

92604

Case No. 2016-000598

RECEIVED

Clarence B. Jenkins Jr.

APR 16 2020

v.

SC Court of Appeals

Amazon.Com DEDC, LLC

And

American Zurich Inc.

MOTION TO PETITION FOR RE-HEARING

I as Pro Se Appellant is Petition For Re-Hearing due to deceptive practices of Attorney James R. Goudelock and Atty. Helen F. Hiser. An egregious errors of this COURT based on violation of the laws pertaining to South Carolina Worker's Compensation Act. The attached documents were in possession of Attorney James Goudelock therefore he intentionally did not present to S.C. Worker's Compensation Commission(hereinafter SCWCC) to received a favorable ruling to deny a worker's compensation claim. Atty. James Goudelock filed a form 58 dated February 28, 2014 to SCWCC at question#11 that Impairment rating(s); body part(s); physician and date of opinion-None. The findings of SCWCC on August 14, 2915 that Pro Se Appellant was at Maximum Medical Improvement(hereinafter MMI) as October 23, 2013 is a fraudulent claim and illegal based on Form 58 dated February 28, 2014. It is illegal for Atty. James Goudelock to intentionally withhold pertinent medical information or others to received a

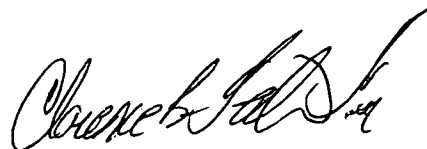
favorable ruling. Appellees was negligent by not including all medical records and stating MMI was obtained on October 23, 2013 when it was known that medical care was still being provided as proven by submitted written medical documentations. The form 58 dated February 28, 2014 that was filed by Atty. James Goude-lock to SCWCC is of record due to being received and certified by the commission whether they considered it or not ay may 21, 2015 hearing. Atty. James Goude-lock in an email dated November 7, 2014 to Pro Se Claimant that he had received recently medical reports of October 23, 2014 from Assigned Worker's Compensation Doctor, Dr. Abu-Ata therefore MMI was not achieved as of October 23, 2013 stated by Appellees and SCWCC on August 14, 2015. The record before SCWCC should have included the medical reports of October 23, 2014 since Atty. James Goude-lock had knowledge and was in possession of those documents by his own admission in an email dated November 7, 2014 to Pro Se Appellant. Pro Se Appellant made every attempt to make it known to SCWCC and this COURT that Appellees was not being truthful through deceptive practices and court's filings which all were IGNORED.

SCWCC and this COURT has stated that violation of SCWCC Law R67-611 is harmless to the facts of this claim. Pro Se Appellant declares the violation of R67-611 was extremely harmful to a rightful worker's compensation claim that Appellees admitted in court's filings that a worker's injury occurred. The violation of R67-611 prevented Pro Se Appellant from presenting pertinent evidence and correcting of the record before SCWCC is an egregious error of the law. For S.C. Court of Appeals to

affirmed the ORDER of SCWCC by fraudulent means which has been proven to a fact is a miscarriage of justice. SCWCC and this COURT has been in violation of SC Code Ann. 42-9-10 and 42-17-60 by not enforcing benefits required by the law of S.C. Worker's Compensation Act.

WHEREFORE, Pro Se Appellant submit this Petition For Re-Hearing along with filing fee and attachments as justification for request.

April 14 2020



Clarence B. Jenkins Jr.
Clarence B. Jenkins Jr.
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514
Pro Se Appellant



Claimant's Name: Clarence B. Jenkins SSN: [REDACTED]
Address: 945 Wire Road, Neeses, SC 29107
Home Phone: _____ Work Phone: (803) 791-6542
Preparer's Name: J. Russell Goudelock, II

Employer's Name: Amazon.Com.dedc, LLC
Address: 7200 Discovery Drive, Chattanooga, TN 37421
Carrier: Insurance Company of the State of Pennsylvania c/o Sedgwick Claims Management Services, Inc.
Preparer's Phone #: (803) 227-2222

A claim for workers' compensation benefits is made based on the following grounds:

