

injury.

6. Dr. Batson testified that the Claimant complained of right shoulder problems to him on June 15, 2004 following a weekend trip to Carowinds, that the Claimant had an underlying degenerative condition of his right shoulder, and that it is reasonable to assume that the Claimant's weekend trip to Carowinds may have aggravated and worsened his right shoulder.

7. Dr. Boyd testified that he could not state to a reasonable degree of medical certainty that the cause of the Claimant's condition for which he ultimately needed surgery. Furthermore, the Claimant never reported an incident to him that occurred at Carowinds.

8. Claimant did not become disabled until after his injury at Carowinds.

9. Claimant's physician diagnosed him with right rotator cuff tendonitis.

10. This Commissioner did not find the Claimant to be credible, especially with respect to his explanation of the Weekly Indemnity Claim Form.

11. Defendants are not responsible for any medical treatment of the Claimant.

12. Defendants are not responsible for temporary total disability benefits for the Claimant.

13. Defendants had legitimate reason for terminating the Claimant's employment since his FMLA leave expired. The Claimant was terminated from his employment based on the fact that his FMLA leave had expired.

#### CONCLUSIONS OF LAW

1. The Claimant did not sustain an injury by accident arising out of his employment on the date in question. This conclusion is based upon Findings of Fact Numbers 2, 3, 4, 5, 6, 7, 8 and Section 42-1-160 of the S.C. Code of Laws and other applicable law.

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February 19, 2013

**VIA HAND DELIVERY**

The Honorable Daniel E. Shearouse, Clerk  
South Carolina Supreme Court  
Supreme Court Building  
1231 Gervais Street  
Columbia, SC 29201

**RECEIVED**

**FEB 19 2013**

**S.C. Supreme Court**

Re: Robin Carson Cantrell v. Carolinas Recycling Group and Wausau Insurance Companies  
SC Supreme Court Tracking No.: 2011-194426  
TPGL File No.: 1173.1094

Dear Mr. Shearouse:

Enclosed please find two copies of page 8 of the single commissioner's Order filed June 23, 2006 which was designated, but appears to have been omitted from the Record on Appeal, in the above-referenced matter. Please file one of the copies and return a clocked copy to me via our office courier. Thank you for your attention to this matter, and please contact me if you have any questions.

With kind regards, I am

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.

*Carmelo B. Sammataro (by R. Hartman B.A.)*

Carmelo B. Sammataro

CBS/tj

Enclosures

cc: Richard H. Rhodes, Esquire  
William H. Rhodes, Esquire  
(via fax, w/enc.)