjamin.

20 Q. Spell his first name for me.

21 A. L-E-M-A-N.

22 Q. Does he still work there?

23 A. No, he doesn't.

24 Q. What was your normal shift?

25 A. 7:00 to 7:00 at night, 4 days on and 4 days off.

- 1 Q. Is somebody treating you for the neck?
- 2 A. Dr. Sandoz.
- 3 Q. Okay. How did you end up getting to Dr. Sandoz?
- 4 A. My wife brings me every time I have to come.
- 5 Q. Well, I mean, did you get referred to him by
- 6 someone?
- 7 A. Yes.
- 8 Q. Who referred you to Dr. Sandoz?
- 9 A. I think my caseworker.
- 10 Q. And were you referred to him for the neck pain
- 11 that you were having?
- 12 A. Neck and head.
- 13 Q. Okay. You said you were having headaches?
- 14 A. Yes.
- 15 Q. Tell me, how often do you have headaches?
- 16 A. The headaches probably -- I'm having headaches
- 17 every day, and they goes and come. They may last
- 18 30 minutes to an hour.
- 19 Q. Do you take anything for them?
- 20 A. I'm taking the Vicodin.
- 21 Q. Anything else?
- 22 A. Not for headaches, no. They had me on some more
- 23 medicine; and when they first gave me that
- 24 medicine, it, it had me out. It was -- because
- 25 I'm not used to taking medicine. I mean, it made

1 me sick as a dog, and so I called them back.

2 Q. Where do you experience the headaches? What part
3 of your head do you have them in?

4 A. I have them over here. I have them down --

5 Q. That was the right temple area?

6 A. Yes, ma'am.

7 Q. And where else?

8 A. On the left side sometimes, right down through
9 here.

10 Q. Okay. Sort of the left side?

11 A. Yeah, right there where, where I got the lick in
12 my head. Yeah.

13 Q. Okay. And Dr. Sandoz is providing treatment for
14 the headaches?

15 A. Yes, ma'am.

16 Q. Have you been experiencing the headaches the whole
17 time?

18 A. Headaches and ringing in my ears.

19 Q. Since the accident occurred?

20 A. Yes, ma'am.

21 Q. And what about the ringing in your ears? Do
22 you -- do you experience that all the time?

23 A. Constantly, all the time.

24 Q. Have you ever had any prior problems with ringing
25 in your ears?

- 1 A. No, ma'am.
- 2 Q. What about headaches; have you ever had prior
3 problems with those?
- 4 A. No, ma'am.
- 5 Q. And the neck pain that you're experiencing, you
6 described it as running down the right side?
- 7 A. Yes, ma'am.
- 8 Q. And down the shoulder and into the right arm?
- 9 A. Yes, ma'am.
- 10 Q. Have you ever had problems with that before?
- 11 A. No, ma'am.
- 12 Q. What about neck pain in general; any prior
13 problems with neck pain?
- 14 A. No, ma'am.
- 15 Q. What other problems are you having as a result of
16 this accident?
- 17 A. My wife tells me that I shakes at night while we
18 in bed, having bad dreams and stuff.
- 19 Q. And do you recall having bad dreams?
- 20 A. Do I recall it? Yes, ma'am.
- 21 Q. You do?
- 22 A. Yes, ma'am.
- 23 Q. Do you have problems during the day?
- 24 A. I be depressed sometimes during the day.
- 25 Q. And describe for me what you mean by being

1 depressed.

2 A. You know, when you're used to doing for yourself
3 and you got to get someone else to do something
4 for you or you got to wait for somebody to do
5 something for you when you always don't have to
6 depend on no one, an independent person, and --
7 you got to wait for someone to do something for
8 you, it's very depressing, very depressing. I
9 mean, I be sad sometime because whatever happened
10 to me. Sometimes I'm having the pain, having
11 these pains, and it just go -- I just go to
12 thinking about whatever happened to me with me
13 going through this.

14 Financial burdens because my bills and
15 stuff. I've been thinking my check going to come
16 one day. It may come two or three days later
17 and -- because I like to try to pay my bills on
18 time, and it gets stressful.