Injury Illness Repetitive Trauma

1. Comp. Rate: \$326.08 2. AWW: \$489.09 Date of Injury: 02/10/13
3. Type of injury and body part(s): Headaches; alleged eyes, neck and ears.
4. Facts in controversy: Did claimant sustain injury(ies) by accident arising out of and in the course of his employment to the extent alleged in Form 50? Are defendants responsible for mileage reimbursement to claimant and/or for medical treatment/evaluation by Benjamin Paysinger, M.D.?
5. Legal issues involved: S.C. Code Ann. Sections 42-1-120, 42-1-160, and 42-15-60; other applicable statutes, regulations and case law.
6. Unusual aspects: Claimant's Form 50 seeks only mileage reimbursement. Defendants reserve the right, and may move, to postpone or adjourn the scheduled hearing to exercise due process rights afforded by the S.C. Administrative Procedures Act, and other applicable law, to cross-examine, respond to and/or otherwise oppose evidence presented by Claimant.
7. Witnesses (designate if expert):* Claimant: Michael Sarrina; Kelley Wells, RN; Alicia Keisler, and/or other representative(s) from the Employer.
8. Exhibits: Employment personnel records; transcript of Claimant's deposition testimony (June 17, 2013); see No. 6 above.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance): See Defendants' Notice (February 28, 2014).
10. Name, address, and specialty, if any, of the treating physician: Palmetto Health HealthWorks, Columbia, S.C., occupational medicine.
11. Impairment rating(s); body part(s); physician and date of opinion: None.
12. I am amending my Form 50/51 in the following manner: Defendants request that the SC Workers' Compensation Commission order discretionary mediation pursuant to Reg. 67-1801 B to attempt to facilitate resolution of pending issue(s) with claimant not represented by legal counsel.

Mediation

- a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- b. Mediation is required pursuant to Reg. 67-1802.
- c. Mediation is requested by consent of the Parties pursuant to Reg. 67-4803.
- d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I verify the contents of this form are accurate and true to the best of my knowledge.
I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to
address 945 Wire Road, Neeses, South Carolina 29107
by first class postage certified mail personal service.

Clarence B. Jenkins
on the 28th day of February 20 14

Signature: [Signature]
Date of Hearing: March 12, 2014

Email: rgoudelock@mgdaw.com
Time needed for hearing: 1 hour

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211, 67-211, and Regulations 67-601 through 67-615; as well as Reg. 67-1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. *Commissioners reserve the right to admit expert witnesses at hearings.

Proof of Service



Disability Care Management Professionals of Western Pennsylvania, Inc.
227 N. Main Street, Suite 2, Irwin, PA 15642

June 9, 2014

Mr. Clarence Jenkins
945 Wire Rd.
Neeses, SC 29107

*Point of
Reference*

Dear Mr. Jenkins,

I just wanted to drop you a few lines to remind you of your appointment with Dr. Alhatou on Friday, June 20, 2014 at 9:30.

Please do not hesitate to call should you have any questions or if this appointment changes.

Sincerely,

Kelley Wells

Kelley Wells, RN, CCM
Case Manager
803-446-5579 m

cc:

DCMP
Mary Kae Vacsulka
227 Main Str.
Irwin, PA 15642

Kathy Cook, adjuster
Sedgwick CMS
PO Box 14480
Lexington, KY 40512

Phone: 724-864-9300 / Fax: 724-864-9302

Other DCMP, Inc. addresses include:

100 North Wilkes-Barre Blvd. Suite 310, Wilkes-Barre, PA 18702
P.O. Box 45 Camp Hill, PA 17001 & P.O. Box 169 Media, PA 19063

Clarence B. Jenkins v. Amazon.com

upscale81@yahoo.../Inbox



Rusty Goudelock <rgoudelock@mgclaw.com>
To: 'Clarence Jr' <upscale81@yahoo.com>
Cc: Keisler, Alicia <keislera@amazon.com>,
Kathy Cook (Kathy.Cook@sedgwickcms.com) <kathy.cook@sedgwickcms.com>,
Fern Potter <fpotter@mgclaw.com>

Nov 7, 2014 at 9:40 AM

Dear Mr. Jenkins,

Please be advised that Monday's deposition of Dr. Abu-Ata has been cancelled while we await the Workers' Compensation Commission's issuance of the Order following your appeal and pending its further processing of your hearing requests and our response. We may re-schedule the deposition at a future date if it remains necessary.

Additionally, we received last week a copy of the report from your recent visit to Dr. Abu-Ata. Please note that this visit was not authorized under your workers' compensation claim. As we have advised you previously, it is our position that you have reached maximum medical improvement from your work injury. Accordingly, you are not authorized to incur further medical expenses under your workers' compensation claim at this time.

Thank you for your cooperation.



Rusty Goudelock, Attorney
rgoudelock@mgclaw.com
1320 Main Street, 10th Floor
Columbia, SC 29201
Main: 803-779-2300 | Direct: 803-227-2222 | Fax: 803-748-0528
VCARD | BIO

Please consider the environment before printing this email

Party Reference

NEUROLOGY AND PAIN CLINIC, LLC • 2850 PELHAM COURT, ORANGEBURG SC 29118-1400
JENKINS, CLARENCE B (id #16386, dob: 08/14/1968)

NEUROLOGY AND PAIN CLINIC LLC
2850 PELHAM COURT
ORANGEBURG, SC 29118-1400
Phone: (803) 531-8500, Fax: (803) 531-7654

Date: 10/23/2014

← Part of Refers

Dear Clarence Jenkins,

The following is a summary of your visit today. If you have any questions, please contact our office.

Sincerely,

Electronically Signed by: MAHMOUD ABU-ATA, MD

Patient Care Summary for Clarence B Jenkins

Most Recent Encounter

10/23/2014 Mahmoud Abu-Ata: 2850 Pelham Court, Orangeburg, SC 29118-1400, Ph. (803) 531-8500

Reason for Visit

None recorded.

Assessment and Plan

The following list includes any diagnoses that were discussed at your visit.

- 1. Postconcussion syndrome
 - postconcussion syndrome: after your visit
- 2. Headache
 - headache: after your visit
- 3. Posttraumatic headache
- 4. Migraine
 - propranolol 20 mg tablet
- 5. Analgesic overuse headache
- 6. Tension-type headache
 - cyclobenzaprine 10 mg tablet
 - tension headache: after your visit
- 7. Essential hypertension
 - high blood pressure: after your visit
 - learning about high blood pressure
- 8. Noncompliance with treatment
- 9. Neck pain
 - neck pain: after your visit
- 10. Degeneration of cervical intervertebral disc
 - cervical disc disease: after your visit
- 11. Degenerative cervical spinal stenosis
- 12. Numbness of upper limb
- 13. Numbness of lower limb
- 14. Radicular pain
- 15. Injury of head
- 16. Dizziness
 - dizziness: after your visit
- 17. Near syncope
 - lightheadedness or faintness: after your visit

18. Chest pain

- chest pain: after your visit

19. Subjective visual disturbance

20. Posttraumatic stress disorder

- post-traumatic stress disorder (ptsd): after your visit

21. Psychosomatic factor in physical condition, psychological component of unknown degree

22. Nausea

- nausea and vomiting: after your visit
- promethazine 25 mg tablet

23. Insomnia

- insomnia: after your visit

Discussion Note

- I again explained to him the results of MRI brain, MRI C spine and NCS/EMG
- For preventive treatment of headaches restart propranolol 20 mg bid, later may increase dose as tolerated
- Restart Flexeril 10 mg qhs for tension component and neck pain
- Continue neurontin 300 mg tid
- Meclizine 12.5 mg tid pm dizziness
- phenergan 25 PRN when needed for migraine, vomiting and/or nausea. No more than 2 per day or 4 per week
- Stop ibuprofen, naprosyn, hydrocodone, and avoid all OTC medications
- I explained to him rebound analgesic medications
- He is to keep a headache calendar and regular measurement of BP.
- Neck and back strengthening exercises, vestibular exercises
- Physical therapy
- He was counseled about weight reduction.
- Recommend referral and follow up with spine surgery for evaluation of cervical spine disease
- Recommend evaluation by ophthalmology for left eye subjective loss of vision
- Recommend referral to psychiatry for evaluation
- Recommend neuropsychological testing
- He can work light duties, with following restrictions: Avoid heavy weight lifting, frequent bending, pulling, pushing or kneeling./ Avoid strong odors, strong fumes, loud noises and bright lights
- I explained to patient in details the side effects of medications.
- Patient was counseled about findings, diagnoses, managements and plan.
- I will have him come back for follow up as needed

Plan of Care

None recorded.

Current Medications

Your medical record indicates you are on the following medicine. If this list is not consistent with the medications you are currently taking, or if you are taking additional over-the-counter medicines, please inform your provider.