19 Q. And is that why you're seeing Dr. Goldschmidt?

20 A. For depression?

21 Q. Yes, sir.

22 A. Yes, ma'am.

23 Q. How did you end up --

24 A. Dr. Springs.

25 Q. I'm sorry?

- 1 A. Yes, ma'am.
- 2 Q. Are you still on medication for that?
- 3 A. Yes, ma'am.
- 4 Q. Were you taking medication for high blood pressure
5 when this accident occurred?
- 6 A. Yes, ma'am.
- 7 Q. Any other health problems that you've had?
- 8 A. I have taken cholesterol medicine as well.
- 9 Q. Are you still taking that medication?
- 10 A. Yes, ma'am, I'm taking blood pressure and
11 cholesterol.
- 12 Q. And are -- is the cholesterol medicine also
13 prescribed by Dr. Daniels?
- 14 A. It's through his office because Dr. Daniel is not
15 there a lot. It's through his office, yes, ma'am.
- 16 Q. Okay. Any other problems you're having as a
17 result of this accident?
- 18 A. Not that I can think of.
- 19 Q. To your knowledge, are you having any problems
20 with your brain?
- 21 A. To my knowledge?
- 22 Q. Yes, sir.
- 23 A. Yes, ma'am.
- 24 Q. And tell me about that.
- 25 A. Sometimes -- I get loss of thought sometimes in a

1 conversation.

2 Q. Can you give me an example?

3 A. If I'm maybe -- let's see, if I'm in a -- let's
4 say if I'm talking to you let's say about a house,
5 whatever, I might lose my train of thought and,
6 and forget what I'm talking about; and then I
7 might ask you the question what was I saying,
8 something like that, lose my train of thought.

9 Q. How often does that happen?

10 A. It's hard to say.

11 Q. Any other problems?

12 A. I think -- at this time, I think that's it.

13 Q. And are the right arm problems that were put on
14 the Form 50 -- are that -- are those the problems
15 you've already told me about?

16 A. Say that again.

17 Q. The right -- your right arm problems, have we
18 already covered all of those?

19 A. Yes, ma'am.

20 Q. What about your right shoulder; have we covered
21 that already, the problems you're having with it?

22 A. Have we cover it?

23 Q. Have we talked about it?

24 A. I thought we did.

25 Q. And that's the pain that comes from the neck --

- 1 A. Yes, ma'am.
- 2 Q. -- through the right shoulder? Is there anything
3 else other than that?
- 4 A. No, ma'am.
- 5 Q. Are you having any problems with your left
6 shoulder?
- 7 A. I'm having problem with -- they told me I got
8 carpal tunnel in my -- in my left arm as well, my
9 left wrist, whatever. They gave me brace for
10 that.
- 11 Q. And is that Dr. Sandoz?
- 12 A. Yes.
- 13 Q. But are you having any problems with your left
14 shoulder?
- 15 A. I'm not having problems in my left shoulder, no,
16 ma'am.
- 17 Q. What about any problems other than the neck, like
18 the lower back or anything like that?
- 19 A. It hurts sometime but nothing out of the ordinary
20 I wouldn't think.
- 21 Q. And have you ever had any prior problems with your
22 left arm?
- 23 A. No, ma'am.
- 24 Q. Have you ever had any prior problems with your low
25 back?

- 1 A. Yes, I have.
- 2 Q. When was that?
- 3 A. That's probably back in the '80s or '90s.
- 4 Q. And what was that related to?
- 5 A. They told me I had a deteriorating disc back
- 6 there.
- 7 Q. But you're not having anything other than
- 8 occasional pains since this accident?
- 9 A. No, ma'am.
- 10 Q. Were you having occasional pains before this
- 11 accident in your low back?
- 12 A. Repeat that one.
- 13 Q. Were you having occasional pains in your low back
- 14 before this accident?
- 15 A. Occasionally, yes, ma'am.
- 16 Q. Is anything different since this accident with
- 17 respect to the low back?
- 18 A. No, ma'am.
- 19 Q. I can't remember if I asked you this or not: Any
- 20 prior problems with your right arm before this
- 21 accident?
- 22 A. No, ma'am.
- 23 Q. Any prior problems with your right shoulder before
- 24 this accident?
- 25 A. I've had years ago -- I'm going to have to explain

1 A. I haven't been to a race in awhile, no, ma'am.

2 Q. You actually went to the races?

3 A. I used to, yes.

4 Q. Any other hobbies?

5 A. No.

6 Q. Do you feel like you're capable of returning to
7 work?

8 A. Well, at this time I don't.

9 Q. Why is that?

10 A. Because I'm not healthy enough. I feel like I'm
11 not healthy enough. I, I know I can't lift like I
12 used to. I don't have the strength that I used to
13 have. And being around people and -- I don't know
14 how I would act -- how I would react going back to
15 my job as far as around that machine again that --
16 where I had the accident from. I don't know if
17 I'd go into a panic attack or, or what.