Name	Prescribed Date	Start Date
cyclobenzaprine 10 mg tablet Take 1 tablet(s) every day by oral route at bedtime.	10/23/2014	
gabapentin 300 mg capsule		
hydrocodone 5 mg-acetaminophen 325 mg tablet		
ibuprofen 800 mg tablet		
naproxen sodium 550 mg tablet		
promethazine 25 mg tablet Take 1 tablet(s) as needed by oral route. When needed for vomiting and/or nausea. No more than 2 per day or 4 per week	10/23/2014	
propranolol 20 mg tablet Take 1 tablet(s) twice a day by oral route.	10/23/2014	

Medications Administered

None recorded.

Vitals

Height	Weight	BMI	Blood Pressure
5 ft 4 in	156 lbs	26.8	141/85
Age (years)			Pulse
46			80 bpm

Lab Results

None recorded.

Allergies

Please review your allergy list for accuracy. Contact your provider if this list needs to be updated.

Name	Reaction	Severity	Onset
NKDA			

Problems

Name	Status	Onset Date	Source
Postconcussion Syndrome	Active	10/22/2014	History
Headache	Active	10/22/2014	History
Neck Pain	Active	10/22/2014	History
Dizziness	Active	10/22/2014	History
History of Hypertension	Active	10/22/2014	History
Psychosomatic Factor in Physical Condition, Psychological Component of Unknown Degree	Active	10/23/2014	Encounter
Tension-type Headache	Active	10/23/2014	Encounter
Posttraumatic Stress Disorder	Active	10/23/2014	Encounter
Posttraumatic Headache	Active	10/23/2014	Encounter
Analgesic Overuse Headache	Active	10/23/2014	Encounter
Migraine	Active	10/23/2014	Encounter
Subjective Visual Disturbance	Active	10/23/2014	Encounter
Essential Hypertension	Active	10/23/2014	Encounter
Degeneration of Cervical Intervertebral Disc	Active	10/23/2014	Encounter
Degenerative Cervical Spinal Stenosis	Active	10/23/2014	Encounter
Radicular Pain	Active	10/23/2014	Encounter
Near Syncope	Active	10/23/2014	Encounter
Insomnia	Active	10/23/2014	Encounter

Numbness of Upper Limb	Active	10/23/2014	Encounter
Numbness of Lower Limb	Active	10/23/2014	Encounter
Chest Pain	Active	10/23/2014	Encounter
Nausea	Active	10/23/2014	Encounter
Injury of Head	Active	10/23/2014	Encounter

Procedures

Date	Name	Performed by
	Other Notes: upper GI	Information not available

Vaccine List

Here is a copy of your most up-to-date vaccination list.

None recorded.

Smoking Status

Smoking Status: Never Smoker

Past Encounters

10/23/2014
 Postconcussion Syndrome; Headache; Posttraumatic Headache; Migraine; Analgesic Overuse Headache; Tension-type Headache; Essential Hypertension;
 Noncompliance with Treatment; Neck Pain; Degeneration of Cervical Intervertebral Disc; Degenerative Cervical Spinal Stenosis; Numbness of Upper Limb;
 Numbness of Lower Limb; Radicular Pain; Injury of Head; Dizziness; Near Syncope; Chest Pain; Subjective Visual Disturbance; Posttraumatic Stress Disorder;
 Psychosomatic Factor in Physical Condition, Psychological Component of Unknown Degree; Nausea; Insomnia
 Mahmoud Abu-Ata, MD: 2850 Pelham Court, Orangeburg, SC 29118-1400, Ph. (803) 531-8500

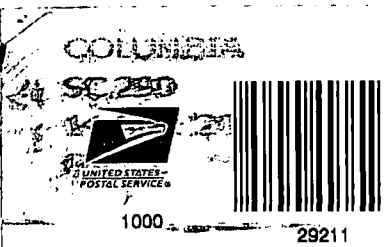
Demographics

Sex:	Male	Ethnicity:	Not Hispanic or Latino
DOB:		Race:	Black or African American
Preferred language:	English	Marital status:	Never Married

Contact: 945 Wire Road, Neeses, SC 29107, Ph. (803) 263-4514

Note: Patients are solely responsible for maintaining the privacy and security of all information printed from the Patient Portal.

Clarence Tenth Le
945 W. 10th Rd
Neeses, SC 29107



U.S. POSTAGE PAID
FCM LETTER
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29107
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AMOUNT
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Jeanette Kitching, Clerk
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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