18 Because it -- just thinking about the
19 accident, what happened to me and, and seeing the
20 situation that I went through, it really took a
21 lot out of me. I mean, I don't know.

22 Q. Do you have some sort of like disfigurement on
23 your head or --

24 A. Yes, ma'am.

25 Q. Show me where.

1 panic attack." I say, "Nothing triggered
2 it."

3 He say, "Ain't nothing triggered
4 it?"

5 I said, "Doc, there was nothing
6 triggered it, I was just doing my normal
7 routine, just driving." Because my wife,
8 she have to work, and so right there to
9 Columbia, you know, I make that trip
10 myself, unless she's off from work.

11 Q: So you were driving to see Dr. Bergman
12 when you had the panic attack?

13 A: Yes, I did, and it was like my heart was
14 right -- it, it scared me to death.

15 Q: When you go and see him, do y'all spend
16 an hour together, two hours together?
17 How long do y'all typically spend with
18 one another?

19 A: Basically, a hour.

20 Q: I assume that when he saw you last week,
21 you had your neck brace on, so he was
22 aware that you had surgery ---

23 A: Yes, sir.

24 Q: --- last month?

25 A: Yes, sir.

Sharon Brock Court Reporting

Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 when you go there?

2 A: Yes, sir, he definitely, he definitely
3 listen.

4 Q: You mentioned a few moments ago that when
5 you last saw Dr. Bergman you had a panic
6 attack while you were driving to see him,
7 and then you mentioned that sometimes
8 your wife goes with you. How often do
9 you drive to Dr. Bergman's appointments
10 alone and how often do you go with your
11 wife?

12 A: If my wife is off that day, she drives
13 me. It's hard for me to keep up with her
14 schedule, because if she work a Saturday,
15 if my appointment is on a Tuesday, if
16 she's off that day, so I can't say
17 exactly what day she goes and what day
18 she don't go. If she's off that day, she
19 definitely going to go -- she's
20 definitely going with me, if she's off.

21 Q: The drive from your home to see Dr.
22 Bergman and Dr. Deal, how long does that
23 typically take you?

24 A: Well, it depends on the traffic, because
25 they doing a lot of road work out there,

Sharon Brock Court Reporting

Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 and traffic is wild out there.

2 Q: You're talking about on Interstate 20?

3 A: On Interstate 20, yes, sir.

4 Q: Does it normally take you an hour or less
5 than an hour or how long ---

6 A: It take, it take over an hour.

7 Q: And is that due, in large part, to the
8 construction that's going on out there?

9 A: I guess that's what it is, but I take my
10 time. I leave in enough time to make
11 sure that I make it on time, so. I don't
12 be in a rush, so I don't have to rush in,
13 and I just take my time and just cruise
14 down the road.

15 Q: When you drive from Sumter to see Dr.
16 Bergman and Dr. Deal, do you have any
17 difficulty finding their office or
18 driving from your home to there?

19 A: Not yet, I haven't.

20 Q: Do you use a GPS or do you know where
21 you're going well enough now that you
22 don't need a map or anything?

23 A: I know where I'm going, pretty much, now
24 that I don't need a map.

25 Q: I presume you've got a visit with Dr.

Sharon Brock Court Reporting

Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 Bergman one day this week?

2 A: Yes, I do. I have one, I think,
3 tomorrow. I have to check my schedule.

4 Q: Are you going to that appointment alone
5 or do you know if your wife is going to
6 be going with you or do you know?

7 A: I will be going alone tomorrow, 'cause
8 she have to work tomorrow.

9 Q: Other than Dr. Bergman and Dr. Deal and
10 Dr. Sandoz, are you seeing anyone else at
11 all right now for your work-related
12 injuries?

13 A: Other than Dr. Poletti.

14 Q: Anyone else besides those four doctors?

15 A: No, not now I'm not. I was seeing Dr.
16 Lozanne.

17 Q: How long ago has it been since you last
18 saw Dr. Lozanne?

19 A: I'm thinking it was sometime this month,
20 sometime in March. I'm not exactly sure.
21 I think it was sometime in March.

22 Q: So you would've seen him within the last
23 month or so?

24 A: Yes, I think I have.

25 Q: Do you know if you were at that visit

Sharon Brock Court Reporting

Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 A: No, I don't, because I found out who my
2 friends are. I don't have any. So when
3 I go visit them, they can't come visit me
4 when I'm down.

5 Q: When you drive to Columbia for your
6 visits with Dr. Bergman, do you ever stop
7 along the way and do anything in the
8 Columbia area or in Sumter?

9 A: No, I don't.

10 Q: As far as driving is concerned, do you
11 feel as though you can safely drive from
12 Sumter/Bishopville, your home, to your
13 visits in Columbia to see Dr. Bergman?

14 A: Evidently, I guess so. I hadn't had a
15 accident, yet, so I've been doing, doing
16 pretty good, yes, sir.

17 Q: Do you have any difficulty at all
18 operating the car, driving?

19 A: No.

20 Q: Any problems from a, not only just a
21 physical standpoint, but mentally as far
22 as being aware of what's going on on the
23 road and reacting to other drivers and
24 doing those sorts of things, any issue
25 with that?

Sharon Brock Court Reporting

Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 A: I react to what's going on, because I
2 take my time, I mean, if I -- if I'm
3 going -- it's like I told Dr. Deal one
4 day, no, Dr. Bergman one day. I said one
5 day I was trying to pass this truck and
6 it was a tow truck, the tow truck seemed
7 like it was a mile long, I couldn't never
8 get around this truck, and I said I don't
9 know what in the world had me so sleepy
10 that day. I was so sleepy and -- but I
11 was almost about to get off the
12 interstate, and when I got home, I was in
13 the bed the rest of the day. I don't
14 know what in the world caused that, all
15 of a sudden, just like something just
16 came over me.

17 Q: Mr. Benjamin, as far as your treatment
18 and your surgery in particular with Dr.
19 Poletti, is that being paid for by your
20 health insurance or by your wife's
21 insurance? Who's responsible for the
22 charges associated with that surgery or
23 do you know?

24 A: Well, I'm thinking at this time my
25 insurance is taking care of it.

Sharon Brock Court Reporting

Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

1 Q: And this would be your health insurance
2 ---
3 A: Yes.
4 Q: --- through Rexam?
5 A: Yes.
6 Q: Are you having to, and again, I don't
7 know the answer to this question, which
8 is why I'm asking you, are you having to
9 continue to pay for your health insurance
10 through Rexam out of pocket; in other
11 words, do you have a premium you have to
12 pay for that?
13 A: Not as of yet, I don't.
14 Q: But you still have your health insurance
15 through them?
16 A: Yes, the reason because of that, we have
17 a Union out there and they, they make
18 sure that everything is taken care of,
19 'cause most jobs aren't going to be that
20 nice and do that for you on your own.
21 Q: Mr. Benjamin, if you give me just a
22 second, I think I've asked you all the
23 questions I need to.
24 A: Okay.
25 Q: And I thank you for your time this

Sharon Brock Court Reporting

Post Office Box 32157
Myrtle Beach, South Carolina 29588
(843) 685-7179

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Appellate Case No.: 2018-000965

RECEIVED

SEP 09 2019

SC Court of Appeals

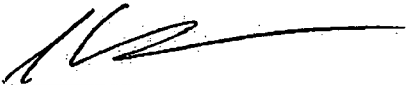
Victor G. Benjamin, Employee,.....Appellant,

v.

Rexam Beverage Can Company d/b/a Rexam Beverages, Employer, and
Hartford Insurance Company of the Midwest c/o Sedgwick CMS, Carrier,..... Respondents.

CERTIFICATE OF COUNSEL

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



Stephen B. Samuels
Samuels Law Firm, LLC
1320 Richland Street
Columbia, SC 29250
(803) 779-4000
Stephen@samuelslawfirm.net

Jeff C. Chandler
Chandler Law Firm
Bank of America Building
2501 North Oak Street
Myrtle Beach, SC 29577
(843) 448-4357
jeffcchandler@aol.com

Attorneys for Appellant

March 28, 2019
Columbia, South Carolina